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Congressional Record

PROCEEDINGS AND DEBATES OF THE 93d CONGRESS, SECOND SESSION

SENATE—*Wednesday, July 31, 1974*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

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

Lord of our lives and God of our salvation, deliver us and all the people of this land from the sins which are a reproach to any people and lead us in that righteousness which exalts a nation. Overrule our human frailties by imparting Thy higher grace and wisdom. Hear our prayers for the President, the Congress, the judiciary, and for all in the service of the Nation that we may witness our love to Thee by keeping Thy commandments.

We pray in His name who, without blemish, did the Father's will even on a cross. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, July 30, 1974, be dispensed with.

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

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.

SUBSTITUTION OF A CONFEREE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senator STEVENS be named to replace Senator FONG as a conferee on H.R. 14715, White House employment, and S. 628, surviving spouse annuities.

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

CONSIDERATION OF CERTAIN ITEMS ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 993, 994, and 996.

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

EQUITABLE TREATMENT FOR RANCHERS AND FARMERS

The Senate proceeded to consider the bill (S. 3056) to authorize the Secretary of Agriculture to amend retroactively regulations of the Department of Agriculture pertaining to the computation of price support payments under the National Wool Act of 1954 in order to insure the equitable treatment of ranchers and farmers, which had been reported from the Committee on Agriculture and Forestry with amendments:

On page 2, in line 12, strike out "1970" and insert in lieu thereof "1969".

On page 2, in line 12, strike out "1974" and insert in lieu thereof "1972".

so as to make the bill read:

S. 3056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to amend retroactively regulations of the Department of Agriculture pertaining to the computation of price support payments under the National Wool Act of 1954 in order that the amount of such payments may, in the case of any rancher or farmer, be computed on the basis of (1) the net sales proceeds received, or (2) in the case of any rancher or farmer who failed to realize the amount provided for in the sales document, the lesser of the following: (A) the net sales proceeds based on the price the rancher or farmer would have received had there been no default of payment under such document, or (B) the fair market value of the commodity concerned at the time of sale.

SEC. 2. The Secretary of Agriculture is further authorized to reconsider any application filed for the payment of price support under the National Wool Act of 1954 with respect to any commodity marketed during the four marketing years 1969 through 1972 and to make such payment adjustments as he determines fair and equitable on the basis of any amendment to regulations made under authority of the first section of this Act.

The amendment was agreed to.

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

AMENDMENT OF THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

The bill (H.R. 13264) to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities, was considered, ordered to a third reading, read the third time, and passed.

SAFETY STANDARDS FOR BOILERS AND PRESSURE VESSELS

The bill (H.R. 10309) to amend the act of June 13, 1933 (Public Law 73-40), concerning safety standards for boilers and pressure vessels, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

A LAW FOR EVERYTHING?

Mr. HUGH SCOTT. Mr. President, by now, I would have thought that we would have a law for everything. Evidently, we have not.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from New York (Mr. BUCKLEY) is recognized for not to exceed 15 minutes.

(The remarks Senator BUCKLEY made at this point on the introduction of S. 3640, dealing with vehicle safety standards, and the ensuing discussion are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

THE PRESIDENT FAILED TO COMPLY WITH THE WAR POWERS LAW ON THE CYPRUS EVACUATION

Mr. EAGLETON. Mr. President, on July 21, 1974, the American Ambassador to Cyprus cabled the State Department requesting a military evacuation of American citizens caught in hostilities on that island. Upon approval by the Secretary of Defense—and presumably the President—the Chairman of the Joint Chiefs of Staff ordered naval task force 61-62, comprised of five vessels of the U.S. Navy, to a point 20 miles south of Cyprus.

On July 22 at 11:15 a.m.—eastern daylight time—American military personnel began the evacuation of American citizens from the hostile zone. During that day 22 helicopter sorties were made from the U.S.S. *Inchon* to Dhekelia, Cyprus, and 384 Americans and 82 foreign nationals were evacuated to the U.S.S. *Coronado*. The operation was concluded that same day at 4:30 p.m. EDT.

On July 23, 135 Americans and foreign nationals were evacuated by helicopter from the northern Cyprus city of Kyrenia in a joint British-American operation. They were moved to the U.S.S. *Trenton* on the Cyprus south coast.

The Cyprus evacuation was an efficient, well-run operation. Hundreds of

innocent victims who had found themselves in the midst of a revolution and a subsequent invasion by Turkey were rescued. A cease-fire arrangement was agreed to the next day, brought about mainly by the outstanding work of American diplomats.

We can be proud of American military and diplomatic personnel for their accomplishments during the Cyprus situation. They saved American lives and they worked tirelessly to bring about a cease-fire in a situation that threatened the stability of one of the world's most strategically important areas.

But a glaring and serious omission of law detracts from the otherwise commendable action taken by the administration last week. On July 24, the President of the United States was to have submitted a written report to the Speaker of the House of Representatives and the President pro tempore of the Senate, who now occupies the chair, advising Congress that American forces had been introduced into a hostile area. That report, required under the war powers resolution, Public Law 93–148, was never submitted.

In rescuing American citizens the President fulfilled a traditional responsibility of the Commander in Chief—a responsibility which has been recognized as legitimate in case law. It is a use of the Armed Forces which has always received the post facto support of Congress. Indeed, in two succeeding years, 1972 and 1973, the Senate passed war powers legislation which would have formally delegated to the President the right under certain conditions to rescue Americans in emergency situations.

But the issue here is not whether the President had the authority to evacuate 384 Americans caught in a hostile zone. It is instead the failure of the President to report his action under section 4(a)(1) of the war powers resolution within 48 hours, setting forth in writing:

(A) the circumstances necessitating the introduction of United States Armed Forces; (B) the constitutional and legislative authority under which such introduction took place; and (C) the . . . scope and duration of the . . . involvement.

Mr. President, we should not underestimate the potential danger of a rescue operation of this type. If one of those 22 helicopters had been shot down, additional forces may have been necessary to protect the survivors. While it appears that there was no objective other than saving Americans on July 22, past rescue operations—the most classical example of which was the everlasting rescue operation in the Dominican Republic in 1965, under President Johnson. Such operations in the past have evolved into serious involvements by the United States. This is exactly why we have a requirement in law today that all such operations be reported to Congress—the branch of Government which possesses the sole responsibility for authorizing war.

There is no doubt in my mind that there is unanimous approval within Congress for the Cyprus rescue operation. But that is exactly what concerns me about the President's failure to report it.

If this very popular introduction of the Armed Forces goes unreported, can we assume that less popular, more dangerous uses of force will be faithfully reported? If, for example, U.S. paratroopers had been clandestinely dropped into the Nicosia airport to assist U.N. forces there, would the President have been more or less inclined to fulfill his legal obligation?

The war powers resolution was the focus of a good deal of public attention last year. Some said that its enactment would enable Congress to recapture its power to authorize war. Others, myself included, called it a dangerous law—a law which formally gave away the sole constitutional prerogative of Congress to decide in advance whether the United States should go to war.

President Richard Nixon also felt that the war powers resolution was a bad law, but for other reasons. He said it would tie his hands—that the necessity to report to Congress would restrict his actions as Commander in Chief. And when the bill was enacted, it was done over the President's strenuous objection and his veto.

Mr. President, Cyprus was the first test case for the war powers resolution. We should be grateful that our involvement there was limited to the evacuation of American citizens. Nonetheless, President Nixon failed this first major test.

Whether the President has committed an error of omission or commission, I cannot in all honesty say that I am surprised by his failure. In a letter of April 24 to the Secretary of State I asked what measures had been taken within the executive branch to implement the reporting and consultation sections of the war powers resolution. In a response from the Department, dated May 10, 1974, I was told:

With respect to the 48-hour notification requirement, it is our view that no particular new procedural measures within the Executive Branch are necessary . . . The particular nature and content of any such notice would of course have to await an actual event covered by the legislation, given the possible variety of actions covered.

Mr. President, the event to which the State Department referred has come and gone. Whether I, or President Nixon or any other American disagrees with the effectiveness, or even the constitutionality of that law, it must be obeyed.

Whether or not the war powers resolution was an appropriate mechanism for recapturing Congress power to authorize war, it was intended by well-meaning Members of this body to accomplish that end. It was motivated out of a desire to avoid the precipitous involvement of the United States in war. The omission of President Nixon should not be taken lightly by those who had hoped that the requirement to report the introduction of U.S. forces into hostilities would put a halt to unilateral Presidential warmaking.

Mr. President, I have today written to the Speaker of the House and the President pro tempore of the Senate asking that they advise the President that he has failed to comply with Public Law 93–148, and that he be asked to submit a report to the Congress in accordance with section 4 of that law at the earliest possible time. I ask unanimous consent it be included in the RECORD at this point.

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

TEXT OF LETTER TO SPEAKER ALBERT AND SENATOR EASTLAND

On July 22, 1974, the United States introduced armed forces into the nation of Cyprus for the purpose of rescuing American citizens. On that day Cyprus was in the midst of open hostilities, the result of a coup d'etat and a subsequent invasion by Turkish forces.

As you know, the War Powers Resolution, Public Law 93–148, requires the President to notify you in writing within 48 hours of any introduction of U.S. forces into a hostile situation and to set forth: (A) the circumstances necessitating the introduction of United States Armed Forces; (B) the constitutional and legislative authority under which such introduction took place; and (C) the estimated scope and duration of the hostilities or involvement (since in this case the involvement apparently ended prior to 48 hours, a report of the exact duration of involvement would be appropriate).

The Cyprus evacuation is the first test case for the War Powers Resolution. The rescue operation of course has the unanimous approval of Congress. But the popularity of this action should cause even more concern. We can only assume the worst—that more controversial uses of force will also go unreported.

We are fortunate, I feel, to have a test case which did not evolve into a more serious commitment of American forces into battle. Accordingly, Congress should, in my opinion, press now to protect its legal prerogatives before dangerous precedents of omission are established in the implementation of P.L. 93–148.

I, therefore, respectfully request that you advise the President that he has failed to comply with Section 4 of the War Powers Resolution and that he submit the required report at the earliest possible time.

Sincerely,

THOMAS F. EAGLETON,
U.S. Senator.

Mr. EAGLETON. Finally, Mr. President, I would like to make one additional comment with regard to the landing of American helicopters at Dhekelia. I understand that the State Department may argue that the British sovereign base area at Dhekelia, where our forces landed, was not part of the hostile zone. I disagree with that assessment. It seems obvious that the executive branch is attempting to split hairs on what should be a routine requirement of the law. I would add that if the British sovereign base was not part of a hostile zone, it would not have been on full-scale military alert, and, Mr. President, that British base was on full-scale military alert.

It would seem that a much more healthy reaction to my remarks here today would be that an omission has been made and that a report, as required by law, will be promptly forthcoming.

Finally, Mr. President, I ask unanimous consent that two Defense Department factsheets, dated July 23 and July 24, respectively, be entered in the RECORD at this point.

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

JULY 23, 1974.

DHEKELIA EVACUATION FACT SHEET

Through the Department of State the American Ambassador in Nicosia, Rodger P.

Davies, requested evacuation at 7:30 a.m. EDT, July 21. Upon approval of Secretary Schlesinger, the Chairman of the Joint Chiefs of Staff ordered Task Force 61-62, headed by the USS Inchon, to proceed with the evacuation. That Task Group included, in addition to the Inchon, the following ships: USS Coronado (LPD-11), USS Trenton (LPD-14), USS Spiegel Grove (LSD-32) and USS Saginaw (LST-1188).

The Task Group moved to an area 20 miles south of Dhekelia, the British Sovereign Base Area, from which the evacuation off Cyprus commenced at 11:15 a.m. EDT, July 22. A total of 384 U.S. citizens and 82 persons of other nationalities, who had moved by auto convoy from Nicosia to Dhekelia, were lifted by Marine helicopter from Inchon to Coronado. That operation was completed at 4:30 p.m., EDT, July 22. Coronado then proceeded to Beirut, Lebanon, where it arrived at 3:40 a.m. EDT, July 23.

Included among the evacuees on to Coronado were two NBC and three CBS newsmen.

Evacuees included, in addition to American citizens, the following nationalities: three British, 21 Lebanese, four Cypriot, 11 Egyptian, two Kuwaiti, one Swedish, nine Greek, one German, one Canadian, four Indonesian, 14 Iraqi, six Jordanian, one Saudi Arabian, one Australian, one Israeli, and two Swiss.

Evacuation onto Coronado required 22 helicopter sorties, using CH-46s and CH-53s.

JULY 24, 1974.

FOR CORRESPONDENTS

The following was released by EUCOM at 0600 EDT 24 July 1974:

"An additional contingent of Americans are presently being evacuated from Cyprus in a joint United States-United Kingdom effort.

"Some 60 Americans who made their way by convoy to the Cyprus South coast British Sovereign Base at Dhekelia yesterday will be flown by British aircraft to London today.

"One hundred and thirty-five Americans and foreign nationals were evacuated to HMS HERMES from the north Cyprus city of Kyrenia yesterday. They are being moved to USS Trenton at Akrotiri Bay on the Cyprus south coast for further transfer to an undetermined location. The 135 were part of approximately 2,000 evacuees taken to HERMES from Kyrenia yesterday.

"Although 6th Fleet units will continue to stand by for further evacuation if required, today's actions complete removal of all known concentrations of Americans from the Mediterranean Island."

Mr. EAGLETON. In addition, Mr. President, I ask unanimous consent that my letter of April 24, 1974, to the State Department and the response of May 10, 1974, be inserted in the RECORD.

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

APRIL 24, 1974.

Hon. HENRY A. KISSINGER,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I wrote you on November 9, 1973 requesting your Department's legal evaluation of the effect of the war powers legislation enacted by Congress. In addition, I asked to be informed as to the measures taken by the Executive Branch to implement the law.

Assistant Secretary Marshall Wright responded to my letter on your behalf on November 30, 1973. In that letter, he stated that the Department was "currently reviewing with other appropriate Executive Branch agencies the implications of the resolution," and that I would be informed "as soon as possible" of any decision that might be made in changing Department procedures.

I, therefore, request a summary of the actions taken within the Executive Branch to implement the provisions of Public Law 93-148. If no action has thus far been taken, I would appreciate being so advised.

Thank you very much for your assistance. It would be extremely helpful if you could provide an expeditious reply.

Sincerely,

THOMAS F. EAGLETON,
U.S. Senator.

DEPARTMENT OF STATE,
Washington, D.C., May 10, 1974.

Hon. THOMAS F. EAGLETON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EAGLETON: Secretary Kissinger has asked me to reply to your letter of April 24 concerning the War Powers Resolution.

In response to your inquiry of November 9, 1973 on this subject we advised you that the Department was reviewing with other appropriate agencies whether any changes in Executive Branch procedures might be required by that legislation. I wish now to supplement the comments made in the Department's letter to you of November 30 and I hope that this delay has caused no inconvenience.

With respect to the 48-hour notification requirement, it is our view that no particular new procedural measures within the Executive Branch are necessary. The notification requirement is well known in all the relevant Government agencies and there would appear to be no particular advantage either to the effective application of the legislation or to the efficiency of the Executive Branch in adopting procedures in addition to those regularly followed in responding to Congressional notification requirements. The particular nature and content of any such notice would of course have to await an actual event covered by the legislation, given the possible variety of actions covered.

The effect of the War Powers Resolution on the President's ability to deploy U.S. forces is similarly definable in a meaningful way only in the context of an actual set of facts against which the requirements of the Joint Resolution will have to be measured. To speculate about hypothetical situations might be possible but would not seem useful or helpful in any way.

I hope that these observations more fully answer the queries you put forward in your letter referred to above.

Sincerely,

LINWOOD HOLTON,
Assistant Secretary for Congressional Relations.

Mr. EAGLETON. Mr. President, I yield back the remainder of my time.

The PRESIDENT pro tempore. The Senator's time has expired.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, at the request of the Senator from West Virginia I yield back his time.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

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

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

The second assistant legislative clerk proceeded to call the roll.

Mr. MONTOYA. 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.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED AMENDMENT TO THE BUDGET, 1975, FOR THE DEPARTMENT OF THE INTERIOR (S. DOC. NO. 93-99)

A communication from the President of the United States transmitting a proposed amendment for appropriations transmitted in the budget for the fiscal year 1975 in the amount of $4,310,000 for the Department of the Interior (with accompanying papers). Referred to the Commitee on Appropriations, and ordered to be printed.

PROPOSED AMENDMENT TO THE BUDGET, 1975, FOR THE INTERSTATE COMMERCE COMMISSION (S. DOC. NO. 93-100)

A communication from the President of the United States transmitting a proposed amendment for appropriations transmitted in the budget for the fiscal year 1975 in the amount of $345,000 for the Interstate Commerce Commission (with accompanying papers). Referred to the Committee on Appropriations, and ordered to be printed.

TEST DATE ON CERTAIN AIRCRAFT

A confidential document from the Assistant Secretary of Defense relating to test date on A-10 Aircraft and AIM7F Sparrowe. Referred to the Committee on Armed Services.

CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION, MONTANA, ET AL., V. THE UNITED STATES OF AMERICA

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, its report of its final determinations with respect to Docket No. 221-B, Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana, Joe Corcoran, on behalf of the Chippewa Cree Tribe, Blanche Patenaude, Joseph Richard, Joseph Gooselain, John B. Slayter, Wm. John Delorme, William Trottier, on behalf of the Little Shell Band of Indians and the Chippewa Cree Tribe, plaintiffs, v. The United States of America, defendant (with accompanying papers). Referred to the Committee on Appropriations.

REPORT OF NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the Director of Federal Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, a report for the month of May 1974 on the average number of passengers per day and the on-time performance of each train operated (with accompanying papers). Referred to the Committee on Commerce.

A letter from the Director of Federal Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, a report for the month of June 1974 on the average number of passengers per day and the on-time performance of each train operated (with accompanying papers). Referred to the Committee on Commerce.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Modernization of

1872 Mining Law Needed to Encourage Domestic Mineral Production, Protect the Environment, and Improve Public Land Management" (with an accompanying report). Referred to the Committee on Government Operations.

URBAN MASS TRANSPORTATION NEEDS AND FINANCING

A letter from the Secretary of Transportation transmitting, pursuant to law, a study of urban mass transportation needs and financing (with accompanying report). Referred to the Committee on Public Works.

THE COST OF CLEAN AIR 1974

A letter from the Administrator of the United States Environmental Protection Agency transmitting, pursuant to law, a report entitled "The Cost of Clean Air, 1974" (with accompanying report). Referred to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 3537. A bill to modify section 204 of the Flood Control Act of 1965 (79 Stat. 1085) (Rept. No. 93-1044).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 3578. A bill for the relief of Anita Tomasi (Rept. No. 93-1045).

By Mr. ALLEN, from the Committee on Agriculture and Forestry, without amendment:

S. 2189. A bill to amend section 602 of the Agricultural Act of 1954 (Rept. No. 93-1046).

By Mr. McGOVERN, from the Committee on Agriculture and Forestry, without amendment:

S. Res. 351. A resolution relating to an investigation of price spreads and margins for livestock, dairy products, poultry, and eggs (Rept. No. 93-1047).

By Mr. ROBERT C. BYRD, from the Committee on Appropriations, with amendments:

H.R. 15405. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1975, and for other purposes (Rept. No. 93-1048).

By Mr. CANNON, from the Committee on Rules and Administration:

S. Res. 374. An original resolution relating to the purchase of calendars for 1975 (Rept. No. 93-1049).

S. Res. 375. An original authorizing supplemental expenditures by the Committee on Interior and Insular Affairs for inquiries and investigations during the period March 1, 1973, through February 28, 1974 (Rept. No. 93-1052).

S. Res. 376. An original resolution to pay a gratuity to Rosalie S. Lewis; and

S. Res. 377. An original resolution authorizing the printing of the Seventy-sixth Annual Report of the National Society of the Daughters of the American Revolution as a Senate document (Rept. No. 93-1053).

S. Con. Res. 106. An original concurrent resolution authorizing the printing of additional copies of Senate hearings entitled "Public Financing of Federal Elections." (Rept. No. 93-1050).

By Mr. CANNON, from the Committee on Rules and Administration, with amendments:

S. 857. A bill to authorize the Smithsonian Institution to plan museum support facilities (Rept. No. 93-1051).

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. RANDOLPH, from the Committee on Public Works:

Brig. Gen. Wayne S. Nichols, U.S. Army, to be a member of the Mississippi River Commission.

(The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

JOINT REFERRAL OF EXECUTIVE NOMINATION

Mr. MANSFIELD. Mr. President, as in executive session I ask unanimous consent that the nomination of Lynn Adams Greenwalt, of Maryland, to be Director of U.S. Fish and Wildlife Service be jointly referred to the Committees on Commerce and Insular Affairs. The nomination of Mr. Greenwalt, which was received on July 29, was referred solely to the Committee on Interior and Insular Affairs.

The joint referral is appropriate as both Committees share jurisdiction over the activities of the U.S. Fish and Wildlife Services.

This matter has been cleared on both sides.

The PRESIDING OFFICER (Mr. MUSKIE). Without objection, it is so ordered.

ORDER FOR STAR PRINT OF CHILD AND FAMILY SERVICES ACT OF 1974

Mr. ROBERT C. BYRD. Mr. President, I have been asked by the Senator from Minnesota (Mr. MONDALE) to make the following request and I read the following statement by the Senator from Minnesota:

Mr. President, on July 11, 1974, I introduced along with Senator JAVITS and 22 other cosponsors the Child and Family Services Act of 1974.

I have now had a chance to examine the bill after we received it from the printers, and there are several clerical and technical errors in it. I ask unanimous consent that a star print be made correcting these errors.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BUCKLEY (for himself, Mr. EAGLETON, Mr. DOMINICK, Mr. DOMENICI, and Mr. INOUYE):

S. 3840. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 with respect to certain seatbelt standards under such act. Referred to the Committee on Commerce.

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

S. 3841. A bill to amend sections 555 and 556 of title 37, United States Code, relating to members of the uniformed services who are in a missing status, and for other purposes. Referred to the Committee on Armed Services.

By Mr. CURTIS:

S. 3842. A bill for the relief of Dr. Carlos E. Nossa-Rodrigues. Referred to the Committee on the Judiciary.

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

S. 3843. A bill to designate certain lands in the Sequoia and King's Canyon National Parks, California, as wilderness;

S. 3844. A bill to designate certain lands in the Pinnacles National Monument, California, as wilderness;

S. 3845. A bill to designate certain lands in the Havasu National Wildlife Refuge, San Bernardino County, California, as wilderness;

S. 3846. A bill to designate all of the Semidi National Wildlife Refuge, Third Judicial Division, Alaska, as wilderness;

S. 3847. A bill to designate certain lands in the Crab Orchard National Wildlife Refuge, Jackson, Union and Williamson Counties, Illinois, as wilderness;

S. 3848. A bill to designate certain lands in the Hawaiian Islands National Refuge, city and county of Honolulu, Hawaii, as wilderness;

S. 3849. A bill to designate certain lands in the Red Rock Lakes National Wildlife Refuge, Beaverhead County, Montana, as wilderness;

S. 3850. A bill to designate certain lands in the Missisquoi National Wildlife Refuge, Franklin County, Vermont, as wilderness;

S. 3851. A bill to designate certain lands in the Aleutian Islands National Wildlife Refuge, Third Judicial Division, Alaska, as wilderness;

S. 3852. A bill to designate certain lands in the Rice Lake National Wildlife Refuge, Minnesota, and the entire Mille Lacs National Wildlife Refuge, Minnesota, as wilderness;

S. 3853. A bill to designate certain lands in the Tamarac National Wildlife Refuge, Becker County, Minnesota, as wilderness;

S. 3854. A bill to designate certain lands in the Rocky Mountain National Park, Colorado, as wilderness;

S. 3855. A bill to designate certain lands in the Glacier National Park, Montana, as wilderness;

S. 3856. A bill to designate certain lands in the Katmai National Monument, Alaska, as wilderness;

S. 3857. A bill to designate certain lands in the Zion National Park as wilderness;

S. 3858. A bill to designate certain lands in the Crater Lake National Park, Oregon, as wilderness; and

S. 3859. A bill to designate certain lands in the Olympic National Park, Washington, as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. KENNEDY:

S. 3860. A bill to study and control the disclosure of voter registration lists for nonelection purposes. Referred to the Committee on Rules and Administration.

By Mr. COOK:

S. 3861. A bill to amend the Natural Gas Act in order to give the Federal Power Commission certain authority to regulate synthetic natural gas. Referred to the Committee on Commerce.

By Mr. THURMOND (for himself, Mr. HELMS, Mr. DOLE, Mr. CURTIS, Mr. GURNEY, and Mr. SPARKMAN):

S. 3862. A bill to prohibit any change in the status of any member of the uniformed services who is in a missing status under chapter 10 of title 37, United States Code, until the provisions of the Paris Peace Accord of January 27, 1973, have been fully complied with, and for other purposes. Referred to the Committee on Armed Services.

By Mr. PERCY (for himself, Mr. GOLDWATER, and Mr. HRUSKA):

S. 3863. A bill to name the synthetic gas pilot plant located in Rapid City, South Dakota, the "Karl E. Mundt Gasification Pilot

Plant." Referred to the Committee on Commerce.

By Mr. McGOVERN (for himself, Mr. SCHWEIKER, Mr. CASE, Mr. KENNEDY, Mr. MONDALE, Mr. HART, Mr. ABOUREZK, Mr. CRANSTON, and Mr. PERCY):

S. 3864. A bill to authorize the Commissioner of Education to make grants for teacher training, pilot and demonstration projects, and comprehensive school programs, with respect to nutrition education and nutrition-related problems. Referred to the Committee on Labor and Public Welfare.

By Mr. NELSON:

S. 3865. A bill to amend the Land and Water Conservation Fund Act of 1965; and

S. 3866. A bill to amend the Land and Water Conservation Fund Act of 1965. Referred to the Committee on Interior and Insular Affairs.

S. 3867. A bill to amend the Federal Food, Drug and Cosmetic Act to promote honesty and fair dealing in the interest of consumers with respect to the labeling and advertising of special dietary foods, such as vitamins and minerals, etc. Referred to the Committee on Labor and Public Welfare.

By Mr. EAGLETON (for himself and Mr. SYMINGTON):

S. 3868. A bill for the relief of Chae Won Yang, Myung Jae Yang, Yoo Jung Yang, Jee Sun Yang, Yoo Sun Yang, and Hong Suk Yang. Referred to the Committee on the Judiciary.

By Mr. HARTKE:

S. 3869. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes. Referred to the Committee on Post Office and Civil Service.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUCKLEY (for himself, Mr. EAGLETON, Mr. DOMINICK, Mr. DOMENICI, and Mr. INOUYE):

S. 3840. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 with respect to certain seatbelt standards under such act. Referred to the Committee on Commerce.

Mr. BUCKLEY. Mr. President, today the Senator from Missouri (Mr. EAGLETON) and I, are introducing a measure aimed at amending motor vehicle safety standards in an attempt to lift from the shoulders of the American citizen the very real constraints of the interlock system as well as that of the sequential warning device or buzzer. I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BUCKLEY. Mr. President, the proposed legislation is cosponsored by Mr. DOMENICI, Mr. DOMINICK, and Mr. INOUYE, who likewise share our desire to amend section 103(a) of the National Traffic and Motor Vehicle Safety Act of 1966 by directing the Secretary of Transportation to prescribe regulations—within 60 days of enactment of this legislation—which would make optional to the consumer, rather than mandatory, the inclusion of any starter interlock system, or sequential warning device—buzzers, lights—associated with seatbelts or upper torso restraints, or any other similar system requiring the use of such belts or restraints in order to start or operate the vehicle or producing a buzzing, light, or other warning signal if such belts or restraints are not used.

Mr. President, my first order of business this legislative session was to introduce in January, legislation which would make optional the inclusion of any starter interlock system associated with seatbelts or upper torso restraints on any motor vehicle. This was my first step in my campaign to remove the grasping hand of big brother government from the lives of American citizens. This campaign was prompted by hundreds of thousands of letters from constituents in New York State and from people all across the country. The theme underlying this correspondence was that there exists a virtual state of war—a war being waged by the American citizen against the excesses, the follies, and the dangers of the Federal Government's increasing—and frightening—big brother-like intervention in their lives. I thus learned of the American citizen's outrage with the documented failures of the philosophy "Washington knows best."

Pursuant to the introduction of my optional ignition interlock bill, which received overwhelming support all across the country, I have since learned that the mandated buzzer warning devices are likewise very strongly detested—the tone of these devices probably ranks with that of a piece of chalk squeaking across a blackboard. Because of the strong criticism of the buzzer warning system, I am today extending the scope of my original legislation by likewise attempting to offer to the consumer the opportunity of purchasing a vehicle equipped with or without the ignition interlock, the sequential warning device or both or neither.

Mr. President, I have already presented my arguments against the ignition interlock in the RECORD of January 21, 1974, and I therefore ask unanimous consent that my remarks of that date be printed at the conclusion of this text.

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

(See exhibit 2.)

Mr. BUCKLEY. Mr. President, I would now like to briefly summarize the role that the Federal Government has played in motor vehicle safety.

The second session of the 89th Congress passed the National Traffic and Motor Vehicle Safety Act of 1966—Public Law 89-563—which authorized the establishment of Federal safety standards for motor vehicles and their component parts. This legislation greatly accelerated the Federal Government's activities concerning automotive safety resulting in the Department of Transportation administratively determining specific safety standards rather than Congress legislating such standards.

Apparently, most would agree that such standards are appropriately matters for regulatory action by the Department of Transportation—rather than legislative action—and such resultants automotive safety standards may be all well and good. However, it is one thing to deal administratively with product safety but quite another with regard to personal safety. I argue that Federal motor vehicle safety standards tend to confuse personal safety with product safety.

Such is the case of Federal Motor Vehicle Standard No. 208 which currently requires motor vehicle manufacturers to provide a seat belt ignition interlock system in all cars manufactured after August 15, 1973—a device that prevents the engine from being started until both the driver's and front passenger's seat-belts and shoulder belts are fastened. I might add parenthetically, that because of the inevitable mechanical failures in these systems, often the driver has strapped himself in and still cannot start his engine. I know of no single intervention by government into the lives of its citizens that is more universally resented than this current requirement for 1974 model cars that dictates that we shall not start our engines until we strap ourselves in.

Apparently, most would tend to agree that the Federal Government has an appropriate role in insuring the manufacture of automobiles that are safe, however, Federal coercion is pushed too far in both cases where the ignition interlock and the sequential warning device are mandated as standard equipment on a car. These safety standards are devised to impact on the individual's behavior even though the consequences of that behavior affect only that individual and not the safety or health of the general public.

I would like to emphatically state that I have no intention of minimizing the importance of safety, nor the importance of seatbelts and torso restraints, but neither do I believe that we have to go so far as to eliminate all freedom of choice in this area.

My legislation would rightfully restore to the consumer the freedom of choice in purchasing a vehicle with or without the ignition interlock or the sequential warning device or both. I recommend the use of seatbelts but I strongly condemn the administrative mandate of an interlock which forces us to use them. I view such coercive measures as the interlock as an intolerable usurpation by Government of an individual's rights under the guise of self-protection. Forced self-protection moreover does not limit the extensions of statutes that could be devised to protect people from themselves.

At this point, I would like to interject a quote by Mr. Eric Sevareid which very succinctly expresses my views on this matter. Mr. Sevareid has stated that—

> The special nature of liberties is that they can be defended only as long as we still have them. So the very first signs of their erosion must be resisted . . . It is an eternal error to believe that a cause considered righteous sanctifies unrighteous methods . . .

With these thoughts in mind I would like to add that those struggling to make our automobiles and highways safer should not stop with seatbelts along with their mandated ignition interlock and buzzers, as a means to curing the problems of automotive-highway safety. The vehicle itself is only one of three elements that are involved in determining highway traffic safety—the other two being the highway and the driver.

Cars still require the responsibility and the good judgment of the driver to make highways safe and therefore the drivers should be educated rather than coerced by the interlock to use safety restraints. In addition, the field of highway safety technology should be further researched. Such funds as have been requested by DOT for its incentive program for the purpose of giving States grants equal to as much as 25 percent of their apportionment of Federal highway safety funds for those States that adopt mandated safety belt use laws may better be utilized if such funds—$141 million for fiscal year 1973—were to be applied toward pursuing improved highway safety technology.

In closing, I would like to give a word of advice to those owners of 1974 automobiles equipped with the ignition interlock. A sense of compassion compels me to advise such owners that, according to DOT:

> The Interlock system that has been installed in 1974 vehicles pursuant to one of the occupant restraint options in Federal Motor Vehicle Safety Standard No. 208 . . . Applies to new vehicles only. Once a new vehicle has been sold for purposes other than resale and the buyer has taken delivery, the vehicle becomes a used one under the act.

This means that such vehicles are subject to adjustment at the will of the owner unless otherwise sanctioned by State legislation.

Mr. President, I do urge our colleagues to respond to the overwhelming demand of the people of this country to be given choice in this matter.

I urge the relevant committees to act on this legislation, and I also advise my colleagues that Senator EAGLETON and I intend to offer this legislation as an amendment to appropriate legislation that may come before us.

EXHIBIT 1

S. 3840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 103(a) of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by inserting "(1)" after "Sec. 103.(a)" and by adding at the end thereof the following new paragraph:

"(2) Nothing in this Act, or regulations pursuant thereto, shall require any motor vehicle to be equipped with any starter interlock system, or any buzzer, light, or other warning system, associated with seatbelts or upper torso restraints, or any similar system requiring the use of such belts or restraints in order to start or operate the vehicle or producing a buzzing, light, or other warning signal if such belts or restraints are not used, but standards shall be promulgated by the Secretary within sixty (60) days of enactment of this Act to require that such a starter interlock system, and such a warning system, be made available with any new motor vehicle at the option of the purchaser."

EXHIBIT 2

[From the CONGRESSIONAL RECORD, Jan. 21, 1974]

By Mr. BUCKLEY (for himself, Mr. WILLIAM L. SCOTT, and Mr. EASTLAND):

S. 2863. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 in order to provide that certain seatbelt standards shall not be required under such act. Referred to the Committee on Commerce.

IGNITION INTERLOCK BILL

Mr. BUCKLEY. Mr. President, during the 3 years I have been a U.S. Senator, I have received hundreds of thousands of letters from constituents in New York State and from people all across the country. It would be impossible to list their varied and complex concerns under any one label, but it seems to me that no matter how many different individual problems I have learned of through these letters, there is an underlying theme to almost all of them: Citizens of New York and throughout the other 49 States are virtually in a state of war against the excesses, the follies, and the dangers of Federal Government's increasing—and frightening—big brother-like intervention in their lives. The American citizen is exasperated to the point of outrage with the documented failures of the philosophy of Washington knows best.

I want to emphasize that I chose the term "citizen" deliberately. I dislike the condescending term "average American" and "silent majority" does not get to the heart of the matter. I find that Americans are proud to see themselves as citizens, as free and responsible members of the body politic. The American citizen does not see himself as "the little guy" or "the forgotten American" of political folklore. He may be ignored but thank God he cares enough about his country to make his voice heard so that he will not be forgotten. The main trouble of our political system is that many in Washington have tried to ignore or forget the wishes of the American citizen.

The dictionary defines "citizen" as:

"A member of a state or nation . . . owing allegiance to its government and entitled to its protection."

The American citizen I speak of does have allegiance to the Government of the United States and a deep abiding love of this country. But more and more, he sees the Federal Government becoming what John Courtney Murray once described as the worst kind of government: one that is everywhere intrusive and evermore impotent.

The recent report of the Senate Subcommitte on Intergovernmental Relations entitled "Confidence and Concern: Citizens View American Government" demonstrates beyond any doubt that the American citizen is now beyond the point of debating whether or not big government is worth the cost in loss of freedom and privacy. The report states:

"There is little doubt that the actions of the federal government are regarded as making the greatest impact on people's lives."

Anger over high taxes is not, surprisingly, the most deeply felt concern. The report further goes on to state:

"The public underscores its belief in shared governmental responsibilities with an overwhelming endorsement of two policy propositions:

"(1) State and local governments should be strengthened; and

"(2) The federal government should have power taken away from it.

"Public support (61%) for reinforcing the structure and authority of local government almost precisely matches the percentage (59%) by which it advocates strengthening state government. In contrast, only 32% of the public feel the federal government needs added power, while 42% recommend diminishing its clout."

Mr. President, I want to state today, at the beginning of this new legislative session that it is time that the complaints of the American citizen are not only listened to but acted upon in the Congress. We have to not only pay lip service to but actually put into practice the virtue of economy in government. And we have to work to get the grasping hand of big-brother government out of the lives of American citizens.

As my first contribution to this task this year, I introduce today legislation amending section 103(a) of the National Traffic and Motor Vehicle Safety Act of 1966 to direct the Secretary of Transportation to prescribe regulations—within 60 days of the date of enactment of this legislation—which would make optional the inclusion of any starter interlock system associated with seatbelts or upper torso restraints on any motor vehicle. I know of no single intervention by Government into the lives of its citizens that is more universally resented than the current requirement for 1974 model cars that dictates that we shall not start our engines until we strap ourselves in. This resentment is typified by the following excerpt from a recent column by Carl Rowan:

"But the tendency to push governmental coercion too far is perfectly illustrated in the 1974 models. Government has forced car makers to rig cars so that they cannot be started until the belt-harness is fastened while the motorist's weight is on the seat.

"If government wants to make rules that prevent me from killing other people with my car, wonderful! But government has no business telling me that I can't bust my own head against the windshield, if I want to be that stupid.

"Imagine the nuisance effect and the lost man-hours that these '74 models bring to parking lot attendants!"

The National Traffic and Motor Vehicle Safety Act of 1966 authorized the establishment of Federal safety standards for motor vehicles and their component parts. Federal motor vehicle safety standard No. 208 currently requires motor vehicle manufacturers to provide a seat belt interlock system in cars manufactured after August 15, 1973—a device that prevents the engine from being started until both the driver's and front passenger's seat belts and shoulder belts are fastened.

It is currently a violation of Federal law for car dealers to deactivate the system and State laws are being planned to prevent others from tampering with it.

There are three basic reasons for opposing the mandatory requirement for seatbelt-ignition interlock systems: first, infringement of the individual's rights; second, safety and third, cost.

It is wrong for the Federal Government to require an individual to conform with an arbitrary standard of conduct that is unrelated to the public safety. It may well be that any driver who fails to put on a safety harness is an idiot. But freedom implies the freedom to be an idiot so long as one does not endanger others. The interlock requirement is not only an arrogant invasion of privacy, it is a blatant example of bureaucratic idiocy. Even a cursory examination of the current standards shows them to be manifestly unreasonable. Let me give you two examples:

Any item more than 47.3 pounds must be buckled up. I can see a generation of American shoppers learning how to buckle up the family groceries or limiting purchases to 47.1 pounds.

If the sequence of "sit down, fasten seatbelts, start car" is broken—for example, at gas stations where the driver would remain seated but would unbuckle to reach his wallet—it is necessary for all belts to be released and rebuckled before the car can be started. I have personally been told of a case when a handicapped person who is an experienced driver cannot buy a 1974 model car because of his inability to strap himself in.

Then, of course, there is the matter of safety:

A person under 4 feet 7 inches cannot safely use the torso belt, a point that mothers across the country are now discovering.

The current system adds greatly to the complexity of auto electrical systems and would become increasingly susceptible to malfunction as cars age.

I am told engineers estimate at least a 3-percent failure rate in 1974. Using a production figure of 10 million cars produced in 1974, this means that some 300,000 car owners will be subjected to ignition malfunction this year alone, not to mention the resultant cost of repair.

Finally, consumers are required to pay around $50 per car for this device whether they want it or not.

Mr. President, this kind of naked, Federal coercion is the wrong approach to auto safety. Unlike the the prohibiting of driving under the influence of intoxicating beverages, the implementation of the interlock system has no effect on the lives of those in cars not using the system.

The American citizen deserves and demands the right to live his own life free of the constraints of the Federal Mrs. Grundys whose lust to interfere in the private lives of others knows no bounds. I think it will be a salutary and highly symbolic gesture if we can tell the American citizen we are in favor of lifting all such constraints by taking from his shoulders the very real constraint of the interlock sysem. I, for one, believe that the American citizens love their own lives and the lives of others enough to take good care of them voluntarily without Big Brother tinkering with auto ignition systems.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Hawaii (Mr. INOUYE) be added as a cosponsor to the Buckley-Eagleton bill.

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

Mr. EAGLETON. Mr. President, I am today joining with the distinguished junior Senator from New York (Mr. BUCKLEY) in introducing a bill to revoke the Department of Transportation regulation requiring installation in new cars of an interlock seat belt device and the seat belt buzzer warning system.

I am for safety in the design of new automobiles. Who is not? Consistently, I have voted for auto safety acts and the adequate funding of such programs.

But I think there is a significant difference—and I draw the line—between making personal safety equipment available to consumers at their option and the kind of "no choice" regulation promulgated by the Department of Transportation which presumes to protect the individual against himself.

Mr. President, every week I receive hundreds of letters from my constituents on a variety of Federal programs. I know of none that creates more resentment and hostility than this act of big brotherism on the part of the Department of Transportation.

It is one thing to protect society against the imprudent or criminal acts of an individual. But it is quite another to attempt to protect the individual against himself. Carried to its extreme, that principle could justify Federal intervention in such personal affairs of citizens as their diet, their recreational activities or lack thereof, and even the movies they watch. All of these things by one theory or another could be judged to have some impact on the overall national welfare.

If freedom is to have any meaning in this country, it certainly must encompass the right of an individual to lead his life as he sees fit so long as it does not interfere directly with the similar pursuit by others.

I happen to believe that every individual should use seatbelts. I believe it is in his best interest. But I do not believe that I have a right either as an individual or as a Member of the U.S. Senate to order an individual to do what I think is in his best interest. That is for him to decide and the legislation I am cosponsoring today with the distinguished Senator from New York (Mr. BUCKLEY) would make it possible in this small area for him to regain that right of individual choice.

Mr. President, so that it will be clear what is involved here, I should note that the mandatory buzzer and interlock seatbelt systems were required by virtue of the general standard setting authority given to the Department of Transportation under the National Traffic and Motor Vehicle Safety Act of 1966.

That act in itself does not require any such seatbelt systems but it does authorize the Secretary of Transportation to promulgate regulations one of which was the Federal Motor Vehicle Safety Standard No. 208 requiring motor vehicle manufacturers to install seatbelt interlock systems in all cars manufactured after August 15, 1973.

Mr. President, I could cite many practical and economic reasons why this seatbelt system should not be required but I will rest my case on the simple ground that it is a serious infringement on the right of the individual to a free choice in matters that concern only himself. I would therefore urge my colleagues to vote for this legislation which would require manufacturers to continue to offer as an option an interlock or seatbelt buzzer system but which eliminates the requirement that the individual buying that automobile purchase such a system.

Finally, on this same subject, Mr. President, I do not recall, quite frankly, how the Senator from New York voted on the bill that was before us a few weeks ago on compulsory FM radio.

The bill, which as I recall it was reported by the Commerce Committee, said that henceforth any radio made in this country over a value of $15 would have to have an FM component in it.

Mr. President, I voted against that bill. It was a very close vote as I recall. The reason I voted against that bill was the same as that I have expressed today with respect to seatbelt interlocks.

Why should we, 100 U.S. Senators and 435 House Members, mandate as a matter of Federal law that every blessed radio in excess of $15 in value has to have an FM component?

Why should it not be up to the consumer to decide what kind of radio he wants? If he wants an AM radio, fine. If he wants an AM-FM radio, fine. Why should he not make that choice? Why do we cram it down his throat that he has got to have FM, and point out he is going to have FM regardless of whether or not he wants it? That is big brotherism. I think that is the same point I tried to make with respect to the seat belt situation.

Why does he have a buzzer in his ear? Why does he have to have an interlock? If he wants it, fine, but why does he have to have it?

I yield to the Senator from New York.

Mr. BUCKLEY. Mr. President, I thank the Senator from Missouri for joining with me in what I believe to be a very important and needed assertion of individual rights.

We are now engaged in a very important debate on consumer legislation, and I believe it is time to point out that consumerism can be carried a step too far, when we have people in the Federal Government dictating to the consumer what is in his or her best interest, never mind what that consumer chooses for himself.

I am delighted that the Senator from Missouri has reminded us of that legislation, which I am sorry to say I have read this morning the House committee has reported out favorably. I refer to that requirement that any individual wanting to buy a quality radio henceforth must have an FM band as well as an AM band, irrespective of the additional cost to the consumer, and irrespective of whether or not that individual chooses to have the broader receptivity.

I know that in my own insstance, I have bought radios that are exclusively FM. I am located in an area where there is a wide choice of music offered by FM, and I thus satisfy my needs.

I also have a country home in an area where FM cannot be received, and therefore satisfy myself with records and AM radio. But I think this is a very fine example of what can only be described, in the one case of the interlock systems, as bureaucratic arrogance, and in the case of this FM band requirement as legislative arrogance: Talking down to the consumer, saying, "You are not wise enough, old enough, or prudent enough to look after your own safety, your own interests, and your own needs."

I thank the Senator for yielding.

Mr. EAGLETON. I thank the Senator from New York, and certainly subscribe to his remarks concerning not only AM-FM radio, but also the seat belt controversy.

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

S. 3841. A bill to amend sections 555 and 556 of title 37, United States Code, relating to members of the uniformed services who are in a missing status, and for other purposes. Referred to the Committee on Armed Services.

RIGHTS OF MIA'S AND THEIR FAMILIES

Mr. DOLE. Mr. President, I am offering today a bill to insure that the rights of our American servicemen who are missing in action, and the rights of their families, are not obscured or dissipated by military status reviews which are now underway. This measure will further provide for consistent review procedures among all military branches, and will insure that MIA families are given access to information upon which the status reviews are based.

The need for such assurances has resulted from recent actions on the part of the military branches to alter the statuses of American MIA's still unaccounted for in Southeast Asia. Earlier this year, the Army, Air Force, and Navy Secretaries initiated a methodical and, to some extent, arbitrary review of the cases of those missing servicemen to determine whether or not any "reasonable" basis existed for assuming that these individuals might still be living. If the respective service Secretary determined that no such basis existed for a particular MIA, then a "presumptive finding of death"—PFOD—was issued. During the first months of operation, this status-review process resulted in 69 PFOD's, in 88 cases which were considered. In several instances, the absence of any recent information about a missing serviceman was, itself, presented as "new" information reflecting doubt upon the serviceman's probability of survival.

Just 6 months ago, a panel of judges reviewing the court case of *McDonald* v. *McLucas* (73 Civ. 3190) held that a "minimum" of procedural standards must be followed in all such military status reviews in order to protect the rights of MIA family members. Although this ruling called for reclassification hearings open to MIA next of kin and provided them with an opportunity to present testimony of their own, it failed to establish any guarantees that family input would have an effective bearing upon the reclassification decision of the military service—even in those instances where no concrete evidence exists that an MIA is deceased. Subsequently, within a matter of several weeks, 69 American veterans of the Vietnam war were eliminated from the lists of the missing by the military services, and added to the rolls of the victims of that conflict.

Mr. President, Congress will be remiss if it permits such death determinations to continue at an accelerating pace during the coming months, with no more substantive basis for that decision than a "presumptive" finding drawn from lack of evidence to the contrary. Surely it is premature to arrive at such a negative conclusion on a man's fate when the North Vietnamese Government has not fully complied with the provisions of the Paris Peace Treaty of 1973 regarding an accounting for missing American personnel in Southeast Asia. Surely it is both insensitive and unjust to fail to reserve certain rights to these families and the MIA's they represent.

The measure I am introducing today will help to prevent declarations of death based on purely arbitrary deductions and decisions by the Secretaries of the military service in those cases where such a decision would run counter to the wishes of the family. It will preclude a change in the status of any MIA by the military services solely on the basis of the passage of time or the absence of additional information on that serviceman if the next of kin objects to such change.

It does not obstruct in any way the normal reclassification procedures prompted by new and substantive evidence which may become available on our MIA's from time to time; nor does it deny the previously existing rights of the next of kin to request or consent to reclassification procedures by the military. But it does maintain that all such procedures shall follow uniform and consistent guidelines; it does prescribe that recent court rulings be given statutory expression; and it does insure that the rights of those individuals whose lives are directly affected will not be forsaken.

As one who has been closely involved in the efforts to secure the release of our POW's and to obtain information on the status of our MIA's, I certainly believe that such endeavors by our Government should continue at an optimum level until the Communists comply fully with the provisions of the Paris Peace Agreement which entitle the United States to conduct a full search and accounting for our MIA's. In the meantime, let us not permit arbitrary and presumptive determinations to rule over the objections of family members. Let us demonstrate to all concerned that justice and sensitivity still prevail with respect to our missing servicemen and their families.

Mr. President, 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. 3841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 555(a) of title 37, United States Code, is amended by striking out the period at the end of clause (2) and inserting in lieu thereof a comma and the following: "subject to the provisions of section 556 (i)."

(b) Section 555 of such title is further amended by adding at the end thereof a new subsection as follows:

"(e) The Secretary of Defense shall prescribe regulations for procedures and actions under this section and such regulations shall be applicable to all uniformed services."

SEC. 2. Section 556 of title 37, United States Code, is amended by adding at the end thereof the following new subsections:

"(i) Before the status of any member of a uniformed service who is in a missing status may be changed under the provisions of section 555(a) or under this section, the Secretary concerned must first notify the next of kin of such proposed change and hold a hearing on such proposed change. The next of kin shall be afforded a reasonable opportunity to (1) attend such hearing, (2) be represented at such hearing by private counsel, (3) examine all information upon which the proposed change of status is to be based, and (4) present any evidence or information relevant to the hearing.

"(j) The Secretary of Defense shall prescribe regulations for procedures and action under this section and such regulations shal be applicable to all uniformed services."

SEC. 3. Notwithstanding any other provision of law, in any case in which the status of any member of the uniformed service who is in a missing status is reviewed under section 555 or 556 of title 37, United States Code, on or after the date of enactment of this Act, no change in the status of such member may be made by the Secretary concerned solely on the basis of the passage of time or the absence of any additional information pertaining to the member if the next of kin of such member objects to such change. Any objection by the next of kin to a change in the status of any member of the uniformed services who is in a missing status on the date of enactment of this Act shall prevail until such time as the provisions of the Paris Peace Accord of January 27, 1973, relating to the accounting of missing personnel, have been complied with. As used in this section, the terms "uniformed services", "missing status", and "Secretary concerned" shall have the same meaning applicable to such terms in chapter 10 of title 37, United States Code.

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

S. 3843. A bill to designate certain lands in the Sequoia and King's Canyon National Parks, Calif., as wilderness;

S. 3844. A bill to designate certain lands in the Pinnacles National Monument, Calif., as wilderness;

S. 3845. A bill to designate certain lands in the Havasu National Wildlife Refuge, San Bernardino County, Calif., as wilderness;

S. 3846. A bill to designate all of the Semidi National Wildlife Refuge, Third Judicial Division, Alaska, as wilderness;

S. 3847. A bill to designate certain lands in the Crab Orchard National Wildlife Refuge, Jackson, Union, and Williamson Counties, Ill., as wilderness;

S. 3848. A bill to designate certain lands in the Hawaiian Islands National Wildlife Refuge, city and county of Honolulu, Hawaii, as wilderness;

S. 3849. A bill to designate certain lands in the Red Rock Lakes National Wildlife Refuge, Beaverhead County, Mont., as wilderness;

S. 3850. A bill to designate certain lands in the Missisquoi National Wildlife Refuge, Franklin County, Vt., as wilderness;

S. 3851. A bill to designate certain lands in the Aleutian Islands National Wildlife Refuge, Third Judicial Division, Alaska, as wilderness;

S. 3852. A bill to designate certain lands in the Rice Lake National Wildlife Refuge, Minn., and the entire Mille Lacs National Wildlife Refuge, Minn., as wilderness;

S. 3853. A bill to designate certain lands in the Tamarac National Wildlife

Refuge, Becker County, Minn. as wilderness;

S. 3854. A bill to designate certain lands in the Rocky Mountain National Park, Colo., as wilderness;

S. 3855. A bill to designate certain lands in the Glacier National Park, Mont., as wilderness;

S. 3856. A bill to designate certain lands in the Katmai National Monument, Alaska, as wilderness;

S. 3857. A bill to designate certain lands in the Zion National Park as wilderness;

S. 3858. A bill to designate certain lands in the Crater Lake National Park, Oreg., as wilderness; and

S. 3859. A bill to designate certain lands in the Olympic National Park, Wash., as wilderness. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of myself and the ranking minority member of the Committee on Interior and Insular Affairs (Mr. FANNIN), I send to the desk by request, 17 bills to provide for the addition of certain lands to the National Wilderness Preservation System pursuant to the Wilderness Act of 1964.

Two of those proposals include wilderness areas previously introduced, however, their acreage has been increased sufficiently to warrant their resubmission. The proposed acreage of Sequoia-Kings Canyon Wilderness is being increased from about 721,970 to about 790,770 acres and Pinnacles Wilderness is being increased from about 5,330 to about 11,300 acres.

Mr. President, this draft legislation was recommended by the President of the United States in his message to the Congress dated June 13, 1974. and later submitted by the Department of the Interior. I ask unanimous consent that a list of the 15 new wilderness proposals to the System be printed at this point in the RECORD.

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

(1) The Havasu Wilderness, composed of 2,510 acres within the Havasu National Wildlife Refuge, California.

(2) The Semidi Wilderness, composed of 256,000 acres within the Semidi National Wildlife Refuge, Alaska.

(3) The Crab Orchard Wilderness, composed of 4,050 acres within the Crab Orchard National Wildlife Refuge, Illinois.

(4) The Hawaiian Islands Wilderness, composed of 1,742 acres within the Hawaiian Islands National Wildlife Refuge, Hawaii.

(5) The Red Rock Lakes Wilderness, composed of 32,350 acres within the Red Rock Lakes Wilderness National Wildlife Refuge, Montana.

(6) The Missisquoi Wilderness, composed of 620 acres within the Missisquoi National Wildlife Refuge, Vermont.

(7) The Unimak Wilderness, composed of 973,000 acres within the Aleutian Islands National Wildlife Refuge, Alaska.

(8) The Mille Lacs and Rice Lake Wilderness, composed of 1,407 acres in the Rice Lake National Wildlife Refuge, Minnesota, and the entire Mille Lacs National Wildlife Refuge, Minnesota.

(9) The Tamarac Wilderness, composed of 2,138 acres within the Tamarac National Wildlife Refuge, Minnesota.

(10) The Rocky Mountain Wilderness, composed of 239,835 acres within the Rocky Mountain National Park, Colorado.

(11) The Glacier Wilderness, composed of 927,550 acres within Glacier National Park, Montana.

(12) The Katmai Wilderness, composed of 2,603,547 acres within the Katmai National Monument, Alaska.

(13) The Zion Wilderness, composed of 120,620 acres within Zion National Park, Utah.

(14) The Crater Lake Wilderness, composed of 122,400 acres within Crater Lake National Park, Oregon.

(15) The Olympic Wilderness, composed of 862,139 acres within the Olympic National Park, Washington.

By Mr. KENNEDY:

S. 3860. A bill to study and control the disclosure of voter registration lists for nonelection purposes. Referred to the Committee on Rules and Administration.

Mr. KENNEDY. Mr. President, I send to the desk a bill to study and control the use of voter registration lists, and I ask that it be appropriately referred.

The purpose of the bill is to encourage voter registration by prohibiting election officials from disclosing Federal registration lists for commercial and other nongovernmental purposes, and to require the Office of Federal Elections in the General Accounting Office to conduct a study of the effect caused on voter registration by the current widespread practice of using registration lists for jury selection.

In essence, the bill would ban one of the principal current nonelection uses of voter registration lists, by prohibiting the sale or distribution of such lists to firms and individuals for purposes of commercial solicitation through the mails. Violation of this provision would carry criminal sanctions, with the maximum penalty set at a fine of $1,000, or imprisonment for 6 months, or both.

It is difficult to overestimate the serious problem of voter nonparticipation confronting the Nation in 1974.

In the 1972 Presidential election, out of an eligible 139 million voters, only 77 million individuals actually went to the polls. Obviously, when half the voters stay home on election day, when only 55 percent of the country's eligible voters choose to exercise democracy's fundamental right, the right to vote, then democracy itself is in trouble, and remedies must be found.

In voter turnout, as is well known, the United States falls behind virtually every major democracy in the Western World. To name but one dramatic example, in spite of the violence and destruction and bloodshed in strife-torn Northern Ireland in recent years, fully 76 percent of the eligible voters went to the polls last February 28 to cast their votes for their representatives in Parliament in the British general elections—a voter turnout that was more than 20 percentage points higher than in the United States in the 1972 election.

To a significant extent, the problem of low voter turnout in America has its roots in the substantial barriers presented by voter registration. Too often, requirements of registration create obstacles to voting that are insurmountable for many citizens.

In recent years Congress has tried to deal with some aspects of the registration problem, by requiring such innovations as post card registration and by offering federal financial assistance to encourage hard-pressed States and local jurisdictions to upgrade their registration methods and their election administration procedures.

So far, however, the focus of attention on the registration problem has been almost solely on the so-called "physical" barriers to registration—the obstacles to registration presented by such practices as inaccessible registration offices and inadequate opportunities for registration. Too little attention has been paid to what are now emerging as serious "psychological" barriers to registration.

In recent years, there has been an increasing number of protests, first made by a few perceptive individual election officials around the country, that a significant number of potential voters are discouraged from registering because of certain side effects of adding their names to the registration lists. In the experience of these officials, the two most significant side-effects are the use of registration data as a source of names for citizens to be called for jury duty, and the sale of registration lists to commercial firms for business solicitation and other purposes.

For years, many election boards have traditionally made available their registration lists for use in jury selection as the most convenient source of names for jury duty.

In the Jury Selection and Service Act, the omnibus Federal jury reform bill signed into law by President Johnson in 1968, Congress ratified this use of registration lists by requiring Federal district courts to use voter registration lists or lists of actual voters as the primary source of names for jury selection, in order to achieve the goal of truly representative juries by requiring the selection of potential jurors to be made from a fair cross section of the community.

In addition, as a result of the pressure of computer technology, election boards in many jurisdictions are also engaging in the newer but increasingly more widespread practice of selling or giving away their voter registration lists to commercial organizations, bill collection agencies, and private citizens for a variety of nongovernmental and nonelection purposes.

As objections mount, it is now becoming clear that these nonelection uses of registration lists are highly detrimental to the goal of increased voter registration and increased voter turnout in elections. Many eligible voters simply refuse to register, preferring not to vote, rather than run the risk of being solicited by commercial agencies or bill collectors, or being selected for jury duty, or being subjected to a variety of

other approaches for purposes having nothing whatever to do with the conduct of elections.

Clearly, the practice of supplying registration lists for nonelection purposes is widely prevalent. For example, according to a recent survey conducted for the General Accounting Office by Analytic Systems, Inc., based on responses from 2,800 election boards across the country: 95 percent of the jurisdictions provide copies of voter registration lists at cost to political parties; 71 percent provide copies to other governmental offices: 57 percent provide copies to private citizens; and 34 percent make copies available to commercial firms.

In a similar recent survey of 18 representative States, counties, cities, or towns, conducted for GAO by E. G. Shelley, Inc., the following results were obtained:

Ten of the eighteen jurisdictions—South Carolina, Maryland, Alaska, Virginia, Montgomery County in Maryland, Lackawanna County in Pennsylvania, Miller County in Arkansas, Bowie County in Texas, Philadelphia, and Washington, D.C.—or approximately 56 percent of the jurisdictions in the survey—said that they give or sell their lists to groups or individuals for nonpolitical purposes.

Six of the eighteen jurisdictions, or one-third of those studied, permit the use of their registration lists by police, private charitable organizations, or any registered voter willing to pay the fee.

All 18 of the jurisdictions provide voter registration lists for jury selection.

And, all 18 of the jurisdictions sell or give the lists to political parties and candidates.

The Shelley study also contained some of the first substantial evidence that the dissemination of registration lists for nonelection purposes operates to discourage voter registration. In the 18 jurisdictions surveyed, the officials voiced their belief that from 2 to 5 percent of the eligible voters in the jurisdiction decline to register in order to avoid jury duty. If the estimates are accurate, then some 3 to 7 million Americans are sacrificing their right to vote because of their desire to escape jury duty.

Obviously, the same psychological pressures against voter registration exist when potential voters realize that by placing their names on the voter registration lists, they are making themselves susceptible to commercial solicitations, bill collectors, or other undesired nonelection influences.

At the same time, I do not oppose the distribution of voter lists to political parties and candidates. Such distribution is an essential part of the election process. Perhaps some citizens are discouraged from registering by awareness that their names will be available for election canvasses. On the other hand, political parties and candidates use such lists effectively in election campaigns, by encouraging citizens to register who have not yet registered or who have been purged from the lists.

On balance, there is reason to believe that the dissemination of registration lists for election purposes may augment, rather than decrease, the number of potential voters who register. Therefore, the legislation I am introducing does not affect the practice of making such lists available for legitimate election purposes.

But there is no justification for the distribution of voter registration lists for commercial purposes, when the danger is substantial that the distribution intimidates citizens and discourages them from registering.

When such danger is present, Congress has the obligation to act. Voting in local, State, and Federal elections is a constitutional right guaranteed to every American citizen over the age of 18. Democracy works best when the maximum number of citizens take advantage of their right to vote; only in this way can democracy reach its fullest potential for the benefit of all its people.

Therefore, it is of great importance that Congress not only guarantee the right to vote, but take every appropriate step to insure that unreasonable barriers and disincentives to registration and voting are removed, so that all eligible citizens may receive the maximum practicable encouragement to register and vote. To this end, voting should be a separate and distinct American freedom, as unrelated as possible to any other factor—commercial, governmental, or otherwise.

Therefore, section 1 of the bill I am introducing proposes a total prohibition on the distribution of registration lists for any nongovernmental purpose.

In the area of jury selection, however, Congress should go slow, because there are countervailing considerations, based on the needs of the jury system and the clear policy recently enunciated by Congress in the Jury Selection and Service Act of 1968.

It is extremely important that the sanctity and fairness of the jury process be maintained. Clearly, Congress should take no step whose long run effect would seriously impair the jury system or impose substantial new costs on Federal, State, or local officials in developing alternate sources of jury lists. For this reason, the bill I am introducing proposes only a study by the Office of Federal Elections in the General Accounting Office to consider all aspects of the problem in detail and submit recommendations to Congress.

As the preliminary evidence suggests, however, the fairness of jury selection is itself being jeopardized by the actions of citizens who refuse to enter the jury system through the door of voter registration.

In addition, it is not completely clear that registration lists continue to offer the best source of names for jury duty. As the result of improved technology, it may be possible for jury rolls to be compiled from sources other than voter registration rolls, and without substantial additional expense. For example, as the Shelley study recommended, jury lists might be compiled from a combination of other available records, such as: First, Bureau of Motor Vehicles data on driver registration and noncommercial vehicle licenses; second, State unemployment insurance wage-benefit records; third, State and local property tax rolls; fourth, income and other personal tax rolls; and, fifth, utility company files.

Even aside from the desired effect upon voter registration, jury selection from a combination of these and other sources might well offer a more nearly universal population of individuals available to serve on juries. Thus, elimination of voter registration lists as a source of jury selection may well serve the long-run interests of both the jury system and the voter registration system, not only by expanding the jury rolls but also by encouraging voters to register.

In sum, the bill I am proposing is simple in concept and modest in scope. Yet, it holds out the prospect of making a significant contribution to the political process in America by increasing voter turnout. I hope that it will be considered favorably by the Senate and enacted into law.

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

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

S. 3860

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

SECTION 1. (a) No list of individuals registered to vote in any Federal election, which has been compiled by the Federal Government, any State or political subdivision, or agency of such state or subdivision, may be made available to or received by any person for any non-governmental purpose, whether or not such person is employed by such Government, State, or political subdivision compiling that list, except that such list may be—

(1) made available to, or received by, a candidate for conducting a campaign for public office or an organization conducting a voter registration campaign; and

(2) made available to persons conducting such campaign, if that list is used solely for such campaign.

(b) A violation of this section is punishable by a fine of not to exceed $1,000, imprisonment not to exceed 6 months, or both.

SEC. 2. The Office of Federal Elections in the General Accounting Office shall conduct a study of the effects on voter registration of the use of voter registration lists or lists of actual voters for jury selection, and shall submit a report to Congress, including recommendations for legislation, on or before January 31, 1978.

By Mr. COOK:

S. 3861. A bill to amend the Natural Gas Act in order to give the Federal Power Commission certain authority to regulate synthetic natural gas. Referred to the Committee on Commerce.

Mr. COOK. Mr. President, over the past months, much has been said and written concerning the shortage of natural gas. The Federal Government has acted to relieve this shortage by a mani-

fold increase in the research and development funding for pilot and demonstration programs for the production of synthetic natural gas. Certainly, synthetic production of gas, particularly from our coal, will provide a partial answer to our problem, and we should move ahead with urgency.

Industry has exhibited its willingness to enter into joint ventures with the Federal Government to share in the financing of the early stages of the development of this new industry, and I would encourage this participation as it is a very healthy and vigorous approach. However, the question arises as to how synthetic natural gas will be marketed when it is produced in commercial quantity. Specifically, there is the question of the Federal Power Commission's authority to regulate this product when it is placed in pipelines for transportation and sale in interstate commerce.

In discussing this problem with the Chairman of the FPC, I am informed that he does not interpret the Natural Gas Act to grant authority to the Commission to regulate synthetic natural gas in the same manner it now regulates natural gas. He also stated that he would favor an amendment to the Natural Gas Act which would place synthetic natural gas within the jurisdiction of the FPC. Industry is understandably concerned that it may not be authorized to recover its cost of production of synthetic gas in the same manner it exercises recovery of costs related to the production of natural gas and thus could not finance the construction of the facility. I do not believe that the Congress intends to retard production by permitting this unfair practice to exist. I am convinced that if the FPC does not authorize a plant to produce synthetic natural gas this gas may never be produced.

I submit that there is a distinct parallel between the cost of drilling, finishing, and operating a well to produce natural gas and the construction and operation of a plant to produce synthetic natural gas. Unless we permit the producer to recover these costs, our efforts to solve our energy problems will be severely hampered, if not brought to a halt.

Mr. President, this is a very simple issue. I do not wish to obfuscate this problem by discussing recent efforts to deregulate natural gas and other problems related to the Federal Power Commission.

I do believe that any plant constructed and operated for the purpose of manufacturing synthetic natural gas for sale in interstate commerce must be subject to the same jurisdiction of the FPC as exercised by the Commission under the Natural Gas Act with respect to any natural gas company. Having said that, I also would qualify this authority by excluding from this jurisdiction the authority to regulate feedstocks of such associated plants. I do not believe that it would be sound policy to cause coal to be regulated just because it is used as a feedstock to manufacture synthetic natural gas. Once the FPC authorizes any company to produce or to acquire from a subsidiary such synthetic natural gas, that company must be permitted to include in its cost of service a reasonable return on funds expended in connection therewith during the construction period of such plant.

Our ultimate goal in this program is, of course, commercial production. We don't know exactly when we will achieve this goal, but I have every confidence that we will see commercial production in the early 1980 timeframe.

Industry must be assured that once commercial production has been achieved the synthetic gas so produced in interstate commerce shall be priced on a cost-of-service basis including a reasonable return on the facility investment.

As I stated earlier, we have been encouraging joint ventures to accelerate the attainment of our goal. Such joint ventures include local, State, and Federal participation, and of course no return should be allowed to industry for any funds invested in such ventures by these participants.

Mr. President, I ask unanimous consent that the bill I introduce today to amend the Natural Gas Act in order to give the Federal Power Commission certain authority to regulate synthetic natural gas 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. 3861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. The Natural Gas Act is amended as follows:

Strike SEC. 2(5) and substitute the following:

SEC. 2(5). "Natural gas" means either natural gas unmixed, synthetic natural gas, or any mixture of natural and artificial gas.

Redesignate SEC. 2(6) as SEC. 2(7) by inserting before such subsection a new subsection as follows:

SEC. 2 (6). "Synthetic natural gas" means gas produced from fossil fuel or any derivative thereof.

Redesignate SEC. 23 as SEC. 24 by inserting before such subsection a new section as follows: "Synthetic natural gas".

SEC. 23. Any plant constructed and operated for the purpose of manufacturing synthetic natural gas for sale in interstate commerce shall be subject to the same jurisdiction of the Federal Power Commission as exercised by that Commission under the Natural Gas Act with respect to any natural gas company and to the provisions of this section. Such jurisdiction shall not extend to the feedstock of such plant or facilities associated with this feedstock. Any natural gas company receiving Federal Power Commission authorization to produce, or to acquire from a subsidiary, such synthetic natural gas, may include in its cost of service a reasonable return on funds expended in connection therewith during the construction period of such plant. After commercial production has been achieved, the sale or transportation of such gas in interstate commerce shall be priced on a cost of service basis, including a reasonable return on the facility investment. No return shall be allowed a natural gas company for any funds invested in such plant by either state, local, or Federal governments.

By Mr. THURMOND (for himself, Mr. HELMS, Mr. DOLE, Mr. CURTIS, Mr. GURNEY, and Mr. SPARKMAN):

S. 3862. A bill to prohibit any change in the status of any member of the uniformed services who is in a missing status under chapter 10 of title 37, United States Code, until the provisions of the Paris Peace Accord of January 27, 1973, have been fully complied with, and for other purposes. Referred to the Committee on Armed Services.

Mr. THURMOND. Mr. President, on June 20, 1974, I expressed my concern to my distinguished colleagues in this Chamber about the tragic missing-in-action issue. At that time, I expressed grave doubts about our Government pursuing the procedure to change the status of the missing-in-action to "killed-in-action."

Mr. President, I stated at that time that the United States probably should not take such action. Since then, I have conducted a more comprehensive review of the miiltary departments' procedures to reach these presumptive findings by implementing the provisions of the law contained in sections 555 and 556 of title 37. I concluded after this review, that these two sections of the law require further study by the Congress insofar as they pertain to Southeast Asia.

Since this study by the Congress will require considerable time, I am introducing legislation which will temporarily prohibit the military departments from issuing a finding of "killed-in-action" or "presumed killed-in-action," as far as missing-in-action and prisoners of war in Southeast Asia are concerned. The legislative measure will require the Senate and House Armed Services Committees to conduct a study of this problem and report results to the Congress not later than 180 days after the date of enactment of this act.

Meanwhile, the measure will also urge the administration to continue relentless efforts to convince the Democratic Republic of Vietnam—North Vietnam—and the Provisional Revolutionary Government of South Vietnam—Viet Cong—to comply with the provisions of article 8(b) of the Paris peace accord of January 27, 1973. When the President of the United States determines that all reasonable actions have been taken to account for such members, the President must report such determination in writing to the Congress. Mr. President, I fully realize that the Defense Department probably will not recommend approval of this legislative measure. As a matter of fact, in the course of my review, I requested the views of the Defense Department on this proposed measure which were not favorable. One of the objections has been removed in that this measure will apply only to MIAs and POWs in Southeast Asia and not those in a missing status unrelated to the Southeast Asia conflict.

Nevertheless, as a result of my recent review, I was very much impressed by the relentless efforts of the Defense Depart-

ment and the U.S. Government to account for the MIA's and POW's in Southeast Asia. It should be obvious to the world that the obstreperous attitude of North Vietnam and other Communists is the sole cause for this tragic problem to be unresolved and not the U.S. Government. This intransigence of the Communists was vividly reemphasized recently when Col. William W. Tombaugh, U.S. Army, Chief of U.S. delegation, Four Party Joint Military Team issued his reports after a year of attempting to negotiate with the Communists on the POW and MIA issues. His current report is very pertinent to this legislation which I am proposing. Consequently, I ask unanimous consent for these reports to be inserted at this point in my remarks.

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

PRESS BRIEFING BY THE CHIEF, U.S. DELEGATION FOUR PARTY JOINT MILITARY TEAM

Ladies and Gentlemen, I would like to say just a few words to more or less put you into the picture, because I think some of the details regarding the U.S. Delegation to the Four Party Joint Military Team are often forgotten. You will recall that the FPJMT actually is a follow-on to the Four Party Joint Military Commission, which terminated on 31 March 1973 after a 60-day operational period. The FPJMT became operational on 2 April 1973, and since that period of time has participated in 105 formal plenary sessions. I think the authority for the FPJMT has been pointed out in the background paper, and is Article 10(a) of the Protocol, Paris Agreement, which states, "the FPJMT shall ensure joint action by the parties in implementing Article 8(b) of the Agreement. When the FPJMT has ended its activity, a Four Party Joint Military Team will be maintained to carry on its tasks." Now, our mission in the FPJMT reflects the clearly stipulated tasks set forth in Article 8(b). Since it is only a few lines, I would like to read it again, because it is sometimes complicated by the other side—when it shouldn't be—I quote:

"The parties shall help each other to get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action."

It is a very simple straightforward task. This mission is restated almost verbatim in Article 8(e) of the Joint Communique signed on the 13th of January 1973. Since its inception, the Four Party Joint Military Team, U.S. Delegation, has fully recognized the unequivocal legal obligations which are incumbent on us under Article 8(b). We have also recognized a strong moral obligation which devolves upon the FPJMT as a humanitarian body. This is a non-political body. The U.S. has attempted to key all its actions toward the assistance of all parties. And please underline that, *all parties*, who have unrecovered dead and missing in this war, and we try to do this, in the spirit of Article 2 of the Protocol, which reads, for your information:

"All captured civilians who are nationals of the United States or of any other foreign countries mentioned in Article 3(a) of the Agreement shall be returned to United States authority. All other captured foreign civilians shall be returned to the authorities of their country of nationality by any one of the parties *willing and able to do so*."

And we key on this last statement, because in this spirit, the US Delegation has been—without qualification—*willing*, and within our qualifications, *able to do so*. Since I have been Chief of the US Delegation—and I am sure my predecessor felt the same way—all our actions have been keyed to pursue these non-political and humanitarian objectives. To illustrate, I would like to itemize just a few of the things we have tried to do to meet these obligations.

In May of 1973, of course, we provided the DRV and PRG complete lists of all the US dead and missing, and all the third country personnel along with as much information as we had: date, time of mission, last known location, etc. At the present time, these lists are being updated, in conjunction with BG Ulatoski's organization—One point.

The second point—We have provided detailed data in both English and Vietnamese, with extra copies of this data, to include photos and all the rest, to the DRV and PRG on those individuals about whom *we know* they have information, either through photographs (some of the photographs appeared in *Paris Match* as you may well recall), newspaper articles, interviews, foreign broadcasts, observed captures; any other information that we have. To date, we have passed about eighty of these documents to the PRG and the DRV. We have others in preparation for about 25–30 more individuals about whom we have real firm information.

Another point that we have done in close coordination with the RVN Delegation, we have researched and provided—without any condition—information on PRG dead and missing. Currently, we are up to around 100 names of the PRG dead. I think it very important for us to remember that the RVN Delegation has without exception, without any qualification, been totally cooperative with the US Delegation effort. They have offered—repeatedly—visits to the DRV and the PRG to the graves of PRG dead who have been killed here in the South, buried, and their graves maintained by the RVN Government. On behalf of BG Ulatoski's Joint Casualty Resolution Center, we have requested that JCRC teams be permitted to visit crash sites in the areas of control of the PRG and within North Vietnam itself. We have indicated that—and BG Ulatoski has said this many times—we will go under *any conditions* they impose and follow their rules completely—anything, just allow us to search for our dead and missing.

To date, we have requested about 15 of these crash site investigations, both in PRG controlled areas here in South Vietnam and also in North Vietnam, and we have more under preparation. Now, it is an important thing to note here again, ladies and gentlemen, the RVN have been petitioned to give similar support to the U.S. Delegation and to the JCRC, and again, without any equivocation, without any conditions, they have provided this support without question.

They have provided this support to the point where ARVN soldiers have been killed and men wounded trying to support the U.S. effort to find out what has happened to our dead and missing. To date, we have conducted in excess of 20 of these crash site investigations in South Vietnam which have been fully supported by the RVN Delegation.

Now, another point, and something that I think is perhaps not so well known, the U.S. has also responded to the requests of third countries, concerning their dead and missing in this war. To date, we have received requests for help to locate and to obtain information about the dead and missing of Great Britain, the Philippines, Australia, Korea, the Federal Republic of Germany, and Japan.

We've tried to explain to the PRG and the DRV Delegations that, many names of third country nationals appeared on the PRG lists which were given to all Delegations in Paris. We have pointed out that the majority of these missing were engaged in humanitarian work. They were not actually parties allied in the conflict, and most of them were not signatories to the Paris Agreement. We have stressed that the FPJMT is the logical avenue of inquiry to find about these third country nationals. Since many of these third country nations do not have diplomatic relations with the PRG, the FPJMT is the logical channel by which they can find out about their own dead and missing. I won't go into any details, but we have been totally and abjectly rebuffed by the PRG.

Now, something that I think may be very interesting to you, gentlemen, because it may hit home: We have also made similar overtures to attempt to determine the fate of 17 newsmen from seven different countries. It is my understanding that this total of 17 now is up to around 20 newsmen, your colleagues.

We have inquired not only about those who were lost in South Vietnam, but we have also requested the Communist delegations to use their good offices to try and determine the fate of newsmen in Laos and Cambodia. We have met with a complete and total rebuff.

Along with these various initiatives, the US delegation has tried to facilitate and to support the work of the FPJMT and the Communist Delegations. We have provided a Saigon/Hanoi liaison flight on a weekly basis as a gesture of good will, although the US specifically is not tasked to provide this flight.

To date, we have made some 51 flights from Saigon to Hanoi and return, primarily to assist the DRV Government in coordinating with their Government concerning, hopefully, the provision of information about the dead and missing. In fact, we have even gone so far as to provide the use of automobiles for the Communist Delegations to travel to and from the conference site and to effect their coordination with the ICCS personnel.

Now, results: With the exception of the repatriation of 23 US DIC's from Hanoi in March, the US Delegation has been faced with a complete and a total DRV and a PRG refusal to meet any of their obligations with regard to Article 8(b). At the same time, they loudly proclaim their "scrupulous implementation of Article 8(b) responsibilities." There has been in the one year that I have been here, a continued introduction by the Communist Delegations of a panoply of issues and problems that are totally unrelated to these specific humanitarian tasks of Article 8(b).

We have sat for a period of, in my own case, over one year, listening to the delivery of protracted propaganda statements by the PRG and the DRV on every item, with the exception of the implementation of Article 8(b). They have punctuated this with five walkouts, and with five boycotts. They have totally failed to respond to any of the inquiries of the US or the RVN concerning requests for information on the dead and missing, which is the key functional part of article 8(b). I might point out again on the same line, they have totally and completely failed to respond to any other inquiries we have made on third country nationals that were not directly involved with the war. I also add, gentlemen, that we have had, as I mentioned before, a complete reluctance to say anything about your colleagues.

Now, a prognosis: I think I would be less than truthful if I did not tell you that the prospects for tangible 8(b) results are at this time not hopeful, perhaps even a little bleak. And the obstreperous attitude of the Communists over this past year has been certainly nothing short of frustrating. But I speak for the US Delegation, and my country that, with the mutual assistance of the RVN Delegation, we will continue to exploit every conceivable avenue in an effort to either encourage or to force the DRV and the PRG to meet these clearly stipulated, humanitarian tasks.

We are not going to cease our efforts to achieve the goal of accounting for all US dead and missing, if there is every any conceivable way we can do it. We are not, because of the suspension of these operations, going to abrogate our responsibilities for the implementation of Article 8(b).

DEPARTURE PRESS CONFERENCE BY COL. WILLIAM W. TOMBAUGH

"Ladies and Gentlemen: As some of you may know, I have been the Chief of the US Delegation to the Four Party Joint Military Team for over thirteen months. I am thus due for reassignment and will be leaving within the next few days. Before I depart, I feel it is my duty to clarify the present status of negotiations within the FPJMT.

You are all aware of the successful Casualty Resolution operation that was completed in Danang on 28 June through the combined efforts of private citizens and the Armed Forces of the Republic of Vietnam. As the Chief of the US Delegation/Four Party Joint Team, I received, on behalf of the United States Government, remains recovered during this operation which we believe to be those of an American MIA. They have been entrusted to the JCRC for identification, verification and processing.

I sincerely believe that this event underscores the basic dichotomy of philosophy that exists between Hanoi's delegations and the delegations of the US and RVN to the Four Party Joint Military Team. I do not have to tell you that the DRV/PRG delegations have continued to boycott plenary sessions of the Four Party Joint Military Team, ostensibly in protest of violations of their "privileges and immunities."

As you know, the FPJMT was embroiled in controversy about privileges and immunities from mid-April throughout May of this year. On 30 May, the other side walked out of the conference and byocotted the sessions scheduled for 4 and 6 June, in protest over the alleged denial of their privileges and immunities. This was the situation that existed when last I spoke to you.

I would like to review with you the history of this issue: privileges and immunities were addressed by the Paris Agreement, specifically Articles 16 and 17 of the Protocol on the ceasefire in South Vietnam and the Joint military commissions.

Detailed procedural aspects of these privileges and immunities were discussed at the Sub-Commission level of the Four Party Joint Military Commission, and later agreed to by the chiefs of all delegations to the FPJMT. In turn, the FPJMT formally adopted these eleven points on privileges and immunities in a written Minute of Agreement on 3 May 1973.

For the next eleven months, all delegations operated with these privileges and immunities. In addition, the RVN unilaterally granted several privileges never formally discussed or agreed upon. Chief among these were the weekly press conferences of the "PRG" and access to the common user telephone system of the Saigon/Gia Dinh area.

In mid April, RVN cancelled the "PRG" press conferences, because they were only a forum for propaganda, contributed nothing to the implementation of Article 8(b), and were never properly a part of the privileges and immunities. RVN also desired to substitute direct telephone service to the ICCS, FPJMT and TPJMC delegations for both the DRV and "PRG" delegations.

RVN also suspended the Saigon/Loc Ninh liaison flight in an effort to obtain a written guarantee of safety, similar to those given by the DRV delegation for the US-sponsored Hanoi liaison flights. This guarantee of safety by the "PRG" was considered necessary after an RVN crew member was killed by ground fire while participating in flights in support of the RVN and "PRG."

This brings us to the 30 May walkout and subsequent boycotts by the DRV/"PRG" delegations. What has happened since?

On 7 June, the RVN notified the DRV/"PRG" delegations that the issue of privileges and immunities would revert to the situation as it existed prior to 16 April 1974, the date the difficulties allegedly began. RVN, to carry out its commitment, provided the aircraft for a liaison flight to Loc Ninh for the "PRG" delegation on 10 June.

The "PRG" refused to use this flight, despite the fact it was one of its original demands. On 11 June, both the DRV and "PRG" delegations again refused to attend the FPJMT plenary sessions, also despite the RVN action of 7 June.

At the next session, on 13 June, the DRV/"PRG" demanded discussion of a written agreement which would vastly extend the previously agreed upon privileges and immunities. The US and RVN suggestion of discussions of this problem at the secretary or deputy level, following earlier FPJMC and FPJMT precedent, while the chiefs of delegations concentrated on immediate and concrete implementation of Article 8(b) was categorically rejected.

At this juncture, the DRV/"PRG", at the 18 June plenary session, raised the ante and demanded US/RVN accession to their demands without discussion. When the US and RVN would not capitulate, the "PRG", as host, unilaterally declared the session adjourned and in company with the DRV immediately walked out of the conference room. On 22 and 23 June, DRV/"PRG" participation in future FPJMT plenary sessions was cancelled by the Hanoi authorities until their demands were met. Since their declaration, they have boycotted four plenary sessions, and the promise of similar conduct in the future remains a cloud over the work of the FPJMT.

I point out that the US and RVN delegations continue to meet at the conference site in the hope the DRV and "PRG" will reconsider their position, recognize their responsibilities and attend the meetings.

As my tour of duty as the Chief of the US Delegation to the FPJMT comes to a close, I can truthfully say that this action by the DRV and "PRG" delegations—with all its attendant denunciations, threats and demands—does not surprise me. On the contrary, I think it is but another manifestation of the lengths to which Hanoi is willing to go in order to avoid meeting its responsibilities regarding the resolution of the problem of the dead and missing in Vietnam.

I hope you will take note of the fact that I refer to the dead and missing issue and not solely to the US dead and missing in South Vietnam. I make this distinction because the FPJMT was created to resolve the dead and missing problem for all parties associated with this war—to include dead and missing nationals of countries not directly involved in the war.

During my last opportunity to speak to the press on 4 June 1974, I gave you a short resume of what the US Delegation had attempted to do over this past year in an effort to solicit positive responses from the DRV/"PRG" delegations. I am not going to go into a recitation of those facts again at this time. I will however, reiterate in the strongest possible terms, that—in accordance with the President's pledge—we have exerted every effort and explored every channel open to us in the attempt to influence the DRV and "PRG" to meet their clearly stipulated obligations with regard to the dead and missing.

In the course of this effort, we have at no time—nor has the RVN delegation—imposed any conditions on their execution of this responsibility. Despite these efforts and the continued reiterations by the other side of its "scrupulous implementation of Article 8(b)," its delegations have persisted in complicating and politicizing the achievement of these humanitarian tasks. Not only does Hanoi still not show a sincere desire to resolve problems of US and RVN dead and missing, but tragically, it demonstrates that the DRV and "PRG" have absolutely no interest in determining the fates of their young men who were lost during the course of this war. Based upon its performance over this past year, I was not surprised at this latest DRV/"PRG" delaying tactic. On the other hand, I believe that the DRV/"PRG" continue to be surprised and amazed that the US and the RVN Delegations persevere in their efforts to account for the dead and missing regardless of the artificial obstacles placed in their path.

The "PRG" and DRV have clearly underestimated our determination to resolve our dead and missing cases. This fact was underscored very recently when the chief of the "PRG" delegation expressed the "PRG" belief to visiting Congressman Montgomery that the MIA problem is a "minor issue." This miscalculation is costing the communists dearly—as pointed out by Congressman Montgomery—in that Congress will consider no program of postwar reconstruction aid for Hanoi until cooperation on the MIA question begins. Meanwhile, our efforts in Saigon will continue.

This then, is but a brief summary of the present status of negotiations in the FPJMT. The US and RVN Delegations are firmly committed to concrete implementation of Article 8(b), not to achieve political or military or economic gains, but rather to carry out the humanitarian mission entrusted to the FPJMT. Thank you.

Mr. THURMOND. Mr. President, it is clear that our Government is fully and unequivocally convinced that the Communists could provide considerable information about Americans who are missing or prisoners. These missing also include as many as 20 newsmen from seven different countries. Our Government and the world know that the Communists have information about our men, as stated in official reports, either through photographs, newspaper articles, interviews, foreign broadcasts, observed captures and other sources.

Consequently, it is very difficult for MIA/POW wives and families and many faithful Americans to accept the current procedures to declare some of our brave men as presumed dead when there is definitely encouraging hope. However, it is also realized, according to my understanding of Defense procedures, that a presumptive finding to change the status will not be issued when there is hopeful information available. Nevertheless, I believe our Government is premature in implementing sections 555 and 556 of title 37, as pertains to Southeast Asia, in such great haste.

Mr. President, my bill may not be the best solution to this tragic issue. However, I am convinced that the Congress must devote greater and more serious attention to this law, as it applies to Southeast Asia, and revise it accordingly. At the fifth annual meeting of the National League of Families in Omaha, Nebr., according to Mr. E. C. Mills, executive director, the members voted overwhelmingly to stop all status changes by way of presumptive findings of death. Many MIA families have contacted me. They have urged that status changes be stopped until accounting procedures have been proven to be exhausted and a

satisfactory new law which will completely protect the rights and individual liberties of each POW and MIA has been enacted to replace or modify sections 555 and 556, chapter 10, title 37 of the United States Code.

Mr. President, this is the objective to my bill. I sincerely urge my distinguished colleagues to give this bill serious and favorable attention.

Mr. President, I request that this bill be appropriately referred and ask unanimous consent that it 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. 3862

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the provisions of sections 555 and 556 of title 37, United States Code, no change in the status of any member of the uniformed services who, on the date of enactment of this Act, is in a missing status as a result of his performance of service in Southeast Asia may be made by the Secretary concerned until—

(1) the Democratic Republic of Vietnam (North Vietnam) and the Provisional Revolutionary Government of South Vietnam have fully complied with the provisions of Article 8(b) of the Paris Peace Accord of January 27, 1973, or

(2) the President of the United States (A) has determined that all reasonable actions have been taken to account for such members, and (B) has reported such determination to the Congress in writing.

(b) As used in subsection (a), the terms "uniformed services", "missing status", and "Secretary concerned" shall have the same meaning ascribed to such terms in chapter 10, of title 37, United States Code.

SEC. 2. The Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives shall each conduct a study of sections 555 and 556 of title 37, United States Code, with a view to determining whether such sections should be amended or repealed. Each such committee shall report the results of its study to the appropriate House of Congress not later than 180 days after the date of enactment of this Act together with such recommendations for legislation as such committee deems appropriate.

By Mr. PERCY (for himself, Mr. GOLDWATER, and Mr. HRUSKA):

S. 3863. A bill to name the synthetic gas pilot plant located in Rapid City, S. Dak., the "Karl E. Mundt Gasification Pilot Plant." Referred to the Committee on Commerce.

Mr. PERCY. Mr. President, on June 3, 1975, former U.S. Senator Karl E. Mundt will observe his 75th birthday. Senator Mundt's long and distinguished career started in 1939 as a Member of the House of Representatives in the 76th Congress. After four terms in the House he was elected to the U.S. Senate where he served for four consecutive terms—the 81st Congress through the 92d. The number of committees and subcommittees on which he served is long and varied and in every assignment his wisdom and counsel was exerted. His influence on constructive legislation was great and his contributions to his country were outstanding.

In the late 1960's Senator Mundt, serving as ranking Republican member of the Interior Appropriations Subcommittee realized our Nation was headed for an energy crisis of enormous magnitude unless the Congress faced up to the problem and attempted to discover new sources of energy. This vital problem disturbed him. He was convinced that the millions of tons of lignite buried in the soil of the Dakotas, Montana, and Wyoming could, after extensive research, produce gas.

Convinced that the coal gasification process developed by the Consolidation Coal Co. was a significant technological advance in solids-to-gas conversion, Senator Mundt was successful in securing the necessary appropriation to construct the CO_2 acceptor pilot plant in Rapid City, S. Dak., at a construction cost of $9.3 million. The sponsor of the plant is the Department of Interior, Office of Coal Research and the operating cosponsor is the American Gas Association which supplied one-third of the funds for construction.

The plant is located on a 10-acre site on South Dakota's highway 79, 2 miles south of Rapid City, S. Dak. The land was contributed by the Western South Dakota Development Corp.

Senator Mundt, with the assistance of the Department of Interior and especially the Office of Coal Research, and the American Gas Association, made this pilot plant possible. I am today introducing a bill to acknowledge this splendid accomplishment, led by Senator Mundt, by having the OCR Lignite Gasification Pilot Plant, Rapid City, S. Dak., named and dedicated as the "Karl E. Mundt Gasification Pilot Plant."

By Mr. McGOVERN (for himself, Mr. SCHWEIKER, Mr. CASE, Mr. KENNEDY, Mr. MONDALE, Mr. HART, Mr. ABOUREZK, Mr. CRANSTON, and Mr. PERCY):

S. 3864. A bill to authorize the Commissioner of Education to make grants for teacher training, pilot and demonstration projects, and comprehensive school programs, with respect to nutrition education and nutrition-related problems. Referred to the Committee on Labor and Public Welfare.

NATIONAL NUTRITION EDUCATION ACT

Mr. McGOVERN. Mr. President, today I am introducing the National Nutrition Education Act of 1974.

Mr. President, this bill marks the culmination of many hours of investigations into the area of nutrition education. As chairman of the Senate Select Committee on Nutrition and Human Needs, I have had the opportunity in recent years to listen to many eminent persons testify as to the need for a comprehensive nutrition education program in the Nation's elementary and high schools. It is time, I think, to take advantage of the expertise that has come before congressional hearings and turn it into positive legislation for the Nation's schoolchildren.

This committee has heard testimony from experts in the field of nutrition education that the potential costs, potential health costs of nutritional ignorance may be amounting to billions of dollars. These experts have emphasized to the committee the critical role that proper nutrition education can—and must—play as part of a total national preventive health policy. They have further emphasized the responsibilities that Government, schools and private industry must play in both developing and implementing this policy.

I do not think anyone could argue with the desire for a good education on behalf of all Americans. It is my contention and belief that no better dollar can be spent than one which gives the American citizen a practical education, a day-to-day tool which will enhance the quality of his life and maximize his purchasing dollar. I believe nutrition education does just that.

The fact is, Mr. President, that at the present time there is no comprehensive legislation which allows for the teaching of nutrition education in the Nation's schools. We feed 25 million children a day under the National School Lunch Act, which I think is something we can all take great pride in, but we do not take advantage of that opportunity by educating them at the same time as to food choices, dietary habits, and nutrient content.

I think it is very important to point out that such an education will work a direct benefit upon the schoolchildren, both while they are children and later on when they are adults. It is important to keep in mind certain facts about the current health status of Americans. We know, for example, that diet is one of a number of important factors related to the general health of the American people today. Diseases or health problems such as dental decay, heart disease, diabetes, obesity, and anemia, are all problems which sap billions of dollars from the American taxpayer each year, and which are related, by scientific evidence, to diet.

The entire thrust of this legislation is one of preventive, as opposed to crisis, medicine. There has to be an adjustment in our concepts, our food industries, our advertising agencies, our educators, and our legislatures. We must not take food for granted. As a guarantee of human dignity, it is time that we acknowledge and reappraise for our populace the value of each element of diet: fats, carbohydrates and protein. We have to get away from crisis care of our population and develop maintenance of health as a lifetime attention. Food is one aspect of lifetime care.

Dr. George Briggs, Chairman of the Nutrition Education Panel of the White House Conference on Food, Nutrition, and Health, estimated before our committee that the annual cost of the abovementioned diseases to the American public is approximately $30 billion. The No. 1 recommendation of his panel, in 1969, was that we begin a comprehensive nutrition education program in the Nation's schools. I believe this bill is a late but necessary recognition of that recommendation.

This bill also represents the first legislative action taken directly from the recommendations of the national nutri-

tion policy hearing held this June by the Nutrition Committee. Several of the panels made it clear that the No. 1 need in their area was the need for nutrition education.

We heard over and over again this refrain "you must feed people, but food alone is meaningless without nutrition education."

Dr. Briggs, Dr. Jean Mayer, the Chairman of the White House Conference on Food, Nutrition, and Health, and others, have pointed out before the committee that malnutrition involves more than just hunger. It takes many forms. One form can be obesity, another tooth decay, another anemia. While we have continually stressed, and I think correctly so, the inability of low-income persons to purchase an adequate diet, it is equally well known that Americans of all income levels are making poor food choices and hurting their health. You cannot blame someone for making a poor choice if you have not given them the proper educational tools with which to learn. What I am saying, Mr. President, is that misuse or overuse of fats, sugars, alcohol, and other foods can be as dangerous to one's health as a lack of these things.

The facts are that in 1950 Americans spent $12 billion for health care and $75 billion for the same care in 1972, but have experienced no increase in the life expectancy rate.

We also know that Americans are suffering from a glut of information about food. There are food faddists, recommending radical consumption patterns of different foods, based on everything from religious beliefs to quasi-scientific findings. The fact is that fad diets are sweeping the Nation. And people, in good faith, are taking the words of so-called experts without having a background or backlog of information themselves of how to make good food choices.

Food advertising, which sometimes contains only limited information or half-truths, presents a great deal of misinformation to the consumer each year. The amount of money spent on food advertising each year literally runs into the billions of dollars.

The average supermarkets have 18,000 different articles on its shelves. This is increased by hundreds of items every month. There are approximately $130 billion worth of retail food sales each year in this country, so we can see the amount of food being purchased by the American consumer, and the vast array of choices the American consumer, young and old, is being asked to make.

This bill says:

> Mr. and Mrs. Consumer, we know that you need food to live; we know that you are going to buy many dollars worth of food each year, and we believe that the tax dollar which gives you sound scientific advice on what to purchase is a tax dollar well spent for your future and your health.

Mr. President, what we need to do is spend more for prevention now and less for health care later.

Now that we are seeing more and more the connection between poor nutrition habits and disease, we can begin to relay some of that information to Americans so that they can put it to use in their daily lives.

Now that we have a massive feeding program in the Nation's schools, we have a great opportunity to implement a sound nutrition education program. I think using the school lunch room as a laboratory for nutrition education is an idea that makes eminent commonsense.

Mr. President, over the years we have had many model nutrition education curriculums given to the Senate Select Committee on Nutrition and Human Needs, as examples of the kinds of things that States are doing on a very small scale in this area. I believe from the hearings that we have held it is clear that expertise, energy, and desire exist now to launch this program in the Nation's schools.

No other topic gets raised continually to me with such urgency and fervor from nutritionists, dietitians, and health professionals, than the one of the importance of nutrition education.

The penalties of faulty nutrition are paid at all levels of society—rich, poor and in-between. Malnutrition in the midst of plenty is real and has become a national concern.

We know the American consumer is getting massive doses of sketchy and nonscientific nutrition information from advertising. I think we have an obligation to make those facts that are known about sound nutrition habits available to American children so they can protect their health and grow up to be intelligent consumers. After all, they are our finest resource.

Mr. President, I ask unanimous consent that this bill, the National Nutrition Education Act of 1974, along with a short explanation, be printed in full in the RECORD at this point.

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

S. 3864

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 Nutrition Education Act of 1974".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) nutrition education in the schools has the potential for improving substantially the health and well-being of students and of significantly reducing many health problems which adversely affect the learning processes of students;

(2) the provision of a comprehensive program with respect to nutrition education for the children and youth of the Nation should be given high priority; and

(3) most children and youth of the Nation are given little or no instruction regarding nutrition or the importance of a nutritionally balanced diet to mental and physical well-being; and

(4) most teachers are not trained in the fundamentals of nutrition; nor do any of the states require even a single course in nutrition for licensure or certification of teachers;

(5) there is no fully comprehensive program in existence within the Federal Government which has responsibility for furthering nutrition education for all the nation's schoolchildren;

(b) It is the purpose of this Act to encourage the provision of nutrition education programs in the classroom and lunchrooms of elementary and secondary schools by establishing a system of grants for teacher training, pilot and demonstration projects, and the development of comprehensive nutrition education programs. Such nutrition education programs shall fully utilize as a learning laboratory existing child nutrition programs, including, but not limited to, the school lunch program.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) the term "Commissioner" means Commissioner of Education;

(2) the term "nutrition education program" means a multi-disciplinary program by which scientifically sound information about foods and nutrients is imparted in a manner that individuals receiving such information will understand the principles of nutrition and seek to maximize their well-being through food consumption practices, both in the school lunchroom and in the community-at-large, consistent with optimum health. Nutrition education program shall include, but not be limited to, the development and carrying out of institutional models, support programs, classroom materials, and curricula.

(3) the term "state coordinator" means that person within the state educational agency responsible for formulating and implementing the State plan of nutrition education as outlined in Section 9 of this Act.

(4) except as provided by section 6(b), the term "State" means the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

TEACHER TRAINING

SEC. 4. (a) The Commissioner shall make grants to State educational agencies and institutions of higher education for teacher training with respect to the provision of nutrition education programs in schools. Such grants may be used by such agencies and institutions to develop and conduct training programs for early childhood, elementary and secondary teachers with respect to the science of nutrition, methods and techniques, information, and current issues relating to nutrition education and food related problems.

(b) The Commissioner shall distribute grants under this section in a manner which insures the most effective and equitable distribution of such grants and which seeks to achieve a reasonable geographical distribution. The Commissioner shall, not later than thirty days before he distributes grants under this section, transmit a report to the Committee on Labor and Public Welfare of the Senate and to the Committee on Education and Labor of the House of Representatives. Such report shall contain a detailed statement of criteria which the Commissioner proposes to use in distributing grants under this section.

(c) There is authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1975, $12,500,000 for the fiscal year ending June 30, 1976, and $15,000,000 for the fiscal year ending June 30, 1977, to carry out this section.

PILOT AND DEMONSTRATION PROJECTS

SEC. 5. (a) The Commission may make grants to State and local educational agencies, institutions of higher education, and other public or private nonprofit education or research agencies, institutions, or organizations to pay the cost of pilot demonstration projects in elementary and secondary schools with respect to nutrition education and nutrition related problems.

(b) Grants under this section shall be available for—

(1) projects for the development of cur-

ricula in nutrition education programs including the evaluation of exemplary existing materials and the preparation of new and improved curricula materials for use in early childhood, elementary and secondary education programs;

(2) projects for demonstration, testing, and evaluation of the effectiveness of such curricula (whether such curricula are developed with assistance under this Act or otherwise); and

(3) in the case of applicants who have conducted projects under paragraph (2), projects for the dissemination of curricular materials and other information with respect to nutrition education programs.

(c) There is authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1975, $17,500,000 for the fiscal year ending June 30, 1976, and $20,000,000 for the fiscal year ending June 30, 1977, to carry out this section.

NUTRITION EDUCATION PROGRAMS

SEC. 6. (a) The Commissioner may make grants to State education agencies to pay the Federal share of the cost of developing and carrying out nutrition education programs in elementary and secondary schools within each State. Such grants shall be available to State educational agencies for the development of such programs and for assistance to local educational agencies in the implementation of such programs.

(b) From the sums appropriated for carrying out this section for each fiscal year, the Commissioner shall reserve such amount, but not in excess of 5 per centum of such sums, as he may determine and shall apportion such amount among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this section. The Commissioner shall apportion the remainder of such funds as follows:

(1) He shall apportion 40 per centum of such remainder among the States in equal amounts; and

(2) He shall apportion to each State an amount which bears the same ratio to 60 per centum of such remainder as the number of children in average daily attendance in the public elementary and secondary schools bears to the number of public schoolchildren in all the States, as determined by the Commissioner on the basis of the most recent satisfactory data available to him. For purposes of this subsection, the term "State" does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(c) The amount apportioned to any State under subsection (b) for any fiscal year which the Commissioner determines will not be utilized for such year shall be available for reapportionment from time to time, on such States during such year as the Commissioner may fix, to other States in proportion to the amounts originally apportioned among those States under subsection (b) for such year, except that the proportionate amount for any of the other States shall be reduced to the extent it exceeds the sum the Commissioner estimates the local educational agencies of such State need and will be able to use for such year. The total of such reductions shall be similarly reapportioned among the States whose proportionate amounts were not so reduced.

(d)(1) Any State educational agency receiving a grant under this section shall, to the extent consistent with the number of children in the State involved who are enrolled in private elementary and secondary schools, make provision for including special educational services and arrangements (including dual enrollment, educational radio and television, and mobile educational service and equipment) in which such children may participate.

(2) If the Commissioner determines that a State education agency is unable or unwilling to comply with paragraph (1), he may make special arrangements with other public or nonprofit private agencies to carry out paragraph (1). For such purpose the Commissioner may set aside on an equitable basis and use all or part of the maximum total of grants available to the State involved.

(e) There is authorized to be appropriated $50,000,000 for the fiscal year June 30, 1975, and for each of the two succeeding fiscal years, to carry out the provisions of this section.

(f) Funds made available under this section shall be used to increase the level of funds that would, in the absence of federally-funded pilot and demonstration projects approved under section 5 of this Act, be used by the State agency to carry out the purposes of this section, and in no case supplant such funds.

APPLICATIONS

SEC. 7. (a) Grants under this Act may be made only upon application at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Each such application shall

(1) provide that the activities and services for which assistance is sought be administered by the State educational agency;

(2) provide that the State educational agency shall establish, consistent with the provisions of section 9 of this Act, an Office of State Coordinator of nutrition education;

(3) provide assurances that the State educational agency will through the State coordinator of Nutrition Education develop a State plan for nutrition education programs, as required under section 9 of this Act;

(4) describe the nutrition education programs in elementary and high schools for which assistance is sought under this part and procedures for giving priority to nutrition education programs which are already receiving Federal financial assistance and show reasonable promise of achieving success;

(5) set forth procedures for the submission of applications by local educational agencies within that State, including procedures for an adequate description of the nutrition education programs for which assistance is sought under this part;

(6) set forth criteria for achieving an equitable distribution of funds under this Act which are made available to local educational agencies pursuant to this Act, which criteria shall—

(A) take into account the size of the population to be served, beginning with preschool, the relative needs of pupils in different population groups within the State for the program authorized by this title, and the financial ability of the local educational agency serving such pupils,

(B) assure an equitable distribution of funds among urban and rural areas;

(7) set forth criteria for the selection or designation and training of personnel (such as nutrition specialists and administrators of nutrition programs in elementary and high school programs assisted under this part, including training for private elementary school personnel, which shall include qualifications acceptable for such personnel;

(8) provide for technical assistance and support services for local educational agencies participating in the program;

(9) provide that not more than 20 per centum of the amount alloted to the State under section 6 for any fiscal year may be retained by the State educational agency for purposes of administering the agreement;

(10) set forth policies and procedures which assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement, and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant to carry out the purpose of this Act, and in no case supplant such funds; and

(11) provide for making such reports, in such form and containing such information, as the Commissioner may reasonably require, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to insure the correctness and verification of such reports.

(b)(1) The Commissioner shall approve any application which meets the requirements of subsection (a), and shall not disapprove any such application without first affording the state education agency notice and opportunity for a hearing.

TECHNICAL ASSISTANCE

SEC. 8. The Commisioner shall, when requested, render technical assistance to local education agencies, through qualified staff members having expertise in nutrition, health education, school food services, home economics, dietetics, and physical education, to public and private nonprofit organizations, and institutions of higher education for the development and implementation of education programs with respect to nutrition education and nutrition related problems. Such technical assistance may, among other activities, include making available to such agencies or institutions information regarding effective methods of carrying out such programs, disseminating to such agencies or institutions information obtained through programs established by this Act, and making available to such agencies or institutions personnel of the Departments of Health, Education, and Welfare, and Agriculture or other persons qualified to advise and assist in carrying out such programs.

STATE COORDINATORS FOR NUTRITION AND STATE PLAN

SEC. 9. (a) In order to be eligible for assistance under this Act a State shall appoint pursuant to section 6(a)(2) a State Coordinator for Nutrition Education (hereinafter referred to as "State Coordinator"). It shall be the responsibility of the State Coordinator for each State to prepare a State plan as provided in subsection (b) of this section.

(b) Within one year after his appointment, the State Coordinator for each State shall develop, prepare, and furnish to the Commissioner a comprehensive plan for nutrition education within that State. Each such plan shall—

(1) provide for coordinating the nutrition education program carried out with funds made available under this Act with any existing related programs being carried out within the State, including, but not limited to, such programs administered by the Department of Agriculture and health education and nutrition education programs carried out with State funds;

(2) provide for the establishment of a State Advisory Council to assist and advise the State Coordinator regarding the development of nutrition education curricula and programs for the State, and shall provide that the members of such council, which shall be appointed by the State Coordinator, shall include interested teachers, professionals, paraprofessionals, school food service personnel, administrators, representatives from consumer groups, parents and other individuals from private life.

(3) include a program for the systematic training in nutrition education of teachers at both the inservice and undergraduate levels;

(4) include an outline of the State's program for implementing and coordinating programs carried out with grants made under sections 4 and 5 of this Act;

(5) provide, whenever practicable, for the inclusion of appropriate nutrition educa-

tion information in social study courses, science courses, economics courses, anthropology courses, home economic courses, health education and drug abuse courses, physical education courses, and all other related areas of the curriculum.

(6) provide, in carrying out the State plan, for the utilization and involvement of individuals not professionally trained in nutrition, including counselors, coaches, school nurses, school lunch supervisors, interested neighborhood individuals, and students.

NATIONAL NUTRITION EDUCATION RESOURCE CENTER

SEC. 10. (a) There is established within the Office of Education of the Department of Health, Education, and Welfare, a National Nutrition Education Resource Center. The Center shall be located in an area of the United States selected by the Commissioner, and may in part be located within the framework of existing backup facilities in the area of nutrition education—

(1) provide original and ongoing training for the State Coordinator and for interdisciplinary personnel designated by the State Coordinators who may be in need of special training relating to nutrition education and nutrition related problems. Such personnel shall include, but not be limited to, nutritionists, dietitians, home economists, business managers, teachers, administrators and school food service personnel;

(2) collect and create curriculum materials relevant to nutrition education, including, but not limited to, the integration of nutrition education materials into all subject matter at the elementary and secondary education levels;

(3) collect information and materials relating to nutrition education and maintain such information and materials in a library for the use of State Coordinators and other interested persons; and

(4) evaluate on a continuing basis the objectives and effectiveness of the nutrition education programs of the States and their results.

(c) The National Nutrition Education Resource Center is authorized to enter into contracts with other Federal agencies, State and local agencies, institutions of higher education, and with private nonprofit organizations experienced in nutrition education and related fields for the purpose of carrying out any function of the Center under this section.

(d) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section but not in excess of $2,000,000 in any fiscal year.

PAYMENTS

SEC. 11. (a) From the amount allotted to each State under section 6 of this Act the Commissioner shall pay to that State an amount equal to the Federal share of the cost of carrying out the application of that State approved under such section 6. The Federal share of the cost of carrying out a State application shall for each fiscal year be 75 per centum. In determining the cost of carrying out the application of a State, the Commissioner shall exclude any cost with respect to which payments will be received by that State under any Federal program.

(b) Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

ADMINISTRATION

SEC. 12. In administering the provisions of this Act, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or private nonprofit 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.

SHORT EXPLANATION OF NATIONAL NUTRITION EDUCATION ACT OF 1974

A. This bill is a three-year pilot effort in nutrition education. The goal is to make available federal funds (with a small state matching share) to introduce, for the first time, a comprehensive nutrition education program into the curriculum of the nation's schools.

B. The legislation stresses technical assistance, teacher training (in-service and undergraduate), planning and organization, both at the state and federal office, and curriculum development. The idea is to start at the beginning, by teaching the teachers and developing materials. The program will be administered by the States' Educational Agency.

C. Each state will have a Nutrition Education Coordinator, who will be responsible for developing and enacting a State Plan for Nutrition Education.

That person shall be advised by a state Advisory Council for Nutrition Education comprised of teachers, parents, school officials, students, school food service personnel and others.

D. The State Plan will coordinate the existing nutrition education efforts within the state and new approaches developed by the Department of Education, combining them into one plan in one office. The plan will include ways to incorporate Nutrition Education into all subjects being taught, using both professional and community resources.

E. A national Nutrition Education Center for training persons in nutrition education, compiling latest materials, developing curricula, and evaluating nutrition education efforts under this Act will be estabilshed, using and expanding existing facilities in HEW and USDA.

F. The funding level for the first year will be approximately $25 mililon. The bulk of the money ($50,000,000) is scheduled for the third year, after state plans have been developed, teachers trained, and some pilot projects completed. There is a requirement that states contribute 25% of the total monies they receive under this Act.

G. This bill was drafted in consultation with officers of the Society for Nutrition Education, the American School Food Service Association, the National Dairy Council, and representatives of various federal agencies and state departments of education. The states will receive 40% of the funds equally, with 60% of the funds going to states based on student enrollment.

Mr. SCHWEIKER. Mr. President, I am pleased to join with Senator MCGOVERN today in introducing the National Nutrition Education Act of 1974 (S. 3864). I feel this is a very important step since its implementation will make great strides toward improving the nutritional health of our Nation in years to come. This act authorizes a 3-year, nationwide effort to provide a comprehensive nutritional education program in elementary and secondary schools. Primary emphasis is given to technical assistance; teacher training, both inservice and undergraduate; planning and organization, both on the Federal and State level; and curriculum development.

Mr. President, the United States historically has been extremely negligent of its nutritional health. Dr. George M. Briggs, chairman of the nutritional sciences department, University of California at Berkeley, testified before hearings conducted by the Senate Select Committee on Nutrition and Human Needs, which I chaired, that malnutrition costs Americans $30 billion a year in poor health, mental problems, obesity, physical deficiencies, and increased susceptibility to other health problems. This is an enormous cost, particularly when you consider nutritional deficiencies affect not only our Nation's poor, but also middle-income and wealthy families.

The nutritional health of each of us is first determined by our mother's own nutritional well-being. And the nutritional health of the fetus and young child from conception to age five largely determines not only the individual's long-term physical well-being but also his mental development. The Congress has finally recognized this situation and wisely enacted programs, such as the women, infant, and children supplemental feeding program—WIC—to assure that pregnant women and their young children obtain necessary nourishment. It is unfortunate, however, that the executive branch has chosen to impede development of these programs.

Mr. President, during the past two Congresses, I have introduced legislation to provide for nutritional education in our Nation's medical and dental schools. Testimony, again before the Select Committee on Nutrition and Human Needs, has pointed out the dire neglect by medical and dental schools in not teaching basic, applied nutrition principles which can be used in the daily practice of medicine and dentistry.

And so we come to the question, where do we begin a nutritional education program to effectively reach the largest number of Americans? To reach the most people, at the lowest cost to the taxpayer, I feel implementation and expansion of nutritional education in the elementary and secondary school systems is the answer. I chaired Nutrition Committee hearings in Pittsburgh last year and heard testimony from a 12-year-old girl who had planned the meals for an entire school district for 1 week. Unfortunately, this is a rare instance. Most schoolchildren do not have the opportunity to take basic nutrition courses. However, from evidence I have seen, teaching the basics of good nutrition can be very successful within the school system.

The National Nutrition Education Act is a 3-year proposal. The first 2 years are structured primarily to initiate nutritional education courses both on the undergraduate level and for working teachers. It also provides for some pilot demonstration projects within the school system. In addition, a State must appoint a State coordinator for nutrition education in order to be eligible for grants under this act. It is the responsibility of the State coordinator to formulate comprehensive plans for nutritional education within the State.

The bulk of the funds authorized under this act are withheld until the third year after State plans have been developed, teachers trained, and some pilot projects completed. These third-year funds are to be used for the main thrust of this act—implementation of the nutritional education programs within the school systems.

And lastly, this act establishes a National Nutrition Education Backup Cen-

ter within the Office of Education to provide original and ongoing training for the State coordinators and for interdisciplinary personnel designed by the State coordinators who may be in need of special training relating to nutrition education and nutrition related problems.

Mr. President, I want to offer my thanks to the chiarman of the Senate Select Committee on Nutrition and Human Needs, Senator McGOVERN, and his staff for their tireless efforts which have gone into the development of this act.

By Mr. NELSON:

S. 3865. A bill to amend the Land and Water Conservation Fund Act of 1965; and

S. 3866. A bill to amend the Land and Water Conservation Fund Act of 1965. Referred to the Committee on Interior and Insular Affairs.

Mr. NELSON. Mr. President, I introduce two bills, each of which would amend the Land and Water Conservation Fund Act of 1965, and I ask unanimous consent that the text of both bills be printed in the RECORD at this point.

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

S. 3865

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 "Land and Water Conservation Fund Amendments Act of 1974".

SEC. 2. The Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (16 U.S.C. 4601–4 to 4601–11) is further amended as follows:

(1) In section 2(c)(1), strike "$200,000,000" and the remainder of the sentence and insert in lieu thereof "$1,000,000,000 for each fiscal year through June 30, 1989."

(2) In section 2(c)(2), strike "$200,000,000 or $300,000,000" and insert in lieu thereof "$1,000,000,000".

(3) The first sentence of section 6(c) is amended to read as follows: "Payments to any State shall cover not more than 50 per centum of the cost of planning or development projects, and not more than 75 per centum of the cost of acquisition projects, that are undertaken by the State."

S. 3866

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 "Land and Water Conservation Fund Amendments Act of 1974".

SEC. 2. The Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (16 U.S.C. 4601–4 to 4601–11) is further amended as follows:

(1) In section 2(c)(1), strike "$200,000,000" and the remainder of the sentence and insert in lieu thereof "$1,000,000,000 for each fiscal year through June 30, 1989."

(2) In section 2(c)(2), strike "$200,000,000 or $300,000,000" and insert in lieu thereof "$1,000,000,000".

By Mr. NELSON:

S. 3867. A bill to amend the Federal Food, Drug and Cosmetic Act to promote honesty and fair dealing in the interest of consumers with respect to the labeling and advertising of special dietary foods, such as vitamins and minerals, et cetera. Referred to the Committee on Labor and Public Welfare.

Mr. NELSON. Mr. President, the issue of vitamin regulation by the Food and Drug Administration had aroused enormous interest and concern, stemming from the fact that the FDA's regulations, proposed March 14, 1973, and effective January 1, 1975, are far-reaching and their full implications are not entirely clear.

Basically, these regulations would require all vitamin and mineral products containing more than the FDA-established limit of U.S Recommended Daily Allowance—U.S. RDA—nutrients to be classified as over-the-counter or prescription drugs.

This is a departure from the current situation, in which vitamins and minerals are regulated primarily as foods, and are allowed to be marketed in unlimited nutrient amounts per capsule.

The FDA began a study of the vitamin-mineral situation some 10 years ago.

The ultimate intent of the FDA's regulations is laudable and important: to prohibit the marketing of products with misleading claims, fraudulent labels, and safety hazards resulting from too great an intake of certain vitamins known to be toxic in large amounts, such as vitamines A and D.

To accomplish these goals, a bill I am introducting today would strengthen the FDA's authority to regulate advertising and label statements for vitamin and mineral products and special dietary foods. A product, making a therapeutic claim, would be subjected to the same requirements of safety and efficacy that drugs are, under the Food, Drug, and Cosmetic Act. All labels of nutrient products would be required to be accurate and not misleading. Nutrients which make therapeutic claims would be subjected to the same FDA regulatory review as drugs.

The bill allows the FDA to establish recommended daily allowance levels, but it does not limit the quantity of RDA allowed in nutrient products that are safe in unlimited dosage levels.

If there is any evidence of lack of safety in any dosages, the FDA would, of course, have the same authority that it now has to regulate such substances.

The primary reason for taking this legislative approach lies in the fact that the FDA regulations may be unnecessary in many respects; and may actually work against the goal of protecting the consumer.

To seek clarification of many apparent inconsistencies and problems with the regulations, I and other Members of Congress wrote the FDA on May 7, 1973, and received a detailed response on July 9, 1973, which correspondence was printed in full in the CONGRESSIONAL RECORD July 12, 1973. However, many of the answers provided by the FDA did not appear to reflect what the regulations would actually do. Therefore, Representative DAVID OBEY and I addressed further questions to the FDA in a letter dated July 10, 1974, which was printed in the CONGRESSIONAL RECORD July 16, 1974, page 23506.

The questions raised in those letters outline the problems with the regulations, as follows:

Products that do not now make drug claims, such as certain vitamins, minerals, and food supplements, would be forced by the regulations to make drug claims, if they contained more than 150 percent of the RDA, as set by the FDA.

Certain products, such as inosotol, bioflavinoids, and rutin, which the FDA has declared to be useless for nutrition, could be sold in unlimited quantities, while vitamins and minerals, which everyone, including the FDA, agrees to be essential, will be available for sale in limited amounts or under strict legal restrictions.

The regulations also inadvertently could create certain potential safety problems which they are intended to overcome. The regulations prohibit the variation of amounts of vitamin-mineral substances above 100 percent of the RDA, which are allowed in combinations.

Separate regulations also set maximum limits of allowable safe levels of vitamins A and D, based on scientific evidence that higher dosages are unsafe.

It is possible that someone seeking to increase the dosage of one vitamin substance might inadvertently and/or unknowingly consume unsafe amounts of vitamins A and D by increasing the intake of combination products, perhaps on a regular basis, thus seriously endangering one's health.

As regards FDA's established RDA limits, there is a scientific view that RDA levels vary with individuals and cannot be arbitrarily established as a common norm. The National Academy of Sciences/National Research Council's "Recommended Dietary Allowances" handbook, eighth edition, 1974, warns that:

RDA should not be used as a justification for reducing habitual intakes of nutrients. (page 13).

While a diet made up of ordinary foods meeting the RDA standard should maintain health, we are well aware that present knowledge of nutritional needs is incomplete. Requirements of man for many nutrients have not been established. (page 2).

RDA are appropriate standards for all of these purposes (food fortification, nutritional labeling), but their limitations should be recognized. It is important to re-emphasize that RDA have been established for only about one-third of the essential nutrients; that foods are ordinarily analyzed for only a small number of nutrients; and that interactions of various types between nutrients and food constituents may reduce the availability of some nutrients and, hence, the accuracy of information about food composition. (page 19).

The proposed vitamin regulations seem to be inconsistent with this view of the NAS/NRC Committee on Recommended Dietary Allowances, because the regulations set arbitrary limits for nonprescription essential vitamin-mineral nutrients.

This bill would allow the marketing of combination vitamins with various dosage levels, but would require that they be labeled with information about what the FDA considers to be the recommended daily allowance, and what the vitamin contains. Consumers could thus be consistently and repeatedly warned that taking more than one capsule might be harmful.

During hearings on food additives Sep-

tember 19, 20, and 21, 1972, before the Senate Select Committee on Nutrition and Human Needs, Assistant Secretary of HEW for Health and Scientific Affairs, Dr. Charles Edwards, then FDA Commissioner, testified:

It is our position that the consumer has the right to purchase and use "unnecessary" foods if he so desires provided, of course, these items are safe and properly labeled. For example, there are many nonessential, highly purified foods, such as the bioflavnoids, which certain individuals believe beneficial but which are of no proven nutritional significance in our diet. Another category of "unnecessary" foods is the so-called delicacies. Some may find chocolate covered ants a great treat, but it is highly unlikely they will ever become a dietary staple. And we should not overlook certain snack foods. Many of these add calories and little else to the diet. I would oppose banning these "unnecessary" foods. The proper function of the FDA is to make certain they are not adulterated or misbranded.

. . . Requiring the FDA to make value judgments in this area would only lead to extended controversy and adjudication in areas where health and safety are not involved. We agree with the declared intent of the Congress in passing the Food Additives Amendment (in 1958), that these value judgments should be decided in the market place. People should be free to choose whatever safe food they want. (Page 1229, Part 4B, Food Additives, September 20, 1972, Senate Select Committee on Nutrition and Human Needs.)

How does the FDA justify the demand that vitamins and food supplements, or essential nutrients, be shown to be "necessary," while at the same time rejecting the concept of necessity for nonessential food additives?

The goal of protecting the public health by prohibiting the marketing of products with misleading claims, fraudulent labels, or potential safety hazards can best be accomplished by strengthening the FDA's authority to regulate labeling and advertising of these products, and by requiring that all therapeutic claims be substantiated with scientific data supporting safety and efficacy whenever such claims are made.

WHAT THE BILL DOES

Amends section 401—Definitions—of the Food, Drug, and Cosmetic Act—which allows regulation of vitamin and mineral products—to allow the manufacture and marketing of foods for special dietary uses, such as vitamins and minerals, which do not meet standards, only if they are so labeled and clearly distinguished as not conforming to the standards. If a vitamin contained more than the RDA, for example, it would have to be so labeled.

Amends section 403(j) of Food, Drug, and Cosmetic Act—Misbranded Food for Special Dietary Uses—by requiring that:

The labels of foods represented for special dietary uses, such as vitamins and minerals, include at least: First, the name and address of the place of business of the manufacturer; second, the common or usual names of each ingredient present in the product listed in descending order of predominance; third, a declaration of the percentage of any ingredient of such product if it is an integral part of the product and the Secretary considers it useful for consumers to know about the ingredient; fourth, and a clear statement of applicable U.S. recommended daily allowances—U.S. RDA's.

Any therapeutic claims made for a product be substantiated with scientific data supporting safety and efficacy, as required for drugs under the act; if producers making such therapeutic claims cannot substantiate the claims, their products are deemed to be misbranded. The FDA is prevented from requiring that every product containing more than a set limit of the RDA become classified as a drug.

Advertising for such products not be misleading or false.

Advertising be regulated and that advertising, both printed and visual or oral, contain, to the extent practical, the same information contained on labels, presented in a manner understood by ordinary individuals.

Labeling contain no untrue nutrition, health, or other statement; full ingredient labeling would not be construed to be misleading.

Mr. President, I ask unanimous consent that the text of the bill be printed following these remarks.

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

S. 3867

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

DEFINITIONS AND STANDARDS

SEC. 401 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321(f)) is amended by adding after the word "container" the first time it appears and after the semicolon the following:

"*Provided,* That such definitions and standards do not preclude the manufacture of properly labeled and clearly distinguished special dietary food products which do not conform to the standard, and, further,"

MISBRANDED FOOD

SEC. 403(j) is amended by changing the comma after the word "uses" to a colon and inserting a number (1), by changing the period at the end of the paragraph to a comma, and by adding the following at the end of the paragraph:

"Including but not liimted to (A) the name and address of the place of business of the manufacturer, (B) the common or usual names of each ingredient present in the product listed in descending order of predominance, (C) a declaration of the percentage of any ingredient of such product if the ingredient is an integral part of such product and is significant with respect to value, quality, nutrition, or acceptability of such product, or the ingredient is required to be so listed by the Secretary by regulation upon a finding that such information would be useful to consumers, (D) a clear statement of applicable U.S. Recommended Daily Allowances in the form established by the Secretary;

(2) and unless the Secretary finds, after giving due notice and an opportunity to the manufacturer, packer, distributor or other interested parties, for a public hearing, that a therapeutic or preventive claim made for such food product is not supported by substantial evidence that the food product will have the therapeutic effect it is purported or represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling thereof, *Provided,* that no such product shall be considered a drug unless a therapeutic or preventive claim for such product appears as part of its label, labeling, or advertising;

(3) and unless advertising for the product is not false or misleading in any particular;

(4) and unless all advertising for such product contains (A) if printed, the same information required on the label or labeling by subsection (j) of this section; (B) if not printed (television, radio or other) the name and address of the place of business, where the information required in subsection (j) of this section can be obtained, *Provided,* that such information must be presented in such terms as to render it likely to be read in the case of visual ads and heard in the case of ads with oral content, and understood by the ordinary individual;

(5) and unless the label, labeling or advertising contains no untrue nutritional, health, or other statement, *Provided,* that the required listing of ingredients in accordance with this subsection shall not be construed to be false or misleading statements prohibited by subsection (a) of this section.

EFFECTIVE DATE

SEC. The amendments made by this title shall take effect upon enactment, except that the effective date for any regulations promulgated pursuant to this title shall be no earlier than the first day of the sixth month beginning after the date regulations are published as a final order in the Federal Register with respect to all new or changed labels printed thereafter, and the first day of the eighteenth month beginning after the date the regulations are published as a final order in the Federal Register with respect to all other labels.

By Mr. HARTKE:

S. 3869. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes. Referred to the Committee on Post Office and Civil Service.

Mr. HARTKE. Mr. President, I am introducing today a bill that I introduced in the 92d Congress, to require the respective executive agencies and departments to provide advance notice to the Congress of certain planned organizational and other changes which would affect Federal civilian employees. This legislation is particularly relevant in light of the discussion now circulating on controlling the Federal budgeting process, and the overall impact on the Nation's economy of Federal expenditures.

This legislation is designed to protect and require fair notice opportunities for Federal civilian employees. The experiences of past reductions, and the anticipated gains and reductions in future executive actions have but one victim—the employee who suddenly is without employment through no action on his part, and which leaves little or no recourse for the individual. At the present time, Federal employees are subject to dismissal or relocation without sufficient notice. In order to protect these employees, my bill provides that when an agency or executive policy necessitates the dismissal or relocation of civilian employees, the head of the executive agency shall inform the Post Office and Civil Service Committees of the Senate and House of Representatives, and the respective employee organizations at

least 120 days before any such action is taken.

In some cases, the severe hardship employees economically find themselves subjected to are unnecessary, and could be prevented with adequate notice, planning, and preparation. The Federal Government must take the first step and provide the employees with appropriate notice of contemplated actions.

While my bill will not find new employment for the thousands who must search for new employment, and sometimes relocate, it will provide the employee ample opportunity to go into the employment marketplace and search for existing possibilities.

Fairness to the Federal worker demands fairness by the Federal employer. Decisions on transfers, discontinuations of programs, or reductions in force are not decisions that should be made without consideration by the employer of the consequences to the employee. It is only fair that the decisions made by the employer be passed along to the employee in a timely matter with fair notice under our civil service system.

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

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

S. 3869

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

That (a) subchapter II of chapter 29 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 2955. Advance notice to Congress of certain proposed actions of executive agencies affecting Federal civilian employment

"Whenever it is determined by appropriate authority that any administrative action, order, or policy, or series of administrative actions, orders, or policies, shall be taken, issued, or adopted, by or within any executive agency, which will effectuate the closing, disposal, relocation, dispersal, or reduction of the plant and other structural facilities of any installation, base, plant, or other physical unit or entity of that executive agency and which—

"(1) will necessitate, to any appreciable extent, a reduction in the number of civilian employees engaged in the activities performed in and through those facilities of that agency, in order to provide those employees with reasonable opportunity for further civilian employment with the Government outside the same commuting area; or

"(2) will necessitate, to any appreciable extent, the transfer or relocation of civilian employees engaged in the activities performed in and through those facilities of that agency, in order to provide those employees with reasonable opportunity for further civilian employment with the Government outside the same commuting area; or

"(3) both;

the head of that executive agency shall transmit to the respective Committees on Post Office and Civil Service of the Senate and House of Representatives and to employee organizations having exclusive recognition, at least one hundred and twenty days before any such action, order, or policy is initiated, written notice that such action, order or policy will be taken, issued, or adopted, together with such written statement, discussion, and other information in explanation thereof as such agency head considers necessary to provide complete information to the Congress with respect to that action, order, or policy. In addition, the agency head shall provide to such committees such additional pertinent information as those committees, or either of them, may request."

(b) The table of sections of subchapter II of chapter 29 of title 5, United States Code, is amended by adding at the end thereof—

"2955. Advance notice to Congress of certain proposed actions of executive agencies affecting Federal civilian employment.".

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 754

Mr. ERVIN. Mr. President, I ask unanimous consent of the Senate that the following Senators be added to S. 754, the speedy trial bill to give effect to the sixth amendment right to a speedy trial for persons charged with criminal offenses and to reduce the danger of recidivism by strengthening the supervision over persons released pending trial, and for other purposes. The Senators include Mr. ABOUREZK of South Dakota, Mr. GRAVEL of Alaska, and Mr. HASKELL of Colorado.

These gentlemen were inadvertently left off the bill before it was passed unanimously by the Senate and was printed.

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

S. 2022

At the request of Mr. TUNNEY, the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor to S. 2022, the Flexible Hours Employment Act.

S. 3305

At the request of Mr. CLARK, the Senator from Minnesota (Mr. MONDALE), the Senator from Ohio (Mr. TAFT), and the Senator from Florida (Mr. CHILES) were added as cosponsors of S. 3305, the National Huntington's Disease Control Act.

S. 3451

At the request of Mr. MCCLURE, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of S. 3451 to exempt range sheep industry mobile housing regulations affecting permanent housing for agricultural workers.

S. 3648

At the request of Mr. TUNNEY, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 3648 to amend the Urban Mass Transportation Act of 1964 to insure that transportation facilities built and rolling stock purchased with Federal funds are designed and constructed to be accessible to the physically handicapped and the elderly.

S. 3649

At the request of Mr. PELL, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 3649, the Social Security Recipients Fairness Act.

S. 3753

At the request of Mr. MCCLURE, the Senator from Utah (Mr. BENNETT), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Dakota (Mr. YOUNG), the Senator from Maryland (Mr. MATHIAS), and the Senator from Idaho (Mr. CHURCH) were added as cosponsors of S. 3753 to provide memorial transportation and living expense benefits to the families of deceased servicemen classified as POW's or as MIA's.

S. 3782

At the request of Mr. JAVITS, the Senator from Indiana (Mr. BAYH), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from New Mexico (Mr. MONTOYA) were added as cosponsors of S. 3782, the Emergency Health Professions Educational Assistance Loan Act.

SENATE JOINT RESOLUTION 189

At the request of Mr. HARRY F. BYRD, JR., the Senator from Georgia (Mr. NUNN) was added as a cosponsor of Senate Joint Resolution 189, to restore posthumously full rights of citizenship to Gen. Robert E. Lee.

SENATE JOINT RESOLUTION 224

At the request of Mr. MONTOYA, the Senator from Iowa (Mr. HUGHES) and the Senator from South Dakota (Mr. ABOUREZK) were added as cosponsors of Senate Joint Resolution 224, to authorize and request the President to issue annually a proclamation designating January of each year as "March of Dimes Birth Defects Prevention Month."

SENATE CONCURRENT RESOLUTION 105—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE RETURN OF SMOKEY BEAR TO CAPITAN, N. MEX.

(Referred to the Committee on Agriculture and Forestry.)

Mr. MONTOYA. Mr. President, 24 years ago, a small black bear cub was found by forest fighters clinging tenaciously to a charred tree trunk in the Capitan Mountains of New Mexico. The young cub was named Smokey Bear. Since that time, Smokey has become America's most well loved spokesman for forest fire prevention.

As Smokey enters the autumn years of his life, the people of New Mexico have expressed their wish that Smokey's body be returned from the National Zoo in Washington to the Capitan Mountains to be laid to final rest.

Today, I submit the following concurrent resolution to implement this request of the New Mexican people. I ask unanimous consent that its text be printed in the CONGRESSIONAL RECORD at this point:

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

S. CON. RES. 105

Whereas a black bear cub was found by forest fire fighters nearly twenty-four years ago in the Capitan Mountains of New Mexico and this cub was placed in the National Zoo in Washington, District of Columbia, and named Smokey Bear and became world famous as the living symbol of forest fire prevention; and

Whereas the people of Capitan, New Mexico, have expressed a strong desire for the return of the body of Smokey to Capitan upon his death: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that upon his death the body of Smokey Bear may be returned to Capitan, New Mexico, for proper disposition and a permanent memorial in or near Capitan.

SENATE CONCURRENT RESOLUTION 106—AN ORIGINAL CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF "PUBLIC FINANCING OF FEDERAL ELECTIONS" (REPT. NO. 93-1050)

(Placed on calendar.)

Mr. CANNON, from the Committee on Rules and Administration reported the following concurrent resolution:

S. Con. Res. 106. A concurrent resolution authorizing the printing of additional copies of Senate hearings entitled "Public Financing of Federal Elections."

S. CON. RES. 106

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Rules and Administration one thousand additional copies of its hearings of the first session of the Ninety-third Congress entitled "Public Financing of Federal Elections".

SENATE RESOLUTION 372—SUBMISSION OF A RESOLUTION TO URGE THE IMMEDIATE RELEASE OF CRITERIA GUIDELINES AND REGULATIONS TO IMPLEMENT THE DISASTER RELIEF ACT OF 1974

(Referred to the Committee on Public Works).

Mr. HUDDLESTON. Mr. President, in a few days we will mark the 4-month passing since tornadoes struck Kentucky and a number of other Southeastern and Midwestern States, inflicting devastating damage to life and property. In a few hours, over 100 tornadoes caused 322 deaths, millions of dollars of property damage and altered the lives of thousands. Some of the cruelest blows dealt by the massive storm fell on Kentucky which bore the grimmest toll of 71 deaths and 693 injured with an estimated $150 million in property damages.

The Congress acted quickly in passing the Disaster Relief Act of 1974 and on May 21, over 2 months ago, President Nixon signed it into law. And, I must say, the immediate response from the Federal Government was swift and excellent. However, while the immediate emergency is behind us, the intermediate and long term rehabilitation still lies ahead.

Yet this work is being impeded because guidelines and regulations have not been announced by the Federal Disaster Assistance Administration. I feel it is imperative that the momentum begun in the early stages of recovery be continued without interruption and delay, and that individuals, businesses and farmers and communities be advised of the assistance available to them in order that they might proceed with this rehabilitation.

The assistance provided under the Disaster Relief Act is desperately needed and the delay of this assistance causes undue hardship on victims attempting to reorient, adjust, rehabilitate and recover. For example, hundreds of individuals and families in Kentucky and elsewhere need the assistance provided by section 408 of the act and many communities burdened with sudden, extraordinary expenses need the assistance loans provided under section 414.

In addition, communities are hampered in developing plans to replace public facilities until Federal guidelines and regulations are released.

The burden of recovery is compounded by inflation throughout the economy including very necessary and essential building materials. Each day of delay impedes recovery and escalates the cost of rehabilitation.

Since Kentucky was designated a disaster area, 21 other States have received Presidential declarations of major disaster areas. I know that the disasters in these States have added to the urgency to complete and disseminate regulations and guidelines. It is my understanding that the Federal Disaster Assistance Administration has been working on the criteria, standards, and procedures for some time—predating enactment of Public Law 93-288 by a number of weeks. I have been in frequent contact with Secretary Lynn and Administrator Dunn to inquire when these regulations will be issued, and have received for 2 months now the same assurances—"any day."

Once again, I would commend the Federal Government for its immediate response. But that initial response has not been followed up by the bureaucracy charged with implementing the new Federal disaster law.

It is sad indeed that the benefits of a worthy program are denied its rightful recipients because of dilatory action by a government bureaucracy.

If it takes this long to write regulations, I shudder to think how long it might take to actually deliver the aid promised.

I am afraid that many disaster victims are beginning to feel that they have the best wishes of their Government for a speedy recovery and little else.

Mr. President, I am sure that Members of Congress appreciate the urgency of this matter and trust they will join me in approving a resolution calling for the immediate dissemination and implementation of the criteria, standards, and procedures for assistance under the Disaster Relief Act of 1974.

The resolution reads as follows:

S. RES. 372

Resolution to urge the immediate release of criteria, guidelines and regulations to implement the Disaster Relief Act of 1974

Whereas on May 21, 1974, the Disaster Relief Act of 1974 was signed into law; and

Whereas the Senate and House Public Works Committees acted with extraordinary speed in developing new legislation and in securing passage by the Congress so that relief could be provided as soon as possible; and

Whereas the only remaining delay in implementing the new law is the release of administrative regulations and guidelines; and

Whereas there have been assurances from the Housing and Urban Development Department for weeks that administrative regulations had been substantially completed and would be released any day; and

Whereas delayed assistance causes undue hardship on victims attempting to reorient, adjust, rehabilitate, and recover; and

Whereas daily rising costs in building materials and other essential supplies further escalates cost of recovery; and

Whereas many communities burdened with extraordinary expenses need assistance loans and replacement of public facilities; and

Whereas individuals, businesses, farmers and communities cannot proceed with intermediate and long-term rehabilitation: Now, therefore, be it

Resolved, That it is the sense of the Senate that criteria, standards and procedures for assistance under the Disaster Relief Act of 1974 be disseminated and implemented immediately.

SENATE RESOLUTION 373—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING AS A SENATE DOCUMENT A STUDY ENTITLED "NATIONAL GROWTH POLICY"

(Referred to the Committee on Rules and Administration.)

Mr. HARTKE. Mr. President, once the future of this Nation knew no bounds. We talked of growth as if it were both inevitable and desirable, but we did not reckon with the consequences of growth. Now we have crowded cities and deserted rural areas, air and water pollution, and shortages of major commodities.

Our country must grow in order to prosper, and we have the capacity to continue to grow—but our expansion must be neither boundless nor irrational. We must plan for the future of this Nation at all levels of government so that we can anticipate future needs and avoid crises.

That is the essence of my National Growth Policy Planning Act—S. 1286—to provide both an incentive and a mechanism for us to plan for the future of this country.

Late last year, I asked the Congressional Research Service to undertake a study of the need for a national growth policy. The results of that study have now been compiled in an excellent report, which I believe should be made available to the public.

I am therefore submitting a resolution today calling for the printing of this study entitled "National Growth Policy" as a Senate document.

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

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

S. RES. 373

Resolved, that the study entitled "National Growth Policy", prepared by the Congressional Research Service, Library of Congress, be printed as a Senate document; and that there be printed one thousand thirty additional copies of such document for the use of the Senate.

SENATE RESOLUTION 374—ORIGINAL RESOLUTION REPORTED RELATING TO THE PURCHASE OF CALENDARS FOR 1975 (REPT. NO. 93-1049)

(Placed on calendar.)

Mr. CANNON, from the Committee on Rules and Administration reported the following resolution:

S. Res. 374. An original resolution relating to the purchase of calendars for 1975.

S. RES. 374

Resolved, That the Committee on Rules and Administration is authorized to expend from the contingent fund of the Senate

$905, in addition to the amount specified in S. Res. 299, Ninety-third Congress, agreed to March 26, 1974, to pay for the increased cost of calendars authorized to be purchased under that resolution and to purchase two hundred and fifty additional calendars.

SENATE RESOLUTION 375—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS (REPT. NO. 93-1052)

(Placed on calendar.)

Mr. CANNON, from the Committee on Rules and Administration reported the following resolution:

S. Res. 375. An original resolution authorizing supplemental expenditures by the Committee on Interior and Insular Affairs for inquiries and investigations during the period March 1, 1973, through February 28, 1974.

S. RES. 375

Resolved, That section 2 of Senate Resolution 33, Ninety-third Congress, agreed to February 22, 1973, is amended by striking out "$475,000" and inserting in lieu thereof "$478,200".

SENATE RESOLUTION 376—AN ORIGINAL RESOLUTION TO PAY A GRATUITY TO ROSALIE S. LEWIS

(Placed on the calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported the following resolution:

S. Res. 376. A resolution to pay a gratuity to Rosalie S. Lewis.

S. RES. 376

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Rosalie S. Lewis, widow of Willie L. Lewis, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 377—ORIGINAL RESOLUTION REPORTED AUTHORIZING THE PRINTING OF THE 76TH ANNUAL REPORT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION AS A SENATE DOCUMENT (REPT. NO. 93-1053)

(Placed on the calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported the following resolution:

S. RES. 377

Resolved, That the Seventy-sixth Annual Report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1973, be printed with an illustration, as a Senate document.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 352

At the request of Mr. Moss, the Senator from Alabama (Mr. SPARKMAN) was added as a cosponsor of Senate Resolution 352, to amend certain standing rules of the Senate with respect to jurisdiction over energy research and development matters.

AMENDMENT OF THE ATOMIC ENERGY ACT—AMENDMENT

AMENDMENT NO. 1760

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

Mr. SCHWEIKER submitted an amendment intended to be proposed by him to the bill (H.R. 15323) to amend the Atomic Energy Act of 1954, as amended, to revise the method of providing for public remuneration in the event of nuclear incident, and for other purposes.

AMENDMENT NO. 1762

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

Mr. NELSON (for himself and Mr. MONDALE) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 15323), supra.

DEVELOPMENT OF A FAIR WORLD ECONOMIC SYSTEM—AMENDMENT

AMENDMENT NO. 1761

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

Mr. HARTKE submitted an amendment intended to be proposed by him to the bill (H.R. 10710) to promote the development of an open, nondiscriminatory, and fair world economic system, to stimulate the economic growth of the United States, and for other purposes.

OIL IMPORTS BY U.S. FLAG VESSELS—AMENDMENT

AMENDMENT NO. 1763

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

Mr. HATFIELD. Mr. President, I send to the desk an amendment to H.R. 8193, the Energy Transportation Security Act. H.R. 8193, as reported by the Senate Committee on Commerce, states in section 4 that the provisions of the act would not apply to any refiner whose total capacity does not exceed 30,000 barrels per day. I propose that section 4 be amended so that the act will not apply to any refiner whose capacity does not exceed 175,000 barrels per day or whose total refinery capacity is located within Foreign Trade Zones.

The 30,000 barrel-per-day criterion for the exemption may be based on SBA guidelines, 121.3-8, "Definition of small business for Government Procurement" paragraph (g), "refined petroleum products," item (ii). This small refiner definition as applied by DOD establishes certain preferential DFSC bidding rights to companies controlling 30,000 barrels per day or less crude oil or bona fide feedstock refinery capacity. The SBA criterion was established many years ago before such small refineries were considered economically obsolete by the U.S. oil industry and before complex fuels desulferization became a prerequisite of domestic refining facilities.

The 30,000 barrels per day "small" definition was made obsolete by Congress in Public Law 93-159, the Emergency Petroleum Allocation Act of 1973. Therein Congress defined a small refiner as—

A refiner whose total refinery capacity . . . does not exceed 175,000 barrels per day.

This has proven to be a workable "small refinery" size definition for the allocation of deficient U.S. crude oil supplies among refiners under the FEA Petroleum Allocation and Pricing Regulation, paragraph 211.63 "Definitions" (chapter II of title 10 of the Code of Federal Regulations, parts 211 and 212).

Page 17 of the conference report (House Report 93-628) on the emergency petroleum allocation bill addressed the reasons for selecting the 175,000 barrel-per-day capacity limit for small refiners—

In singling out small refiners for certain purposes under this Bill, the Conference Committee intends to offer a mantle of protection to those refiners who by reason of their relatively small size may be disadvantaged in competing with larger refiners in bidding for and obtaining adequate crude supplies.

My amendment, therefore, brings the small refiner exemption in the Energy Transportation Security Act into line with the workable and accepted definition of small refiner that Congress established in the Emergency Petroleum Allocation Act.

Regarding the additional exemption of refiners located in Foreign Trade Zones, I do not believe it is the intention of the committee to apply the restrictions of this bill to Foreign Trade Zone operations—rather, I believe it is an oversight, as there is only one such refinery in the country, in Hawaii. Such refineries are required under Public Law 73-397, as amended (Public Law 81-566), "to expedite and encourage foreign commerce." Therefore, they would normally process 100 percent foreign crude oil and market a significant portion of their zone refined products to foreign countries. To remain competitive in these markets, this special class of U.S. based international refiner must be allowed 100 percent crude import carriage in foreign bottoms if it is to equitably compete under U.S. law with foreign based operations.

Unless Foreign Trade Zone refiners are exempted, this bill will unfairly discriminate against existing and future zone refiners by requiring a significant portion of its zone-entered crude oil to be transported on higher priced American flag tankers, probably preventing the economic growth of such zone-based but foreign market-oriented operations.

I have prepared more specific arguments supportive of my amendment, and I ask unanimous consent that they appear in the RECORD following my remarks, together with the text of the amendment.

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

SUPPORTIVE ARGUMENTS

My amendment No. 1763 to exclude small refinery companies (175,000 bpd or less capacity) as well as U.S. Foreign Trade Zone-based refinery operations will prevent disincentives to the independent segment of the refining industry in the following ways:

1. It will allow those small refiners (total refinery capacity of less than 175,000 bpd) who do not enjoy the economic benefits of super-tanker cargo movements (which are

only practical for the very large refiners) to remain competitive by the exclusive use of lower cost foreign bottoms until such time as U.S. flag charters are economically competitive.

2. It will assure the desired growth of the U.S. merchant fleet without seriously diminishing (less than 18%) the total import tonnage that would otherwise be carried under U.S. flag.

3. According to FEA comments (39 FR 8635), "most small refiners (up to 175,000 bpd) above that level (75,000 bpd) have coastal locations and are able to seek out and handle imported crude. Many of those below that level (75,000 bpd) are inland refineries less well situated and not as experienced in importing crude oil. FEO is aware that both the Small Business Administration and the Oil Import Program have used 30,000 barrels a day as a benchmark for determining small refiners. But the legislative admonition to protect a larger class of smaller refiners and the fact that a Congressional Committee declined to set a 30,000 barrel capacity limit in the Bill warrants establishing a higher figure." As a result, the FEO regulations required only refinery companies with more than 175,000 bpd capacity to share their allowable crude oil supplied with refiners having less than 175,000 bpd total capacity.

Because many refineries below 75,000 bpd are inland and thus totally reliant for logistic reasons on domestic crude, exempting that segment from the Bill will have no effect whatsoever on U.S. flag carriage.

4. Further, the Federal Energy Office reported that on January 25, 1974, the gross operating U.S. refining capacity (ex Puerto Rico, Virgin Islands and Guam) and the number of separate refining companies in each relative size capacity bracket was as follows:

Adjusted daily refinery capacity, Jan. 25, 1974	Number of companies	Percent of total U.S. refining capacity	Represents U.S.-based refining capacity, barrels per day
175,001 barrels per day and above	18	82	12,983,955
175,000 barrels per day and below....	109	18	2,857,308
Total........	127	100	15,841,263

The eighteen major companies in the first category are all involved in international petroleum activity and are integrated operations (crude production/transportation/refining/distribution/retail marketing). But the "international" and "integrated" classifications do not likewise apply to most of the independent "175,000 bpd or less" small U.S. refiners.

Those 18 majors actually represent 110 geographically separate refinery locations, accounting for 82% of the U.S. statewide refining capacity. Further, they control directly or through parent or foreign affiliates a much more significant percentage of foreign crude oil production, transportation, and importation into the U.S. either for their own refineries' account or for resale to the smaller refining companies. Including the crude oil imports of these 18 majors but exempting the 108 smaller U.S. domestic companies (175,000 bpd capacity or less) will assure that at least 82% and probably a much larger portion of U.S. imported crude oil carriage will be covered by the Bill.

5. The House Permanent Select Committee on Small Business, Ninety-Third Congress, concluded in its July 1973 committee report titled "Energy Crisis and Small Business," that,

"1. The eight largest majors have effectively controlled the output of many of the independent crude producers.

2. A high degree of control over crude is matched by relatively few crude exchanges with independents, an exclusionary practice which denies a high degree of flexibility to the independent sector while reserving it to the majors.

3. Independent refiners are largely dependent on the majors for their crude supply, but independents sell very little of their gasoline output back to major oil companies. Independent refiners sell the largest amount of their output to independent gasoline marketers and to their own stations. Thus, the welfare of the independent marketing sector is largely dependent on the well-being of independent refiners.

4. The continued existence and viability of the independent refiner is necessary for the survival of the independent markets. This is especially true since the eight largest majors rarely sell gasoline to the independent marketers.

5. The major oil companies in general and the eight largest majors in particular have engaged in conduct which exemplifies their market power and has served to squeeze independents at both the refining and marketing levels. Such conduct and associated market power has its origin in the structural peculiarities of the petroleum industry and has limited the independents' share of the market to approximately one-quarter of the total, especially in Districts 1 and 3, resulting in a threat to the continued viability of the independent sector in this market."

The foregoing indicates that a year ago the House committee concluded the independent or small refiner group was in difficulty but that their continuing viability was necessary to the independent marketer. In the interim, with the great cash requirements imposed by higher crude oil cost, the formerly competitive small refiner has become even more borderline or is slowly meeting his demise. The small or independent segment of the petroleum market has actually decreased 25–40% in the last decade, depending upon whose figures one uses.

Amending the Bill to cover 82% or more of U.S. imported crude (supplies to refiners with refinery capacity in excess of 175,000 bpd) is a fair compromise between the small refining and U.S. shipping industries. If so amended, the Bill would support competition within the U.S. petroleum and American maritime industries alike without bleeding the hardpressed independent group of oil refiners which is undergoing survival pains imposed by immediate-past, current and projected international energy trends preferentially favoring the large international oil companies.

CONCLUSION

1. There is no apparent justification for including foreign crude carriage to foreign-trade zone refinery capacity if such operations are to remain competitively viable in the world market.

2. Further burdening the smaller segment of the petroleum industry with higher comparative imported raw material transportation costs at a time of ever greater dependence on foreign source crudes is unjustifiable.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 1449

At the request of Mr. TUNNEY, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of amendment No. 1449, intended to be proposed by him, to S. 3035 to amend title 23, United States Code, the Federal Highway Act of 1973, and other related provisions of law, to establish a unified transportation assistance program, and for other purposes.

AMENDMENT NO. 1541

At the request of Mr. COOK, the Senator from Ohio (Mr. TAFT), the Senator from Texas (Mr. TOWER), and the Senator from West Virginia (Mr. ROBERT C. BYRD) were added as cosponsors of amendment No. 1541 intended to be proposed to S. 2744, the Energy Research and Development Agency Act.

AMENDMENT NO. 1648

At the request of Mr. TAFT, the Senator from New York (Mr. BUCKLEY), the Senator from North Carolina (Mr. ERVIN) and the Senator from Michigan (Mr. GRIFFIN) were added as cosponsors of amendment No. 1648, intended to be proposed by him, to S. 707, the Agency for Consumer Advocacy Act.

ANNOUNCEMENT OF HEARING ON NOMINATION OF JACK W. CARLSON TO BE ASSISTANT SECRETARY OF THE INTERIOR FOR ENERGY AND MINERALS

Mr. JACKSON. Mr. President, I wish to announce for the information of the Members of the Senate and other interested parties that the Committee on Interior and Insular Affairs has scheduled an open hearing for Monday, August 5, 1974, at 10 a.m. on the nomination by the President of Jack W. Carlson to be Assistant Secretary of the Interior for Energy and Minerals. The hearing will be held in the Interior Committee room 3110, Dirksen Senate Office Building, and those wishing to present testimony or submit statements for the record should so advise the committee staff.

Mr. President, I ask unanimous consent that a brief biographical sketch of Mr. Carlson be printed in the RECORD at this point in my remarks.

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

JACK W. CARLSON

Currently, Assistant to the Director of the Office of Management and Budget (Economic Policy), Executive Office of the President; Director of the Economic Policy Division and responsible for Troika and Quadriad activities, and for coordinating changes in credit, tax, and regulatory policies; Member of the Cabinet Committee on Economic Policy; Director of the Federal Study of Commodities in Short Supply (mineral, agricultural, and processed); Deputy Member of the Cost of Living Council, which was established to help stabilize wages and prices; Chairman of the United Nations Senior Economic Advisers to the governments of the Economic Commission for Europe.

Formerly, Assistant Director of the U.S. Bureau of the Budget (1968–1970) and responsible for the Federal Planning-Programming-Budgeting System; Senior Staff Economist with the President's Council of Economic Advisers (1966–1968); Assistant to the Secretaries of the Air Force and Defense 1964–1966); served in the U.S. Air Force and resigned as a Major; served as Professor of Economics or Management at several universities at various times.

B.S. and M.B.A. (Business Administration) degrees from the University of Utah (1957) and M.P.A. (Public Administration) and Ph.D. (Economics) degrees from Harvard University (1963); Fellow of the School of Public Administration at Harvard University (1968); public writings have been published in Government publications (e.g., "Evaluation of Public Expenditures"), professional journals (e.g., "American Economic Review"), public magazines (e.g., "The Washington Monthly"), and newspapers (e.g., "The New York Times"); congressional testimony has been given before the Joint Economic Senate Aeronautical and Space Sciences, Senate

Public Works, House Ways and Means, House Science and Astronautics, and House Armed Services committees.

Born in Salt Lake City, Utah, in 1933 and lived in Utah, Idaho, and Colorado. Married to the former Renee Pyott in 1954. The Carlson's have seven children, ages 4–18. Office telephone: 202-395-3423. Home telephone: 301-299-8565.

NOTICE OF HEARING BY THE SUBCOMMITTEE ON PARKS AND RECREATION

Mr. JACKSON. Mr. President, I wish to announce for the information of the Senate and the public that open public hearings have been scheduled by the subcommittee on parks and recreation on August 2, 1974, at 10 a.m. in room 3110 Dirksen Senate Office Building on the following bills:

S. 3413, to amend the Land and Water Conservation Fund Act of 1965, as amended.

S. 3806, to amend the Historic Preservation Act of 1966 (a bill to increase the authorizations of grants for the preservation of historic properties under the act of 1966).

NOTICE OF HEARING ON H.R. 15791, HOME RULE ACT AMENDMENTS

Mr. EAGLETON. Mr. President, on July 29, 1974, the House of Representatives passed a bill (H.R. 15791), to amend section 204(g) of the District of Columbia Self-Government and Governmental Reorganization Act, and for other purposes. This bill has been referred to the Senate Committee on the District of Columbia. Anyone wishing to inform that committee of their views on those parts of H.R. 15791 dealing with the election of new members to the School Board when vacancies occur, and with granting authority to the City Council to regulate the conversion of rental property to condominiums should submit their statement to the Committee on the District of Columbia, room 6222, Dirksen Senate Office Building, by 12 noon on Tuesday, August 13, 1974.

ANNOUNCEMENT OF HEARINGS ON THE GROWING FINANCIAL PROBLEMS OF THE NATION'S ELECTRIC UTILITIES

Mr. JACKSON. Mr. President, I wish to announce that the Senate Interior Committee will hold hearings on August 7 and 8 on the growing financial problems of the Nation's electric utilities. The hearings will begin each day at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

Mr. President, at a time when growing peak load demand, skyrocketing fuel and construction costs and other factors have pushed utilities' capital needs to unprecedented levels, the market for utility bonds is in a state of disarray and the market for utility stocks is almost nonexistent. As a result of these financial conditions, utilities across the country are slashing construction budgets and canceling or postponing major projects. These actions have raised serious questions about the adequacy and reliability of future electricity supplies which the committee wants to explore.

We need to know whether this widespread retrenchment is an appropriate response to high costs of construction, money and fuel, consistent with a declining future growth rate for consumption, or whether it is laying the groundwork for an electricity crisis of the future. We also need to know whether the utilities' problems can be resolved by State public utility commissioners or whether some Federal role is called for, either to reduce the rate of growth in electrical demand, or assist the utilities in raising capital, or both.

These are fact-finding hearings, but we also hope to recommend positive actions that assure consumers of adequate power supplies in the future.

Mr. President, I ask unanimous consent that lists of witnesses and questions and policy issues for these hearings be included in the RECORD at this point.

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

HEARING ON FINANCIAL PROBLEMS OF THE ELECTRIC UTILITY INDUSTRY

WITNESS LIST

August 7, 1974—10:00 a.m.

Dr. Irwin M. Stelzer, President, National Economic Research Associates.

Jack K. Busby, President, Pennsylvania Power and Light Company.

Don C. Frisbee, Chairman of Board and Chief Executive Officer, Pacific Power and Light Company.

Andrew H. Hines, Jr., President, Florida Power Corporation.

Charles R. Pierce, Senior Vice President for Sales and Public Relations, Long Island Lighting Company.

John G. Quale, President, Wisconsin Electric Power Company.

Ralph Sargeant, Jr., Vice President, Public Service Company of Colorado.

Lelan S. Sillin, Jr., President and Chairman of the Board Northeast Utilities Service Company.

Dr. Murray L. Weidenbaum, Professor of Economics, Washington University.

August 8, 1974—10:00 a.m.

Dr. Alfred Kahn, Chairman, New York Public Service Commission.

Mr. William Rosenberg, Chairman, Michigan Public Service Commission.

Mr. Vernon Sturgeon, Chairman, California Public Service Commission.

FINANCIAL PROBLEMS OF THE ELECTRIC UTILITY INDUSTRY—QUESTIONS AND POLICY ISSUES FOR INVITED WITNESSES AND FOR STATEMENTS FOR THE HEARING RECORD

INTRODUCTION

Beginning in the late 1960s, the electric utility industry in the United States has faced a remarkable series of hardships in meeting the projected demand for electric power. Prominent among them are the following:

(1) Utilities are having to bear a high proportion of the additional costs required nationally to maintain and improve air and water quality.

(2) The high capital intensity of the industry has made it particularly vulnerable to the accelerating inflation of construction costs.

(3) The industry's high capital intensity has also magnified the effect upon its cost and financial requirements of high interest rates.

(4) The last year has seen absolute shortages of some fuels, and an increase in the prices for fuel oil and low sulfur coal of three to five times.

(5) The newest and largest generating plants have almost all been plagued by unanticipated siting, engineering, delivery, construction or startup delays, and by unreliability of equipment.

The impact of these cost-inflating factors upon the ability of electrical utilities to serve future demand has been magnified by a body of regulatory institutions, rules, procedures and accounting practices which seem to be ill-adapted to conditions of rapid change and rapid inflation.

Governmental responsibility over the finances and operation of electric utilities is fragmented among four dozen state utility commissions, the Federal Power Commission, a host of other regulatory bodies (the Environmental Protection Administration, Securities and Exchange Commission, etc.), and various federal, state and local enterprises. No single agency has even the clear responsibility for analytical oversight of the industry, much less the authority to coordinate policy to resolve its problems.

The results have included a growing inability of electric utilities to market either bonds or shares to finance new capacity, and in a few cases difficulty in obtaining working capital to maintain existing levels of service. At least one major utility appears to be on the brink of insolvency. Its failure might be as serious for its service area, and as difficult to reverse, as the collapse of the Penn Central Railroad has been.

The cost squeeze upon the utilities and their difficulties in raising new capital are easy to demonstrate. It is not obvious, however, whether the resulting retrenchment of construction plans should be regarded as

(1) an appropriate response to high costs of construction, money and fuel, and to increasing environmental stress, consistent with a declining future growth rate for electricity consumption;

(2) a situation properly resolved by state public utility commissions, by setting rates consonant with the incremental cost of electricity and by allowing utility earnings consistent with the current cost of capital; or

(3) an imminent national crisis that calls for active intervention by the federal government either to reduce the growth of electrical demand or to assist or even subsidize the utilities in raising capital (or both).

The hearings scheduled for August 7 and 8 by the Committee on Interior and Insular Affairs are part of the National Fuels and Energy Policy Study, which consists of the Committee plus ex-officio members from seven other committees. The purpose of the hearings is an overview of the financial problems of the electric utilities and to consider the range of federal initiatives, if any, which ought to be taken to deal with their problems.

At the hearings the Committee hopes to examine the problems of electricity supply and utility financing in the broad perspective of national energy policy and national economic policy. The following list summarizes the questions and policy issues the Committee wishes to answer. It is not necessarily intended as a strict outline for testimony of invited witnesses or for prepared statements by others for the hearing record. The Committee does request, however, that witnesses and others address themselves, as much as practical within their respective competence (or that of their organizations) and the time or space available, to the range of issues on this list and to the interrelations among them.

QUESTIONS AND POLICY ISSUES CONCERNING THE FINANCIAL PROBLEMS OF THE ELECTRIC UTILITY INDUSTRY

1. Is the United States likely to be faced with an inadequate supply of reliable electric power in the early and mid-1980's?

This question has two parts—

(a) To what extent have the events of the last year changed the outlook for growth of electricity consumption over the next decade? What are the implications of this change for total generating capacity, new construction and financial capital required by the electrical utility industry?

Response to this sub-question might begin with electricity demand projections made in early 1973 (or before) with their salient assumptions, and then deal (separately, if possible) with the impact on demand growth, indicated or anticipated, from

(1) higher rates resulting from increases in the cost of fuel, construction, capital and other inputs;

(2) price rises for competing fuels even more rapid than for electricity (because of rolled-in pricing, the influence of low embedded costs on electric rates, and changed perceptions regarding the reliability of competing fuels);

(3) depressed real growth rates for the economy as a whole;

(4) development of a "conservation ethic" and promotion of energy conservation by government (including regulatory commissions); and

(5) other economic or public policy developments.

(b) What is happening to utility construction programs?

Responses to this sub-question should deal with cancellations and postponements, and with changes in types of plants to be built both with respect to size and type of fuel. They might start with capacity, construction and financial need projections made early in 1973 (or before) with their salient assumptions, and then survey the extent to which utilities are reducing or postponing their construction plans. To what extent are these reductions the result of

(1) reductions in the expected growth rate of electricity consumption;

(2) financial circumstances leading to a deliberate reduction in planned reserves and reliability standards;

(3) other factors such as an aggravation of siting and other environmental constraints, engineering and construction delays, startup and plant reliability problems?

2. What would be the actual costs and consequences of a substantial decline in reserve generating capacity and system reliability; what measures are being taken or can be taken to reduce adverse impacts?

Aspects of this issue include the following:

(a) What would be the impact upon the economy, upon public health, safety and welfare, and upon lifestyles, if no measures were taken to anticipate and adapt to diminished reliability?

(b) What measures, either of an emergency or a routine character, such as central station load-shedding devices, could (or would as a matter of course) be taken by utilities, by government, by industry and by households, to cope with and adapt to diminished reliability? Could further use be made of interruptible contracts?

(c) What would be the effectiveness and costs of feasible measures to adapt to diminished reliability? How would those costs compare with the costs of expanding generating and distribution capacity to meet anticipated demand at traditionally acceptable reliability levels?

(d) What measures are actually being taken?

(e) To what extent have utilities prepared contingency plans—such as those required by the Federal Power Commission—to handle loss of load, and exposed them to public scrutiny?

3. Is the electric utility industry in a genuine financial crisis?

This question has several parts, among them:

(a) Why are utilities currently having difficulty raising either debt or equity capital to finance construction programs?

(b) How general are these difficulties; are they confined to only a few (if important and well publicized utilities with the majority in a relatively good financial position? Or, are the agonies of Consolidated Edison only an extreme instance of problems that face the industry generally?

(c) Are the utilities current financial difficulties transitory, or can they be expected to persist or worsen?

(d) If the outlook for the electric utilities is an inevitable slide, piece by piece, into insolvency and *de facto* nationalization, should Congress begin to examine options for general restructuring of the industry, including complete *de jure* nationalization?

4. What role is there, if any, for the federal government in preventing Consolidated Edison and other distressed utilities from collapsing like Penn Central, or in relieving such a crisis if it should occur?

(a) Should there be a contingency plan and a federal institutional framework for sustaining and reorganizing insolvent utilities?

(b) What is likely to happen if there is no such plan? What will be the effect on financial institutions and on the ability of other utilities to raise capital, if a major utility fails? What will be the *ad hoc* demands on the federal government, and what will the policy options be at that time?

(c) What will be the impact upon the incentives of utility management and regulatory commissions to act responsibly if the failure of a major utility establishes a federal rescue precedent? What is the cumulative impact upon the efficiency and integrity of the free enterprise system from the recent and prospective federal rescue of insolvent firms in various sectors?

5. How do the utilities themselves, the state commissions, the Federal Power Commission and other authorities (such as the SEC, Anti-Trust Division, FEA) view the plight of and outlook for the utilities? What is the response of consumers, including large customers and consumer advocacy groups? What policy changes and other actions are being taken and with what indicated and expected results?

(a) In addition to cutting back construction programs, how are utilities adapting to financial stringency? For example, by tending toward less capital intensive facilities (gas turbines rather than nuclear plants), by leasing and other off-balance sheet financing devices by changes in marketing strategy (promotion of conservation, redesign of rate structures, etc.). What are the long term implications of these moves?

(b) Have the actions of regulatory bodies been adequately responsive to the current situation? To what extent have they

(1) Accelerated their decisions in order to reflect rapidly changing conditions;

(2) Allowed higher rates of return on equity;

(3) Adapted accounting practices (flow-through vs. normalization; treatment of AFDC, etc.) to allow higher effective rates of return;

(4) Encouraged or required conservation measures and redesign of rate structures; and

(5) Encouraged or required improved operational efficiency?

(c) In which cases, if any, have measures of this sort been adequate, and what has been the public reaction?

6. What should be the general objectives of public policy toward the electric utilities, and how do these objectives trade off against other important policy objectives?

This question has many dimensions, for example—

(a) Is a period like the present (of high capital costs, unprecedented inflation and capacity bottlenecks throughout the economy) an appropriate time to initiate or sustain large capital-intensive construction projects? To what extent does this consideration dictate—

(1) reduction or postponement of construction plans, particularly for nuclear power;

(2) a deliberate effort to reduce or halt the growth of electric demand (by higher rates, excise taxes, end-use controls, or simply as a result of declining reliability); and

(3) preference in new construction for less capital-intensive facilities (such as oil-fired turbines)?

(b) Which is the greater impetus to inflation and drag on real economic growth:

(1) Restriction on the growth of electrical consumption (through higher rates, taxes, end-use controls, or a decline in reliability) or

(2) the construction program and demand for financial capital necessary to meet all projected demand for electric power?

(c) To what extent should the goal of national self-sufficiency in fuels override other considerations, for example, inflationary impact of construction programs for capital-intensive domestic supply, environmental quality, or safety in determining the volume and character of new electric generating capacity?

(d) To what extent would the objective of increasing utility interconnection conflict with anti-trust and Public Utility Holding Company Act policies?

7. What role, if any, should the federal government play in facilitating the utilities' access to capital through special tax treatment, Treasury credits, federal loan guarantees or intermediation of credits from oil producing countries?

This question has two major aspects—

(a) Is it proper, economically efficient and desirable for the federal government to subsidize electricity production directly or indirectly (and hence consumption) in order to relieve consumers of the need to finance construction through higher rates?

(b) What would be the likely real effect of each proposed kind of federal financial aid upon the availability and cost of capital? What rate increases would be necessary and sufficient to have an equivalent impact?

8. Should the Federal Power Commission and/or the Federal Energy Administration take an activist role, directly and by assisting and persuading state commissions in measures (a) to reduce the necessary additions to generating capacity (particularly peaking capacity), (b) to reduce the cost of new electric supply (c) to assist utilities in raising capital for new construction programs, and (d) to devise acceptable and economically sound means of central station load-shedding?

Measures that might be considered include—

(a) Redesign of utility rate structures in the interest of economic efficiency, including (1) energy conservation and (2) increasing of load factors, by revision of declining block rates, peak load responsibility pricing, etc. (Consideration should be given to the need for coordination to prevent "whipsawing" of states by large industrial customers with respect to rate structures.)

(b) Introduction of peak management systems, including selective load-shedding devices operable from central stations;

(c) Further interconnection of individual utility systems;

(d) Reduction of construction costs by standardization of plant design;

(e) Allowance of economically realistic rates of return on utility investments; (what is a currently appropriate rate of return?)

(f) Revision and standardization of accounting practices to permit a higher effective rate of return on investment (without necessarily increasing the nominal rate of return);

(g) Investigation of the extraordinary inflation of construction costs and the causes of

lower reliability of newer generating units; and

(h) establishment of a Federal entity to (1) monitor the efficiency of utility management, and the consistency of expansion plans and rate actions with national energy objectives, and (2) to intervene on these matters with state commissions and federal regulatory agencies.

9. Are there other measures that could or should be taken by the federal government to reduce electricity demand, reduce costs, assist utility financing or reduce utility dependence upon insecure imported fuels?

Issues that might be considered here include:

(a) Whether the Administration had done everything reasonably within its power to restrain or roll back prices of OPEC oil;

(b) Whether new federally sponsored financing arrangements (other than direct or indirect subsidies or guarantees) are desirable to reduce the cost of capital to the industries, or cope with financial crises in individual utilities. For example, would it make sense to organize (1) a utility funded FDIC-like institution to bolster the credit ratings of the companies, or (2) a utility-funded lender of last resort? (Either institution would establish surveillance over the management and investment decisions of the companies as a condition of continued insurance or borrowing rights.)

(c) What, if any, effect would an increase of the investment tax credit for utilities from 4 percent to the 7 percent available to other companies, have upon their ability to raise capital? Since the utilities with the most serious problems have little if any federal income tax obligations, would this measure aid them significantly? To what extent would increased investment tax credits have to be passed on to rate payers under present regulatory standards?

(d) To what extent does meeting the growth of utility demands for coal pose problems of equipment supply, financing, transportation or organization beyond the ability of the utilities themselves, the coal industry and responsible federal agencies (within their existing authority) to resolve? For example, to what extent does delivery of adequate quantities of western coal to midwestern and eastern utilities require a rehabilitation of the U.S. rail system that is not now in prospect?

10. To what extent are the problems of the electric utilities identified here common with those of other classes of public utilities (gas transmission and distribution, telecommunications, transportation) or of larger sectors of the economy?

The assumption of this question is that some problems of the electric utilities should be viewed in a broader economic context. Legislation, or administrative or regulatory actions, directed on an *ad-hoc* basis to this industry alone might not be appropriate if they address problems which the electric utilities face in common with other industries. These instances should be identified and policy proposals should be directed at the more general issue.

ADDITIONAL STATEMENTS

CONSUMER PROTECTION AGENCY

Mr. CURTIS. Mr. President, as we move ahead in debate on whether to establish an additional and unnecessary bureaucratic instrument, the Consumer Protection Agency, I want to call to the attention of my colleagues an editorial which appeared today in the Philadelphia Inquirer.

I ask unanimous consent that it be printed in the RECORD.

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

[From the Philadelphia Inquirer, July 31, 1974]

UNITED STATES DOES NOT NEED A NEW WATCHDOG

(By Smith Hempstone)

WASHINGTON.—The White House can hardly make a move these days without getting "impeachment politics" thrown at it. So it is not unusual that some backers of legislation to create a Consumers Protection Agency would be running around town claiming that President Nixon's threat to veto this new superagency is impeachment politics—that he is bowing to conservatives who oppose the bill in order to win their support in his fight against impeachment.

But that is just a smokescreen to hide the real arguments against what could turn into a giant boondoggle in the name of consumerism.

Opponents of the bill are hard at work in the Senate trying to head off creation of CPA. They contend, and with considerable justification, that it would be just another expensive government agency, staffed by dozens or perhaps hundreds of high-paid lawyers and countless other researchers, typists and paper-shufflers, whose principal function would be to harass other government agencies and private businesses—all with dubious benefit to consumers.

It is a strange concept that holds that government agencies created to look after the public interest must in turn be watched over by still more government agencies. But that's the way it is in Washington: Bureaucracy feeds on bureaucracy.

CPA would be able to stick its finger into just about every other governmental operation around—any that "may substantially affect the interest of consumers." Since almost everything is related in some way to consumers, that is a pretty broad mandate.

With few exceptions, CPA would be able to swing high, wide and handsome. It would have the right to sit in on decision-making and then appeal agency decisions it didn't like to the courts.

The way one supporter described its relationship with other agencies: "With an independent CPA looking over his shoulder, the product-safety agency won't be so quick to tell a manufacturer his lead-based Christmas tinsel won't be banned until after he has unloaded this year's supply on the market. The transportation-safety people will think twice before taking an auto maker's word that a defect in his vehicles isn't anything to be concerned with."

That sounds like putting the watchdog out to guard the watchdog. The product-safety and transportation-safety agencies presumably were established to look after consumer interests.

The President is threatening to veto the legislation unless some changes are made to tie a few strings on the proposed agency. Rather than tinkering with it, Congress probably would be better off just to forget about it entirely.

What the consumers need more than anything are congressmen and administration officials who will do the job they're supposed to do, which is to watch after the public's (the consumers') interests. If congressmen aren't up to the job, maybe what the consumers ought to do is vote in some new watchdogs.

THE ALTERNATIVE TO DÉTENTE

Mr. PELL. Mr. President, the alternative to détente is a return to the cold war and its inevitable result—hot or nuclear war. So, there must be no turning away from the policy of détente with the Soviet Union. However, as we pursue this policy, we must bear in mind that détente looks very different to the more than 100 million human beings in Eastern Europe between the Baltic and Black Seas. These Eastern European countries ranging from Poland in the north to Bulgaria in the south have tasted freedom in the past and have had big mouthfuls of democracy and an open society. For them to be popped back under a despotic rule and to be told that they must turn their trade and cultural leanings from the west to the east is a very real hardship.

Ever since there has been an Iron Curtain, I have made a practice of trying to visit behind it on an average of once a year, and I can assure my colleagues that while physical conditions and the chance of being beaten up or imprisoned are less than they once were in Eastern Europe, the climate there is still dull and gray. There is an air of hopelessness and a resignation to an indefinite absence of freedom as we know it.

From their viewpoint, détente seems to insure that this condition will continue. All that we can assure these peoples is to say that détente is the best we can do at this time and that it is preferable to the alternatives—cold war and hot war.

In this regard, I ask unanimous consent to have printed in the RECORD, following my remarks, an excellent article concerning "Eastern Europe, Ignored by Détente" by Ambassador Jacob D. Beam which appeared in the Wall Street Journal on July 24, 1974.

Mr. Beam is a very able career diplomat and a member of a diplomatic family. A remarkable linguist and specialist on Eastern Europe, he has served as Ambassador to Poland, Czechoslovakia, and the Soviet Union. His views are worth taking seriously and his views are of the soundest.

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

EASTERN EUROPE, IGNORED BY DÉTENTE

(By Jacob D. Beam)

While few people would like to see the recent improvement in U.S.-Soviet relations reversed, some of the implications which flow from the concept of detente are coming under increasingly close scrutiny.

One area that invites attention is the effect of dentente on the condition and future of the capitive peoples in Europe.

From a moral point of view, the fate of Eastern Europe, taken together with that of the overrun Baltic states, remains World War II's most monstrous legacy. Soviet rule in the region affronts the historic cultures of its peoples, while holding them to levels of economic stagnation not far different from those which prevail in Russia itself.

This injustice is of longer duration, more deeply frustrating and larger in scope than any witnessed in modern times. The Arab and African worlds have waged successful struggles for indepenence, and our country has thought enough of the principle of freedom of choice in Korea and Vietnam to try to uphold it in two costly endeavors. Such opportunities have been denied the Eastern Europeans whose captivity is already at the point of transcending one generation. Their ultimate yoke could endure as long as the Tatar and Turkish conquests which for centuries laid a dead hand over the respective civilizations of Eurasia and the Mediterranean.

The satellites seem condemned to be the victims of non-win situations. When the

going is tough between the big powers, they get squeezed. They tend to be forgotten during those periods when the West finds the Soviets in a mood to negotiate seriously on armaments and other important matters. Even our country with its Eastern European ethnic associations is unlikely to spoil the atmosphere by championing the rights of the captive nations, at the consequent risk of being accused of reviving the Cold War.

It is not my purpose to spoil detente by issuing a rash and hypocritical call to arms to save the satellites, but rather to explain their predicament. In between unpredictable outbreaks, which incidentally have caused the Soviets to be the only nation to use arms on the European Continent since the war, the satellite cause has failed to evoke sustained world indignation. There are even some in European official circles who say that the West is well quit of Eastern Europe, including East Germany, despite its accretion to Soviet strategic power. Indeed, Frenchmen have been heard to say: "We love Germany so much, we want two of them."

It is argued that the instability of the small Central European countries contributed to the outbreak of World War II and the same result could re-occur. Such was doubtless what President Podgorny was trying to tell me when I presented my credentials to him as U.S. ambassador in April 1969. He was probably speaking sincerely when he said Soviet action in Czechoslovakia had prevented the beginning of another European war. How much more may the Soviets really believe that detente has confirmed their mission to keep the peace in Europe by despotic methods?

A DEATH KNELL

Czechoslovakia sounded the death-knell to the idea that "convergence" offered a peaceful and painless solution. That doctrine, espoused in American academic circles and also by the leading Yugoslav party theoretician Kardelj, envisaged that the course of history favored an inevitable compromise between communism on the one hand and social democracy or evolving capitalism on the other. (It is less than comforting that the advocates of convergence reassure us that the Christian-Muslim conflict worked itself out over the centuries.)

The movement of course is in the other direction. The allegiance of the Soviets (and the Chinese) to the objective of ideological struggle makes it inconceivable that they would permit a reversal of the called-for progression from socialism to communism. The Czech leaders of 1968 went down to defeat as an advance party for convergence which would have tolerated a sweeping revision of party statutes. This would have provided, among other things, for secret votes for party officials and open meetings of the Central Committee (which incidentally was the practice in Lenin's time). From the Soviet point of view, the Czech party lost control by degenerating into a mass movement for "communism with a human face." As in other countries, the issue is not whether capitalism or socialism shall prevail—there is little doubt that given a free choice some form of socialism would win out—the real issue is the degree of party and therefore Soviet control.

There have been some positive changes in Eastern Europe. Following the world outcry over the Czech invasion, the Soviets held back from using Russian forces to put down the Polish workers' riots in Stettin and Gdansk in late 1970. This does not mean that they would *not* have done so if the Polish police had *not* been up to the task, and if there had been a less satisfactory candidate than Gierek to replace the discredited Gomulka as first secretary.

There also have been practical variations from the Soviet norm. Most important is Poland's ability to safeguard private farming and a fair respect for the Church. Rumania is allowed the luxury of thumbing its nose at certain features of Soviet foreign policy, but mainly because it has no common frontier with the West and because Ceausescu runs a tight ideological ship. Hungary's economy is supposed to be a miracle by comparison with the others. American exports to state-operated industries in the satellites have increased manyfold. They have been absorbed in the pattern which promotes economic as well as ideological integration of the entire Soviet commonwealth.

Except in Poland's case, such manifestations of autonomy have not basically touched society, and could be merely transitory, depending on the local personalities involved. Human rights and freedom in the satellites have not benefitted correspondingly, and there have been recent retrogressions in Czechoslovakia and Hungary.

Moscow remains in charge. It coordinates the secret police in each country and determines party personnel policies. It can punish through the control of state investment and resource allocation. Realistically there is no foreseeable prospect of the captive nations themselves being able to cast off their yoke.

How much do the satellites benefit from Western attempts to circumvent the Soviet Union? The purpose of President Johnson's "bridge-building" exercise was too obvious and ended up a non-starter. Willy Brandt chose the alternate method of trying to get through to Eastern Europe over the bridge of a non-aggression agreement with the Russians. Even this has not been too successful, for while it has fostered detente between the Soviet Union and the West, it has as yet brought little relief to the satellites. In Soviet logic, relaxation of tension between East and West threatens to undermine the basis of Eastern control over the Western-oriented subject states.

Apart from the choice of a conscience-saving escape, leaving it to "good" historical forces to work things out, what are the possibilities of righting the injustices inflicted on the people of Eastern Europe?

Rollback: Presumably by force or pressure as proposed by the Republicans in the 1952 presidential campaign: The West will risk nothing for such a cause.

Revolt: Success possible only as a result of Soviet disintegration, or in the unlikely event an Eastern European or Baltic leader should take over the central government and party apparatus now dominated by the Russians.

Appeal to Russian better instincts: A matter for pious, prayerful hope.

Moderate evolution within the Communist movement: Encouragement of this trend is at the root of most Western policy and is deemed to be the safest, most logical way to proceed. In any event, it will be a slow, painstaking process.

LITTLE WE CAN DO

Realistically there is little we can do to alter basically the Soviet grip on its subject peoples. We hesitated to aid Hungary in 1956 in any substantial way for fear of upsetting the 1955 agreement with the Soviets establishing Austria's independence. Furthermore, the British, French and Israeli attack on Egypt at that time was a most complicating factor. President Johnson's response to the 1968 Soviet invasion of Czechoslovakia was restrained by his forlorn wish to end his administration with a summit with the Soviets and an agreement on strategic arms.

World reaction to Czechoslovakia, especially among the European Communist parties, probably did play a part, however, in bringing the Soviets around to general detente. The international meeting of Communist parties in Moscow in 1969 showed them to be faltering in their contest with the Chinese for ideological leadership. The new ingredient of improved relations with the West was added to the 24th Soviet Party Congress in March 1970. In the subsequent negotiations the Eastern European Communist leaders profited from settlements which confirmed the legality of their regimes and the national boundaries of their states. The issue of Soviet control remains, however, with its grip strengthened by the good use the Soviets make of periods of relative relaxation to consolidate their questionably acquired gains.

Considerable concern is now being expressed—and rightly—over the fate of oppressed minorities in the Soviet Union. It is hard to argue that our moral commitment to the captive peoples is any less great. The conference on European Security and Cooperation, which is reaching a crucial point in Geneva, offers us a chance to do something for them. Over and against the Soviet desire to consecrate East-West detente in a general summit meeting, we are still holding out for a freer movement of persons and ideas, of a kind which would help the isolation of Eastern Europe, and indeed, of the peoples of the Soviet Union.

There will be other occasions to show the Soviets in negotiation that a mitigation of their despotism can yield a range of subsidiary benefits and we should not shrink from utilizing them. To imply, as has been done by some of our own government spokesmen, that American concern for human rights might impede the business of preventing nuclear war, makes no sense.

CONSCIENCE

Mr. STENNIS. Mr. President, ordinarily remarks at our breakfast group meetings are entirely off the record. Recently the Senator from Alabama (Mr. ALLEN), was the leader and gave splendid remarks on conscience, a subject about which he is highly and unusually well qualified to speak.

His thoughts and observations are so worthy that I think they should share with fellow Senators and Members of the entire Congress, and with the public at large. I commend Senator ALLEN highly and ask unanimous consent that his remarks be printed in the RECORD.

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

CONSCIENCE

Since 1811 there has been a Fund on the books of the Treasury into which are paid contributions by citizens seeking to make amends for fraudulent acts committed by them against the Government in the past—a mechanic stole a screwdriver, a waiter failed to report income from tips, a civil servant took leave without being charged for the work days missed. Contributions through 1973 have amounted to $3,191,200, with the largest year being $370,285 in 1950.

And then a person receives payment of a long-forgotten debt with interest from a friend of long ago—or payment for a wrong perpetrated against him decades ago.

A person surrenders to the authorities and confesses to a crime committed years before that has been forgotten for decades.

Mass confessions of participants in recent well publicized criminal activities—aided and abetted somewhat by detection of their participation and their desire for self-preservation.

All of those people seeking to make amends, seeking to find peace of mind, seeking to atone, have been influenced to do so, in part at least by the pangs of their consciences.

What is this great force—our conscience—that we cannot see or touch but to which we can listen and whose influence we feel?

Is conscience a built-in feature or quality of every person at birth, and a mark of the difference between man and beast?

Are our consciences nurtured and made more sensitive as a result of lessons learned at our Mother's knee, and through a sense of values impressed on us by our parents and developed through our spiritual and academic eduactions?

Are our consciences further polished and refined as a result of our dealings and experiences with our fellow man?

Is conscience then part of the divine spirit or image of our Maker in whose image we were created?

Over 2000 years ago the Greek historian Polybius wrote: "There is no witness so terrible, no accuser so potent, as the conscience that dwells in every man's breast."

Shakespeare, in *Richard III*, wrote concerning conscience, "A man cannot steal, but it accuseth him; he cannot swear, but it checks him; he cannot lie with his neighbor's wife, but it detects him: 'Tis a blushing, shamefast spirit that mutinies in a man's soul."

John Goodwin, writing in *Might and Right Well Met* in 1648, said: "Freedom of conscience is a natural right, both antecedent and superior to all human laws and institutions whatever: a right which laws never take away."

Thomas Jefferson wrote: "The moral sense, or conscience, is as much a part of man as his leg or arm. It is given to all human beings in a stronger or weaker degree as force of members is given them in greater or less degree."

Abraham Lincoln, to whom we turn so often for inspiration and words of wisdom, in replying in 1864 to a committee proposing a plan of peace, said: "I desire so to conduct the affairs of this administration that if, at the end, when I come to lay down the reins of power, I have lost every other friend on earth, I shall at least have one friend left, and that friend shall be down inside me."

Congressman Railsback, member of the House Judiciary Committee, as reported in the press, expressed the same thought with references to his upcoming vote on impeachment: "I want to cast the vote that will make me feel good inside."

George Washington, in his early manhood, wrote, "Labor to keep alive in your heart that little spark of celestial fire called conscience", and I was impressed with the eloquence to his words.

In Hamlet, Polonius advises his son, Laertes—To thine own self be true—and Edgar A. Guest, the homespun poet, points out that, while we might escape the judgments of others, we must be true to and must meet the standards of the person we see in the bathroom mirror.

Alexander Bain, in the *Emotions and the Will*, wrote: "Conscience is an imitation within ourselves of the government without us."

But if our consciences bring out the best in us, might it not be possible for government to be conducted by a rule of conscience rather than by a government of laws, and I suggest this approach, only to strike it down. Interesting as this thought may be, it is hardly practical for there would still have to be laws for those who violate the rules of conscience. Then, too, a rule of conscience for one might be much more liberal than for another. A rule or law must be devised that will provide uniformity for all, rather than to depend upon varying requirements exacted by millions of consciences. For some, their consciences are dormant or are in hibernation. Then, too, many consciences are more persuasive after the fact of improper action then before. Also, there are the smug or self-satisfied or self-righteous consciences to contend with—Lord Byron, in *Don Juan*, wrote: "A quiet conscience makes one so serene! Christians have burnt each other, quite persuaded that all the Apostles would have done as they did."

But what of acts of conscience, whether acts of commission or omission? The Book of Daniel records two classic cases of acts of conscience. The first was where Shadrach, Meschach and Abednego refused to bow down to the golden image as required by King Nebuchadnezzar, even though the penalty for refusal was for them to be thrown into the fiery furnace. The furnace was so hot that the men who threw Shadrach, Meshach and Abednego into the furnace were killed by the heat. The other was the case of Daniel, who refused, as required by decree of King Darius, to make no petition or prayer to God but only to King Darius for a period of 30 days. Daniel was the King's Chief Minister and the King had been tricked into issuing the law by Daniel's enemies.

The King loved Daniel and wanted to rescind the law but there was a peculiar aspect of a law of the Medes and Persians. Once enacted, it could not be changed, giving rise to the expression "as unchangeable as the laws of the Medes and Persians."

These characters from long ago refused to obey the law as acts of conscience. While they felt that God would save them, yet they were willing to go to their deaths rather than to contravene God's laws. They were willing to pay the price for their acts of conscience.

The name of Thomas More, in England in the days of Henry VIII, comes to mind as a man willing to face death rather than to compromise with the truth as he saw the truth. He, too, was willing to pay the penalty for his act of conscience.

Dozens of other cases could be cited. Many in more recent times have performed acts of conscience but instead of paying the penalty provided for such acts, have sought to be relieved of such penalties. To my mind, this detracts from the bona fides of the acts of conscience.

I am indebted to Dr. David H. C. Read, of National Radio Pulpit, for pointing out the applicability of one of the Proverbs to a discussion of conscience and for his development of the thoughts underlying the proverb.

In the King James Version we read in Proverbs 20:27, "The spirit of man is the candle of the Lord, searching all the inward parts of the belly." The Bible, as usual, touches the spot—for isn't it right there that most of us feel our consciences at work?

Moffatt's Version renders the Proverb this way: "Man's conscience is the lamp of the Eternal, flashing into his inmost soul," and yet another version gives it thus: "The Lord gave us mind and conscience; we cannot hide from ourselves."

We cannot hide from ourselves, we cannot kill our consciences. We can, and often do, try our best. We may keep our conscience quiescent over the years by refusing to listen, but yet we continue to have this sense of right and wrong. It may be disfigured, dulled or twisted, but it cannot be completely eradicated.

We sometimes use the word "unconscionable" to describe a person, policy, or measure we dislike, but no one can be completely unconscionable, for it means without any conscience at all. No one—not even the most depraved—can ever, in the end, hide from himself. Somewhere the spirit of man shines a light into the darkest recess and that spirit is the candle of the Lord. But the candle of the Lord that shines into the inward parts is not simply a searchlight to reveal the things we are ashamed of; it is a healing and reconciling light that shows us the way home.

So let us not be afraid to follow the dictates of our consciences. They will show us the way.

MORATORIUM ON IMPEACHMENT COMMENT

Mr. BELLMON. Mr. President, with the action of the House Judiciary Committee this past week, the impeachment process has begun in earnest.

Impeachment of the President of the United States is one of the most serious matters to be considered by the Congress. Only once before in American history has this provision of the Constitution been invoked. The issue of deciding whether the President has committed such acts that he should be removed from office shakes the very foundations of our Government.

As a Member of the Senate who may ultimately sit as a juror in an impeachment proceeding against the present occupant of the Nation's highest office, I approach this matter with grave concern.

The President, as much as any other citizen of this free country, deserves a fair hearing throughout the impeachment process. The Congress has the responsibility to carry out its constitutional duty fairly and impartially. The American people are entitled to no less from their elected representatives.

Mr. President, I am a farmer, not a lawyer. I do not intend to become involved in legalistic maneuvering. I will study the evidence, try to ascertain what the facts are, evaluate them in the light of what constitutes an impeachable offense, and then make my personal decision, if the Senate is indeed called upon to sit in judgment of Richard M. Nixon.

One thing of which I am certain: I will not prejudge the case.

My past personal and professional associations with the incumbent President are not at issue here and will have no bearing on any decision I may have to make. The same applies to my past support and opposition toward administration proposals and policies.

According to established Senate procedure, precedents and practices, in the event of an impeachment trial, each Senator must take the following oath:

> I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of ------------, now pending, I will do impartial justice according to the Constitution and laws: So help me God.

Mr. President, in order to be in a position to "do impartial justice" if later required to do so, I am today imposing upon myself a moratorium on public speculative comment on impeachment and related matters until such a time as this matter is resolved.

Under our laws, the basis for removal of a President is not to be found in news commentary or popularity ratings, but rather in the Constitution. I strongly feel that no President should be driven out of office by partisan opponents or by the shifting current of public opinion.

If President Nixon is to have his "day in court," and no fair-minded citizen would deny him that right, it is time to put aside conjecture. The Congress should perform its constitutionally prescribed role of finding the facts, conducting its business in full view of the public, and then render its decision.

Mr. President, my self-imposed moratorium on speculative comment will be difficult to achieve fully because of the wide scope of the so-called Watergate scandal. I will do my utmost to keep that commitment because of my firm desire to remain an impartial prospective juror. I strongly urge my colleagues to consider pursuing the same course.

THE URGENCY OF LAND USE PLANNING

Mr. METZENBAUM. Mr. President, the April–June issue of Historic Preservation published by the National Trust for Historic Preservation carries an extension of remarks by Congressman JOHN F. SEIBERLING, Democrat of Ohio. These remarks were made at the annual meeting of State Historic Preservation Officers, January 31, 1974, sponsored by the National Park Service.

Congressman SEIBERLING serves on the House Committee on Interior and Insular Affairs and has long been one of Ohio's leading conservationists. He has served as president of the Tri-County Regional Planning Commission, Akron, Ohio; vice president of the Stan Hywet Hall Foundation; trustee of the Cuyahoga Valley Association; and executive committee member of the Northeastern Ohio section of the Sierra Club. He introduced a bill to establish the Cuyahoga Valley National Historical Park and Recreation Area and is a leading proponent of land use legislation and a pending bill to control the surface mining of coal.

I am inserting Congressman SEIBERLING's remarks in the RECORD so my colleagues may be aware of the urgency of land use planning and may share in Congressman SEIBERLING's thoughts.

Mr. President, I ask unanimous consent to have it printed in the RECORD.

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

THE URGENCY OF LAND USE PLANNING

(By Representative JOHN F. SEIBERLING)

Thomas Jefferson wrote that the earth belongs to the living generation. He was trying to break what was called the "dead hand of the past" under which, by law, owners could entail their property so that subsequent owners were put into straitjackets: They could not sell the property, they could not develop it, they could not do anything to it.

In arguing against legal restraints that bound one generation to another, Jefferson left out one important concept. The earth is also held in trust by living generations for present and future generations. This is more than an economic or legal principle; it is an ethical responsibility. Decisions about the use of land will affect not only us, but our children and our children's children as well.

As a land-rich nation, we have for too long treated our land as if it were in unlimited supply. Today, as a result, we are are verging on a land use crisis. Our farmlands are being swallowed up by sprawling cities. Our historic and cultural landmarks are being bulldozed to make way for skyscrapers and shopping centers. Power lines and highways are cutting ugly swaths across our rural landscapes, and open space around our major metropolitan centers is being consumed by haphazard and uncontrolled development.

Land use planning is a pivotal issue. How we use or misuse the land affects our environment, our economy, our cultural physical and social well-being. It affects our transportation systems and our use and methods of obtaining energy. It affects our sense of the present and our identification with the past. It affects the historic character of the land itself, which has colored and shaped our past and will likewise color and shape our future. The values of the past were in part derived from our sense of the land and its peculiar qualities, the qualities of beauty, harshness, challenge.

Now our western lands are being threatened by the onslaught of industrialization. Up to now, much of the West has remained a symbol of the frontier, with clear skies and magnificent open spaces. Much land in the West still is sparsely populated; it is largely government owned and mainly used for agriculture and grazing. But a dark cloud hangs over the big sky country, literally as well as figuratively. Strip mining threatens hundreds of thousands of acres of near-virgin land. Because of the dry climate, it is questionable whether the areas can be revegetated. Large energy-producing complexes are being developed there. Industry has plans for some 40 or 50 coal gasification plants in the Northwest states. And precious waters are about to be diverted from agricultural uses to provide for the insatiable thirst of industrialization.

The glitter of industrialization promises economic rewards for a few, but it often proves to be only fool's gold for the many who must inhabit and contend with a degraded environment. Without intelligent planning, industrialization may well destroy our western heritage. It may literally wipe out whole landscapes, and whole life-styles as well. Our country may become one huge industrial megalopolis from sea to shining sea.

Ownership in this country has customarily implied the right of private owners to do anything they want with their land. This is not true in many other countries, particularly in Europe, where owners must consider the public interest in determining the use of their land. The scope of public interest and the mechanism for expressing and enforcing it are broad indeed. Any American who travels in England must be impressed with the way the small country villages have been preserved, free of the squalid blight that affects almost every community, large and small, in our own country. Yet the population density of England is almost 20 times that of the United States. Both countries share a common legal heritage. The difference lies in the legislation that has been enacted to cope with the land use situation.

There is a common law doctrine described in the Latin maxim *sic utere tuo ut alienum non laedas*—"so use your property that you do not injure the rights of others." I have seen land in southern Ohio that has been destroyed by strip mining without any reclamation worthy of the name, and it has been done in the name of private ownership. Yet what rights does the farmer who refused to sell out have? When the land all around him is stripped and the water table is lowered and dust and mess are all around, the very value of this land is cut to a fraction of what it was by others exercising their right to do something on their land. Our concepts of private ownership, and the rights that go with it, are going to have to change. There must be a new sense of the need to harmonize our uses of the land, balancing long-term values as well as short-term needs.

In contrast to its status in Europe, historic preservation in the United States is in its infancy. We are only now beginning to think of preservation in terms of the total environment and not merely in relation to specific people and events. But in Europe whole towns have been declared historic districts, with strict controls on any alteration, conversion or demolition of structures built before a certain specified date. Regardles of their local or national significance, these historic places reflect definitive cultures in their time and in their place.

I was in Nuremberg, Germany, in 1945 and it was a depressing sight. It was a great merchant city of the Middle Ages, in ruin. Today it is hard to believe that the beautiful inner-walled city was almost totally destroyed. The Germans carefully collected all the stones from the original buildings and reconstructed the buildings as accurately as possible. They had a sense of the importance to their culture of re-creating Nuremberg as it was.

By contrast, Americans lack a strong sense of place, just as they lack a strong sense of the continuity of history. Our history is too new. Fifty percent of us move every five years. Mobility has its economic advantages, but our roots and our identification with our ancestral heritage are lost. We are becoming a homogeneous society. As we travel this land, only the geography changes; the man-made forms remain the same. The Golden Arches are the same in Cheyenne, Wyo., as in Atlanta, Ga. Downtown Oklahoma City, Okla., looks much like downtown Akron, Ohio.

But this need not be so. Beyond the main streets, the vestiges of our varied heritage remain—the white clapboard houses of New England, the farmhouses of Indiana, the adobe haciendas of New Mexico. Each is a statement of its own time and place.

When Abraham Lincoln made his first inaugural address, in 1861, the was making a last plea to the southern states against secession. He saved the most powerful; emotional argument for last: "The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union when again touched, as surely they will be, by the better angels of our nature." He appealed to a sense of place. He appealed to remembrance of the battlefield and to the patriots' graves. He understood that the land itself and the places where our people sacrificed and fought and died have a tremendous impact on our thinking.

If we are to save the uniqueness of our past and make it workable for the future, historic preservation and land use planning must go hand in hand. This will not be an easy job. Land use planning in the United States is still embryonic; zoning remains the only major practiced form of land use control. But zoning only deals with type and density of development. It does not deal with the larger issues of people as individuals, of neighborhoods and cultures.

Historic preservation in America is also relatively new; it began as a fragmented effort by people who were personally attached to particular historic places. They did not view their history from the outside—they were part of it. Concerted effort at preserva-

tion on the state and federal levels has only taken place within this generation.

Major legislation has been introduced in Congress to create an integrated approach to land use planning. The Senate passed a land use planning bill in June 1973. The House Interior Committee completed work in mid-January on a similar bill, only to have it unexpectedly postponed by the House Rules Committee.

This is landmark legislation, but its effectiveness will depend largely on how well federal, state and local officials and private individuals work together.

Contrary to the views of its opponents, the Land Use Planning and Assistance Act would not create federal zoning. It would not threaten private property. It would not remove land use decisions from local government. What it would do is provide grants to States to help them prepare and implement a comprehensive land use planning process. The process would be developed by and tailored to the needs of each state. The bill sets some guidelines for preparing these plans and, once prepared, for administering them. Participation is voluntary. There are no sanctions in the bill. In order to obtain the federal grants, the states must only meet the basic requirements of the bill.

The key to the bill is the requirement that a participating state must develop a comprehensive land use planning process that takes into account all lands and all other natural resources within the state and the cost and benefit of their use and conservation. The process must include the development of an adequate data base, technical assistance and training programs for the public and for state and local agency personnel. It must coordinate land use planning activities of local, state, interstate and federal agencies. Natural and physical resources and recreational needs must be considered as well as the suitability of land for various development purposes.

The bill establishes a two-way street; it requires states to consider the impact of their actions on areas near such federally owned public lands as national parks, forests, wilderness areas and wildlife refuges. It also requires federal projects and activities affecting the use of nonfederal lands to be consistent with the state comprehensive land use planning process. The bill requires each federal public land management agency to prepare and maintain an inventory of all public lands and resources under its jurisdiction. It provides the framework for the federal government to develop land use policies and plans for these lands. These could also serve as standards for the states to consider in developing their own plans, just as the federal agencies can learn much from the work done by the states.

Under the bill, the states would also be required to designate areas of critical environmental concern and regulate their use. "Areas of critical environmental concern" include both natural and historic areas.

When my family gave the Tudor-style Stan Hywet Hull (1911–15) to the community of Akron, Ohio, some people said, "Well, of course, the house is the big thing and the grounds aren't that important; concentrate on preserving this house." But the grounds—some 70 acres of lawns and gardens—were designed by Warren H. Manning, a landscape architect who had been associated with the firm of Frederick Law Olmsted. The house without the grounds would be diminished and much less significant. That is true of many historic sites. Both the natural and manmade environment are irreplaceable, and both yield information about the past, giving us understanding of and appreciation for our physical and cultural evolution.

Linking man-made and natural resources may seem the obvious action to some, but unfortunately most people in this country do not make the connection. The industrial opportunist sees land as a commodity to exploit, and man-made objects as potential profit-makers.

I remember riding to Cleveland with a county engineer and passing a particularly beautiful tract of woodland bordering the highway. I said, "You know, it's interesting that all this area is becoming filled up with suburban sprawl yet that particular area has remained open." I was about to say that we ought to figure out some way to keep it that way when the engineer said, "Yeah we've been trying for years to figure out what we could put in that space." His idea was that unless you fill up every inch of space, you have not really used it. Well, some things are better left undeveloped.

Most people do not understand how the natural elements interact with the man-made to produce a total environment. A 1974 Sierra Club calendar has a picture of a New England scene. The caption under it contains a quotation from Thoreau: "A village is preserved not more by the people in it, than by the swamps and woods that surround it."

The practice of strip mining is a perfect example of how we destroy our historical heritage when we destroy the land. Southeastern and east-central Ohio are beautiful parts of the state. They bring to mind the Downs of southern England; there is a special mystical quality about the rolling landscape. It is a pristine landscape, except that it is rapidly being destroyed by huge earthmovers tearing it apart. Whole towns have disappeared; whole highways have been removed. Woods and fields have been turned under and replaced by heaps of rubble. This is not just destroying productive land; it is destroying our past, destroying our youth.

Not all of man's historic places are beautiful, and not all of nature is pristine. But something in all of it is worth saving if we can put it in proper perspective. And the signs of change are here. The proposed Cuyahoga Valley National Historic Park and Recreation Area between Akron and Cleveland, Ohio, would not only preserve a vast, beautiful open space but also provide attractive alternatives for outdoor recreation. It could give city people a sense of what it means to be out in open country. The Cuyahoga Valley is not pristine like Yellowstone National Park. But each has unique qualities to preserve. And in preserving such places as the Cuyahoga Valley we can insure that the wilderness of Yellowstone will be preserved for future generations.

A similar analogy holds true for historic preservation. Not every historic building needs to be a museum. Ghiradelli Square in San Francisco, Calif., and Canal Square in Washington, D.C., are examples of old structures given new life while a sense of their original integrity is maintained. Historic resources interact with the contemporary environment, giving a region its character and sense of place. Independence Square in Philadelphia, Pa., was carefully restored to its 18th century scale and appearance. However, many beautiful 19th-century structures were demolished in the process. Historic preservation should not mean freezing an area to one period of the past. We have elements from many periods of the past that should and can coexist harmoniously, to help us understand how we fit into the patterns of history.

Ours is a nation of contrast; its identity lies in the slums and ethnic ghettoes as well as in magnificent mansions and public buildings. And the worthwhile features of these contrasting places, if not identified and preserved now, may be lost forever. Some day no Americans may have to live in slums. But they will want to know what slums looked like, and it is worth preserving one to show them.

Some day we may not even need a National Register of Historic Places. Historic preservation will be a personal ethnic of each person; it will be part of our culture. How we treat the land today and, more importantly, tomorrow, will be determined by our system of values.

We will never see the land as our ancestors did. But we can understand what made it beautiful and why they lived and died to preserve it. And in preserving it for future generations we will preserve something of ourselves.

If we all have an interest in this land, then we all have a stake in its preservation. There is no more worthwhile cause.

THE INTERNATIONAL ECONOMIC SITUATION

Mr. McGEE. Mr. President, this spring, a special session of the United Nations General Assembly was convened. This in itself probably would not raise many eyebrows had it not been for the uniqueness of the issues to which the international community was addressing itself.

The focus of this session was an effort to come to grips with a deteriorating international economic situation which threatens not only the survival of the less developed nations of the world, but the industrialized nations as well.

Two major resolutions resulted from this special session. The first resolution entailed a Declaration on the Establishment of a New International Economic Order. The second outlined a proposed Program of Action on the Establishment of a New International Economic Order.

As the gap between the rich and poor nations continues to widen, I believe the Congress and the American people need to know the views of the less developed countries with regard to the future of our world, particularly since the international economic situation represents a threat to the future of us all, rich and poor alike.

I ask unanimous consent that these two resolutions be printed in the RECORD.

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

TEXT OF RESOLUTIONS ADOPTED

3200 (S-VI). CREDENTIALS OF REPRESENTATIVES TO THE SIXTH SPECIAL SESSION OF THE GENERAL ASSEMBLY

Date: 30 April 1974.
Vote: 86–26–15 (roll call).
Meeting: 2228.
Draft: A/L.726.

The General Assembly,

Having taken note of the report of the Credentials Committee,[1]

Approves the credentials of all the representatives of Member States to the sixth special session of the General Assembly except those of the representatives of South Africa.

ROLL-CALL ON RESOLUTION 3200 (S-VI)

In favour: Afghanistan, Albania, Algeria, Bahrain, Bhutan, Bulgaria, Burma, Burundi, Byelorussia, Central African Republic, Chad, Chile, China, Congo, Cuba, Czechoslovakia, Dahomey, Democratic Yemen, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, Gabon, Gambia, German Democratic Republic,

[1] A/9555.

Ghana, Guinea, Guyana, Haiti, Hungary, India, Indonesia, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Malta, Mauritania, Mauritius, Mongolia, Morocco, Niger, Nigeria, Oman, Pakistan, Panama, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, USSR, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: Australia, Austria, Belgium, Brazil, Canada, Costa Rica, Denmark, France, Germany (Federal Republic of), Iceland, Ireland, Israel, Italy, Luxembourg, Malawi, Mexico, Netherlands, Nicaragua, Norway, Portugal, South Africa, Spain, Sweden, United Kingdom, United States, Uruguay.

Abstaining: Argentina, Bahamas, Bolivia, Botswana, Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Japan, Nepal, New Zealand, Paraguay, Peru.

Absent: Barbados, Cyprus, Iran, Lesotho, Maldives, Swaziland, Turkey.

Greece did not participate in the vote.

3201 (S-VI). DECLARATION ON THE ESTABLISHMENT OF A NEW INTERNATIONAL ECONOMIC ORDER

Date: 1 May 1974.
Adopted without vote.
Meeting: 2229.
Report: A/9556 (Part II).
The General Assembly
Adopts the following Declaration:

DECLARATION ON THE ESTABLISHMENT OF A NEW INTERNATIONAL ECONOMIC ORDER

We, the Members of the United Nations,

Having convened a special session of the General Assembly to study for the first time the problems of raw materials and development, devoted to the consideration of the most important economic problems facing the world community,

Bearing in mind the spirit, purposes and principles of the Charter of the United Nations to promote the economic advancement and social progress of all peoples,

Solemnly proclaim our united determination to work urgently for the Establishment of a New International Economic Order based on equity, sovereign equality, interdependence, common interest and co-operation among all States, irrespective of their economic and social systems, which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development in peace and justice for present and future generations.

1. The greatest and most significant achievement during the last decades has been the independence from colonial and alien domination of a large number of peoples and nations which has enabled them to become members of the community of free peoples. Technological progress has also been made in all spheres of economic activities in the last three decades, thus providing a solid potential for improving the well-being of all peoples. However, the remaining vestiges of alien and colonial domination, foreign occupation, racial discrimination, apartheid and neo-colonialism in all its forms continue to be among the greatest obstacles to the full emancipation and progress of the developing countries and all the peoples involved. The benefits of technological progress are not shared equitably by all members of the international community. The developing countries, which constitute 70 per cent of the world population, account for only 30 per cent of the world's income. It has proved impossible to achieve an even and balanced development of the international community under the existing international economic order. The gap between the developed and the developing countries continues to widen in a system which was established at a time when most of the developing countries did not even exist as independent States and which perpetuates inequality.

2. The present international economic order is in direct conflict with current developments in international political and economic relations. Since 1970, the world economy has experienced a series of grave crises which have had severe repercussions, especially on the developing countries because of their generally greater vulnerability to external economic impulses. The developing world has become a powerful factor that makes its influence felt in all fields of international activity. These irreversible changes in the relationship of forces in the world necessitate the active, full and equal participation of the developing countries in the formulation and application of all decisions that concern the international community.

3. All these changes have thrust into prominence the reality of interdependence of all the members of the world community. Current events have brought into sharp focus the realization that the interests of the developed countries and the interests of the developing countries can no longer be isolated from each other; that there is close interrelationship between the prosperity of the developed countries and the growth and development of the developing countries, and that the prosperity of the international community as a whole depends upon the prosperity of its constituent parts. International co-operation for development is the shared goal and common duty of all countries. Thus the political, economic and social well-being of present and future generations depends more than ever on co-operation between all members of the international community on the basis of sovereign equality and the removal of the disequilibrium that exists between them.

4. The new international economic order should be founded on full respect for the following principles:

(a) Sovereign equality of States, self-determination of all peoples, inadmissibility of the acquisition of territories by force, territorial integrity and non-interference in the internal affairs of other States;

(b) Broadest co-operation of all the member States of the international community, based on equity, whereby the prevailing disparities in the world may be banished and prosperity secured for all;

(c) Full and effective participation on the basis of equality of all countries in the solving of world economic problems in the common interest of all countries, bearing in mind the necessity to ensure the accelerated development of all the developing countries, while devoting particular attention to the adoption of special measures in favour of the least developed, land-locked and island developing countries as well as those developing countries most seriously affected by economic crises and natural calamities, without losing sight of the interests of other developing countries;

(d) Every country has the right to adopt the economic and social system that it deems to be the most appropriate for its own development and not to be subjected to discrimination of any kind as a result;

(e) Full permanent sovereignty of every State over its natural resources and all economic activities. In order to safeguard these resources, each State is entitled to exercise effective control over them and their exploitation with means suitable to its own situation, including the right to nationalization or transfer of ownership to its nationals, this right being an expression of the full permanent sovereignty of the State. No State may be subjected to economic, political or any other type of coercion to prevent the free and full exercise of this inalienable right;

(f) All States, territories and peoples under foreign occupation, alien and colonial domination or apartheid have the right to restitution and full compensation for the exploitation and depletion of, and damages to, the natural and all other resources of those States, territories and peoples;

(g) Regulation and supervision of the activities of transnational corporations by taking measures in the interest of the national economies of the countries where such transnational corporations operate on the basis of the full sovereignty of those countries;

(h) Right of the developing countries and the peoples of territories under colonial and racial domination and foreign occupation to achieve their liberation and to regain effective control over their natural resources and economic activities;

(i) Extending of assistance to developing countries, peoples and territories under colonial and alien domination, foreign occupation, racial discrimination or apartheid or which are subjected to economic, political or any other type of measures to coerce them in order to obtain from them the subordination of the exercise of their sovereign rights and to secure from them advantages of any kind, and to neo-colonialism in all its forms and which have established or are endeavouring to establish effective control over their natural resources and economic activities that have been or are still under foreign control;

(j) Just and equitable relationship between the prices of raw materials, primary products, manufactured and semi-manufactured goods exported by developing countries and the prices of raw materials, primary commodities, manufactures, capital goods and equipment imported by them with the aim of bringing about sustained improvement in their unsatisfactory terms of trade and the expansion of the world economy;

(k) Extension of active assistance to developing countries by the whole international community, free of any political or military conditions;

(l) Ensuring that one of the main aims of the reformed international monetary system shall be the promotion of the development of the developing countries and the adequate flow of real resources to them;

(m) Improving the competitiveness of natural materials facing competition from synthetic substitutes;

(n) Preferential and non-reciprocal treatment for developing countries wherever feasible, in all fields of international economic co-operation, wherever feasible;

(o) Securing favourable conditions for the transfer of financial resources to developing countries;

(p) To give to the developing countries access to the achievements of modern science and technology, to promote the transfer of technology and the creation of indigenous technology for the benefit of the developing countries in forms and in accordance with procedures which are suited to their economies;

(q) Necessity for all States to put an end to the waste of natural resources, including food products;

(r) The need for developing countries to concentrate all their resources for the cause of development;

(s) Strengthening—through individual and collective actions—of mutual economic, trade, financial and technical co-operation among the developing countries mainly on a preferential basis;

(t) Facilitating the role which producers associations may play, within the framework of international co-operation, and in

pursuance of their aims, inter alia, assisting in promotion of sustained growth of world economy and accelerating development of developing countries.

5. The unanimous adoption of the International Development Strategy for the Second Development Decade was an important step in the promotion of international economic co-operation on a just and equitable basis. The accelerated implementation of obligations and commitments assumed by the international community within the framework of the Strategy, particularly those concerning imperative development needs of developing countries, would contribute significantly to the fulfilment of the aims and objectives of the present Declaration.

6. The United Nations as a universal organization should be capable of dealing with problems of international economic co-operation in a comprehensive manner and ensuring equally the interests of all countries. It must have an even greater role in the establishment of a new international economic order. The Charter of Economic Rights and Duties of States, for the preparation of which this Declaration will provide an additional source of inspiration, will constitute a significant contribution in this respect. All the States Members of the United Nations are therefore called upon to exert maximum efforts with a view to securing the implementation of this Declaration, which is one of the principal guarantees for the creation of better conditions for all peoples to reach a life worthy of human dignity.

7. This Declaration on the Establishment of a New International Economic Order shall be one of the most important bases of economic relations between all peoples and all nations.

3202 (S-VI). PROGRAMME OF ACTION ON THE ESTABLISHMENT OF A NEW INTERNATIONAL ECONOMIC ORDER

Date: 1 May 1974.
Meeting: 2229.
Adoption without vote.
Report: A/9556 (Part II).
The General Assembly.
Adopts the following Programme of Action:

PROGRAMME OF ACTION OF THE ESTABLISHMENT OF A NEW INTERNATIONAL ECONOMIC ORDER

In view of the continuing severe economic imbalance in the relations between developed and developing countries, and in the context of the constant and continuing aggravation of the imbalance of the economies of the developing countries and the consequent need for the mitigation of their current economic difficulties, urgent and effective measures need to be taken by the international community to assist the developing countries, while devoting particular attention to the least developed, land-locked and island developing countries and those developing countries most seriously affected by economic crises and natural calamities leading to serious retardation of development processes.

With a view to ensuring the application of the Declaration on the Establishment of a New International Economic Order it will be necessary to adopt and implement within a specified period a programme of action of unprecedented scope and to bring about maximum economic co-operation and understanding among all States, particularly between developed and developing countries based on the principles of dignity and sovereign equality.

PROGRAMME OF ACTION

I. Fundamental problems of raw materials and primary commodities as related to trade and development

1. Raw materials.

All efforts should be made:

(a) To put an end to all forms of foreign occupation, racial discrimination, *apartheid*, colonial, neo-colonial and alien domination and exploitation through the exercise of permanent sovereignty over natural resources.

(b) To take measures for the recovery, exploitation, development, marketing and distribution of natural resources, particularly of developing countries, to serve their national interests, to promote collective self-reliance among them, and to strengthen mutually beneficial international economic co-operation with a view to bringing about the accelerated development of developing countries.

(c) To facilitate the functioning, and to further the aims, of producers associations, including their joint marketing arrangements, orderly commodity trading, improvement in export income of producing developing countries and in their terms of trade, and sustained growth of world economy for the benefit of all.

(d) To evolve a just and equitable relationship between prices of raw materials, primary commodities, semi-manufactured and manufactured goods exported by developing countries and the raw materials, primary commodities, food, manufactured and semi-manufactured goods and capital equipment imported by them and to work for a link between the prices of exports of developing countries and the prices of their imports from developing countries.

(e) To take measures to reverse the continued trend of stagnation or decline in the real price of several commodities exported by developing countries, despite a general rise in commodity prices, resulting in a decline in the export earnings of these developing countries.

(f) To take measures to expand the markets for natural products in relation to synthetics, taking into account the interests of the developing countries, and to utilize fully the ecological advantages of these products.

(g) To take measures to promote the processing of raw materials in the producer developing countries.

2. Food

All efforts should be made:

(a) To take full account of specific problems of developing countries, particularly in times of food shortages, in the international efforts connected with the food problem.

(b) To take into account that, owing to lack of means, some developing countries have vast potentialities of unexploited or underexploited land which, if reclaimed and put into practical use, would contribute considerably to the solution of the food crisis.

(c) By the international community to undertake concrete and speedy measures with a view to arresting desertification, salination, and damage by locusts or any other similar phenomenon involving several developing countries, particularly in Africa, and gravely affecting the capacity of agricultural production of these countries. Furthermore, the international community should assist the developing countries affected by this phenomenon to develop the affected zones with a view to contributing to the solution of their food problems.

(d) To refrain from damaging or deteriorating natural resources and food resources, especially those derived from the sea, by preventing pollution and taking appropriate steps to protect and reconstitute those resources.

(e) By developed countries in evolving their policies relating to production, stocks, imports and exports of food to take full account of the interests of:

(i) Developing importing countries which cannot afford high prices for their imports, and

(ii) Developing exporting countries which need increased market opportunities for their exports.

(f) To ensure that developing countries can import the necessary quantity of food without undue strain on their foreign exchange resources and without unpredictable deterioration in their balance of payments. In this context, special measures should be taken in respect of the least developed, the land-locked and island developing countries as well as those developing countries most seriously affected by economic crises and natural calamities.

(g) To ensure that concrete measures to increase food production and storage facilities in developing countries should be introduced, *inter alia*, by ensuring an increase in all available essential inputs, including fertilizers, from developed countries on favourable terms.

(h) To promote exports of food products of developing countries through just and equitable arrangements, *inter alia*, by the progressive elimination of such protective and other measures as constitute unfair competition.

3. General trade

All efforts should be made:

(a) To take the following measures for the amelioration of terms of trade of developing countries and concrete steps to eliminate chronic trade deficits of developing countries:

(i) Fulfillment of relevant commitments already undertaken in the United Nations Conference on Trade and Development and in the International Development Strategy.

(ii) Improved access to markets in developed countries through the progressive removal of tariff and non-tariff barriers and of restrictive business practices.

(iii) Expeditious formulation of commodity agreements where appropriate, in order to regulate as necessary and to stabilize the world markets for raw materials and primary commodities.

(iv) Preparation of an over-all integrated programme, setting out guidelines and taking into account the current work in this field, for a comprehensive range of commodities of export interest to developing countries.

(v) Where products of developing countries compete with the domestic production in developed countries, each developed country should facilitate the expansion of imports from developing countries and provide a fair and reasonable opportunity to the developing countries to share in the growth of the market.

(vi) When the importing developed countries derive receipts from customs duties, taxes and other protective measures applied to imports of these products, consideration should be given to the claim of the developing countries that these receipts should be reimbursed in full to the exporting developing countries or devoted to providing additional resources to meet their development needs.

(vii) Developed countries should make appropriate adjustments in their economies so as to facilitate the expansion and diversification of imports from developing countries and thereby permit a rational, just and equitable international division of labour.

(viii) Setting up general principles for pricing policy for exports of commodities of developing countries, with a view to rectifying and achieving satisfactory terms of trade for them.

(ix) Until satisfactory terms of trade are achieved for all developing countries, consideration should be given to alternative means, including improved compensatory financing schemes for meeting the development needs of developing countries concerned.

(x) Implementation, improvement and enlargement of the Generalized System of Preferences for exports of agricultural primary commodities, manufactures and semi-manufactures from developing to developed

countries and consideration of its extension to commodities, including those which are processed or semiprocessed. Developing countries which are or will be sharing their existing tariff advantages in some developed countries as the result of the introduction and eventual enlargement of the Generalized System of Preferences should, as a matter of urgency, be granted new openings in the markets of other developed countries which should offer them export opportunities that at least compensate for the sharing of those advantages.

(xi) Setting up of buffer stocks within the framework of commodity arrangements and their financing by international financial institutions, wherever necessary, the developed countries and—when they are able to do—by the developing countries, the aim being to favour the producing and consuming developing countries and to contribute to the expansion of world trade as a whole.

(xii) In cases where natural materials can satisfy the requirements of the market, new investment for the expansion of capacity of production of synthetic materials and substitutes should not be made.

(b) To be guided by the principles of non-reciprocity and preferential treatment of developing countries in multilateral trade negotiations between developed and developing countries, and to seek sustained additional benefits for the international trade of developing countries, so as to achieve a substantial increase in their foreign exchange earnings, diversification of their exports and acceleration of the rate of their economic growth.

Transportation and insurance:

All efforts should be made:

(i) To promote an increasing and equitable participation of developing countries in the world shipping tonnage;

(ii) To arrest and reduce the ever-increasing freight rates in order to reduce the cost of imports to, and exports from, the developing countries;

(iii) To minimize cost of insurance and reinsurance for developing countries and to assist the growth of domestic insurance and reinsurance markets in developing countries and the establishment to this end, where appropriate, of institutions in these countries or at the regional level;

(iv) To ensure the early implementation of the code of conduct for liner conferences.

(v) To take urgent measures to increase the import and export capability of the least developed countries and to offset the disadvantages of the adverse geographic situation of land-locked countries, particularly with regard to their transportation and transit costs, as well as developing island countries in order to increase their trading ability.

(vi) By the developed countries to refrain from imposing measures or implementing policies designed to prevent the importation, at equitable prices, of commodities from the developing countries or from frustrating the implementation of legitimate measures and policies adopted by the developing countries in order to improve prices and encourage the export of such commodities.

II. International monetary system and financing of development of developing countries

All efforts should be made:

1. To reform the international monetary system with, inter alia, the following objectives:

(a) Measures to check the inflation already experienced by the developed countries, to prevent it from being transferred to developing countries and to study and devise possible arrangements within the International Monetary Fund to mitigate the effects of inflation in developed countries on the economies of developing countries;

(b) Measures to eliminate the instability of the international monetary system, in particular the uncertainty of the exchange rates especially as it affects adversely the trade in commodities;

(c) Maintenance of the real value of the currency reserves of the developing countries by preventing their erosion from inflation and exchange rate depreciation of reserve currencies;

(d) Full and effective participation of developing countries in all phases of decision-making for the formulation of an equitable and durable monetary system and adequate participation of developing countries in all bodies entrusted with this reform and, particularly, in the Board of Governors;

(e) Adequate and orderly creation of additional liquidity with particular regard to the needs of the developing countries through the additional allocation of Special Drawing Rights based on the concept of world liquidity needs to be appropriately revised in the light of the new international environment. Any creation of international liquidity should be made through international multilateral mechanisms;

(f) Early establishment of a link between Special Drawing Rights and additional development financing in the interest of developing countries, consistent with the monetary characteristics of Special Drawing Rights;

(g) The International Monetary Fund should review the relevant provisions in order to ensure effective participation by developing countries in the decision-making process;

(h) Arrangements to promote an increasing net transfer of real resources from the developed to the developing countries;

(i) Review the methods of operation of the International Monetary Fund, in particular the terms for both credit repayments and "standby" arrangements, the system of compensatory financing, and the terms of the financing of commodity buffer stocks, so as to enable the developing countries to make more effective use of them.

2. To take the following urgent measures to finance the development of developing countries and to meet the balance-of-payment crises in the developing world:

(a) Implementation at an accelerated pace by the developed countries of the time-bound programme, as already laid down in the International Development Strategy for the Second United Nations Development Decade, for the net amount of financial resource transfers to developing countries. Increase in the official component of the net amount of financial resource transfers to developing countries so as to meet and even to exceed the target of the International Development Strategy;

(b) International financing institutions to effectively play their role as development financing banks without discrimination on account of the political or economic system of any member country, assistance being untied;

(c) More effective participation by developing countries, whether recipients or contributors, in the decision-making process in the competent organs of the International Bank for Reconstruction and Development and the International Development Association through the establishment of a more equitable pattern of voting rights;

(d) Exemption, wherever possible, of the developing countries from all import and capital outflow controls imposed by the developed countries;

(e) Promotion of foreign investment both public and private from developed to developing countries in accordance with the needs and requirements in sectors of their economies as determined by the recipient countries;

(f) Appropriate urgent measures, including international action, to be taken to mitigate adverse consequences for the current and future development of developing countries arising from the burden of external debt contracted on hard terms;

(g) Debt renegotiation on a case-by-case basis with a view to concluding agreements on debt cancellation, moratorium, rescheduling, or interest subsidization;

(h) International financial institutions to take into account the special situation of each developing country in reorienting their lending policies to suit these urgent needs. There is also need for improvement in practices of international financial institutions in regard to, inter alia, development financing and international monetary problems;

(i) Appropriate steps to be taken to give priority to the least developed land-locked and island developing countries and to the countries most seriously affected by economic crises and natural calamities, in the availability of loans for development purposes which should include more favourable terms and conditions.

III. Industrialization

All efforts should be made by the international community to take measures to encourage the industrialization of the developing countries. To this end:

(a) The developed countries should respond favourably, within the framework of their official aid as well as international financial institutions, to the requests of developing countries for the financing of industrial projects;

(b) The developed countries should encourage investors to finance industrial production projects, particularly export-oriented production, in developing countries, in agreement with the latter and within the context of their laws and regulations.

(c) With a view to bringing about a new international economic structure which should increase the share of the developing countries in world industrial production, the developed countries and the agencies of the United Nations system, in co-operation with the developing countries, should contribute to setting up new industrial capacities including raw material and commodity transforming facilities as a matter of priority in the developing countries that produce those raw materials and commodities.

(d) Continue and expand, with the aid of the developed countries and the international institutions, the operational and instruction-oriented technical assistance programmes including vocational training and management development of national personnel of the developing countries in the light of their special development requirements.

IV. Transfer of technology

All efforts should be made:

(a) To formulate an international code of conduct for the transfer of technology corresponding to needs and conditions prevalent in developing countries;

(b) To give access on improved terms to modern technology and the adaptation of that technology, as appropriate, to specific economic, social and ecological conditions and varying stages of development in developing countries;

(c) To expand significantly in assistance from developed to developing countries in programmes of research and development and creation of suitable indigenous technology;

(d) To adapt commercial practices governing transfer of technology to the requirements of the developing countries, and to prevent abuse of the rights of sellers;

(e) To promote international co-operation in research and development, in exploration and exploitation, conservation and legitimate

utilization of natural resources and all sources of energy;

In taking the above measures, the special needs of the least developed and land-locked countries should be borne in mind.

V. Regulation and control over the activities of transnational corporations

All efforts should be made to formulate adoption and implementation of an international code of conduct for transnational corporations in order to:

(a) Prevent interference in the internal affairs of the countries where they operate and their collaboration with racist régimes and colonial administrations;

(b) Regulate their activities in host countries, to eliminate restrictive business practices and to conform to the national development plans and objectives of developing countries, and in this context facilitate, as necessary, review and revision of previously concluded arrangements;

(c) Bring about assistance, transfer of technology and management skills to developing countries on equitable and favourable terms;

(d) Regulate the repatriation of the profits accruing from their operations, taking into account the legitimate interests of all parties concerned;

(e) Promote reinvestment of their profits in developing countries.

VI. Charter of Economic Rights and Duties of States

The Charter of Economic Rights and Duties of States, the draft of which is presently being prepared by a working group of the United Nations and which the General Assembly has already expressed the intention of adopting at its forthcoming twenty-ninth session, shall constitute an effective instrument towards the establishment of a new system of international economic relations based on equity, sovereign equality, and interdependence of the interests of developed and developing countries. It is therefore of vital importance that the charter be adopted by the General Assembly at its next regular session.

VII. Promotion of cooperation among developing countries

1. Collective self-reliance and growing cooperation among developing countries will further strengthen their role in the new international economic order. Developing countries, with a view to expanding co-operation at the regional, subregional and interregional levels, should take further steps *inter alia:*

(a) To support the establishment and/or improvement of appropriate mechanism to defend the prices of their exportable commodities and to improve access to and to stabilize markets for them. In this context the increasingly effective mobilization by the whole group of oil exporting countries of their natural resources for the benefit of their economic development is to be welcomed. At the same time there is the paramount need for co-operation among the developing countries in evolving urgently and in a spirit of solidarity all possible means to assist developing countries to cope with the immediate problems resulting from this legitimate and perfectly justified action. The measures already taken in this regard are a positive indication of the evolving co-operation between developing countries.

(b) To protect their inalienable right to permanent sovereignty over their natural resources.

(c) To promote, establish or strengthen economic integration at the regional and subregional levels.

(d) To increase considerably their imports from other developing countries.

(e) No developing country should accord to imports from developed countries more favourable treatment than that accorded to imports from developing countries. Taking into account the existing international agreements, current limitations and possibilities and also their future evolution, preferential treatment should be given to the procurement of import requirements from other developing countries. Wherever possible, preferential treatment should be given to imports from developing countries and the exports of those countries.

(f) To promote close co-operation in the fields of finance, credit relations and monetary issues, including the development of credit relations on a preferential basis and on favourable terms.

(g) To strengthen efforts which are already being made by developing countries to utilize available financial resources for financing development in the developing countries through investment, financing of export-oriented and emergency projects and other long-term assistance.

(h) To promote and establish effective instruments of co-operation in the fields of industry, science and technology, transport, shipping and mass communication media.

2. Developed countries should support initiatives in the regional, subregional and interregional co-operation of developing countries through the extension of financial and technical assistance through more effective and concrete actions, particularly in the field of commercial policy.

VIII. Assistance in the exercise of permanent sovereignty of States over natural resources

All efforts should be made:

(a) To defeat attempts to prevent the free and effective exercise of the rights of every State to full and permanent sovereignty over its natural resources.

(b) By competent agencies of the United Nations system to meet requests for assistance from developing countries in connexion with the operation of nationalized means of production.

IX. Strengthening the role of the United Nations system in the field of international economic cooperation

1. In furtherance of the objectives of the International Development Strategy and in accordance with the aims and objectives of the Declaration on the Establishment of a New International Economic Order, all Member States pledge to make full use of the United Nations system in the implementation of this Programme of Action they have jointly adopted in working for the establishment of a new international economic order and thereby strengthening the role of the United Nations in the field of world-wide cooperation for economic and social development.

2. The General Assembly of the United Nations shall conduct an over-all review of the implementation of the Programme of Action as a priority item. All the activities of the United Nations system to be undertaken under the Programme of Action as well as those already planned, such as the World Population Conference, the World Food Conference, the Second General Conference of the United Nations Industrial Development Organization and the mid-term review and appraisal of the International Development Strategy, should be so directed as to enable the special session of the General Assembly on development, called for under General Assembly resolution 3172 (XXVIII), to make its full contribution to the establishment of the new international economic order. All Member States are urged jointly and individually to direct their efforts and policies towards the success of that special session.

3. The Economic and Social Council shall define the policy framework and co-ordinate the activities of all organizations, institutions and subsidiary bodies within the United Nations system which shall be entrusted with the task of implementing this Programme. In order to enable the Economic and Social Council to carry out its tasks effectively:

(a) All organizations, institutions and subsidiary bodies concerned within the United Nations system shall submit to the Economic and Social Council progress reports on the implementation of this Programme within their respective fields of competence as often as necessary, but not less than once a year.

(b) The Economic and Social Council shall examine the progress reports as a matter of urgency, to which end it may be convened as necessary, in special sessions or, if need be, may function continuously. It shall draw the attention of the General Assembly to the problems and difficulties arising in connection with the implementation of this Programme.

4. All organizations, institutions, subsidiary bodies and conferences of the United Nations system are entrusted with the implementation of this Programme of Action. The activities of the United Nations Conference on Trade and Development (established under General Assembly resolution 1995 (XIX)) should be strengthened for the purpose of following in collaboration with other competent organizations the development of international trade in raw materials throughout the world.

5. Urgent and effective measures should be taken to review the lending policies of international financial institutions, taking into account the special situation of each developing country, to suit urgent needs; to improve the practices of these institutions in regard to, inter alia, development financing and international monetary problems, and to ensure more effective participation by developing countries—whether recipients or contributors—in the decision-making process through appropriate revision of the pattern of voting rights.

6. The developed countries and others in a position to do so should contribute substantially to the various organizations, programmes and funds established within the United Nations system for the purpose of accelerating economic and social development in developing countries.

7. This Programme of Action complements and strengthens the goals and objectives embodied in the International Development Strategy as well as the new measures formulated by the General Assembly at its twenty-eighth session to offset the short-falls in achieving those goals and objectives.

8. The implementation of the Programme of Action should be taken into account at the time of medium-term review and appraisal of the International Development Strategy for the Second United Nations Development Decade. New commitments, changes, additions and adaptations in the International Development Strategy should be made, as appropriate, taking into account the Declaration on the Establishment of a New International Economic Order and this Programme of Action.

X. Special programme

The General Assembly adopts the following Special Programme, including particularly emergency measures to mitigate the difficulties of the developing countries most seriously affected by economic crisis bearing in mind the particular problem of the least developed and land-locked countries:

The General Assembly,

Considering that:

(a) The sharp increase in the prices of their essential imports such as food, fer-

tilizers, energy products, capital goods, equipment and services, including transportation and transit costs, have gravely exacerbated the increasingly adverse terms of trade of a number of developing countries, added to the burden of their foreign debt and, cumulatively, created a situation which, if left untended, will make it impossible for them to finance their essential imports and development and result in a further deterioration in the levels and conditions of life in these countries. The present crisis is the outcome of all the problems that have accumulated over the years: in the field of trade, in monetary reform, the world-wide inflationary situation, inadequacy and delay in provision of financial assistance and many other similar problems in the economic and developmental fields. In facing the crisis, this complex situation must be borne in mind so as to ensure that the special programme adopted by the international community provides emergency relief and timely assistance to the most seriously affected countries. Simultaneously, steps are taken to resolve these outstanding problems through a fundamental restructuring of the world economic system, in order to allow these countries while solving the present difficulties to reach an acceptable level of development.

(b) The special measures adopted to assist the most seriously affected countries must encompass not only the relief which they require on an emergency basis to maintain their import requirements but also, beyond that, steps to consciously promote the capacity of these countries to produce and earn more. Unless such a comprehensive approach is adopted there is every likelihood that the difficulties of the most seriously affected countries may be perpetuated.

Nevertheless, the first and most pressing task of the international community is to enable these countries to meet the shortfall in their balance of payments positions. But this must be simultaneously supplemented by additional development assistance to maintain and thereafter accelerate their rate of economic development.

(c) The countries which have been most seriously affected are precisely those which are at the greatest disadvantage in the world economy: the least developed, the land-locked and other low-income developing countries as well as other developing countries whose economies have been seriously dislocated as a result of the present economic crisis, natural calamities, and foreign aggression and occupation. An indication of the countries thus affected, the level of the impact on their economies and the kind of relief and assistance they require can be assessed on the basis, inter alia, of the following criteria:

(i) Low per capita income as a reflection of relative poverty, low productivity, low level of technology and development.

(ii) Sharp increase in their import cost of essentials relative to export earnings.

(iii) High ratio of debt servicing to export earnings.

(iv) Insufficiency in export earnings, comparative inelasticity of export incomes and unavailability of exportable surplus.

(v) Low level of foreign exchange reserves or their inadequacy for requirements.

(vi) Adverse impact of higher transportation and transit costs.

(vii) Relative importance of foreign trade in development process.

(d) The assessment of the extent and nature of the impact on the economies of the most seriously affected countries must be made flexible keeping in mind the present uncertainty in the world economy, the adjustment policies that may be adopted by the developed countries, the flow of capital and investment. Estimates of the payments situation and needs of these countries can be assessed and projected reliably only on the basis of their average performance over a number of years. Long-term projections, at this time, cannot but be uncertain.

(e) It is important that in the special measures to mitigate the difficulties of the most seriously affected countries all the developed countries as well as developing countries should contribute according to their level of development and the capacity and strength of their economies. It is notable that some developing countries, despite their own difficulties and development needs, have shown a willingness to play a concrete and helpful role in ameliorating the difficulties faced by the poorer developing countries. The various initiatives and measures taken recently by certain developing countries with adequate resources on a bilateral and multilateral basis to contribute to alleviating the difficulties of other developing countries are a reflection of their commitment to the principle of effective economic cooperation among developing countries.

(f) The response of the developed countries which have by far the greater capacity to assist the affected countries in overcoming their present difficulties must be commensurate with their responsibilities. Their assistance should be in addition to the presently available levels of aid. They should fulfill and if possible exceed the targets of the International Development Strategy on financial assistance to the developing countries, especially that relating to official development assistance. They should also give serious consideration to the cancellation of the external debts of the most seriously affected countries. This would provide the simplest and quickest relief to the affected countries. Favourable consideration should also be given to debt moratorium and rescheduling. The current situation should not lead the industrialized countries to adopt what will ultimately prove to be a self-defeating policy aggravating the present crisis.

Recalling the constructive proposals made by His Imperial Majesty the Shahinshah of Iran and His Excellency President Boumediène of Algeria,

1. Decides to launch a Special Programme to provide emergency relief and development assistance to the developing countries most seriously affected, as a matter of urgency, and for the period of time necessary, at least until the end of the Second United Nations Development Decade, to help them overcome their present difficulties and to achieve self-sustaining economic development;

2. Decides as a first step in the Special Programme to request the Secretary-General to launch an emergency operation to provide timely relief to the most seriously affected developing countries as defined in paragraph 3 of the preamble with the aim of maintaining unimpaired essential imports for the duration of the coming 12 months and to invite the industrialized countries and other potential contributors to announce their contributions for emergency assistance or intimate their intention to do so by 15 June 1974 to be provided through bilateral or multilateral channels, taking into account commitments and measures of assistance announced or already taken by some countries and further requests the Secretary-General to report the progress of the emergency operation to the twenty-ninth session of the General Assembly through the Economic and Social Council at its fifty-seventh session;

3. Calls upon the industrialized countries and other potential contributors to extend immediate relief and assistance to the most seriously affected countries which must be of an order of magnitude that is commensurate with the needs of these countries. Such assistance should be in addition to the existing level of aid and provided at a very early date to the maximum possible extent on grant basis and where not possible on soft terms. The disbursement and relevant operational procedures and terms must reflect this exceptional situation. The assistance could be provided either through bilateral or multilateral channels, including such new institutions and facilities that have been or are to be set up. The special measures may include the following:

(a) Special arrangements on particularly favourable terms and conditions including possible subsidies for and assured supplies of essential commodities and goods;

(b) Deferred payments for all or part of imports of essential commodities and goods;

(c) Commodity assistance, including food aid, on grant basis or deferred payments in local currencies, bearing in mind that this should not adversely affect the exports of developing countries;

(d) Long-term suppliers' credits on easy terms;

(e) Long-term financial assistance on concessionary terms;

(f) Drawings from special International Monetary Fund facilities on concessional terms;

(g) Establishment of a link between the creation of Special Drawing Rights and development assistance, taking into account the additional financial requirement of the most seriously affected countries;

(h) Subsidies, provided bilaterally or multilaterally, for interest on funds available on commercial terms borrowed by most seriously affected countries;

(i) Debt renegotiation on a case-by-case basis with a view to concluding agreements on debt cancellation, moratorium or rescheduling;

(j) Provision on more favorable terms of capital goods and technical assistance to accelerate the industrialization of the affected countries;

(k) Investment in industrial and development projects on favourable terms;

(l) Subsidizing the additional transit and transport costs, especially of the land-locked countries;

4. Appeals to the developed countries to consider favourably the cancellation, moratorium or rescheduling of the debts of the most seriously affected developing countries on their request as an important contribution to mitigating the grave and urgent difficulties of these countries;

5. Decides to establish a Special Fund under the auspices of the United Nations, through voluntary contributions from industrialized countries and other potential contributors, as a part of the Special Programme, to provide emergency relief and development assistance, which will commence its operations at the latest by 1 January 1975;

6. Establishes an Ad Hoc Committee on the Special Programme, composed of thirty-six Member States appointed by the President of the General Assembly after appropriate consultations, bearing in mind the purposes of the Special Fund and its terms of reference, to:

(a) Make recommendations on the scope, machinery, modes of operation etc. of the Special Fund, taking into account the need for:

(i) Equitable representation on its governing body;

(ii) Equitable distribution of its resources;

(iii) Full utilization of the services and facilities of existing international organizations;

(iv) The possibility of merging the United

Nations Capital Development Fund with the operations of the Special Fund;

(v) A central monitoring body to oversee the various measures being taken both bilaterally and multilaterally; and, to this end, bearing in mind the different ideas and proposals made at the sixth special session, including those contained in documents A/AC.166/L.15 and A/PV.2208 and comments thereon and the possibility of utilizing the Special Fund to provide an alternative channel for normal development assistance after the emergency period;

(b) Monitor, pending commencement of the operations of the Special Fund, the various measures being taken both bilaterally and multilaterally to assist the most seriously affected countries;

(c) Prepare, on the basis of information provided by the countries concerned and by appropriate agencies of the United Nations system, a broad assessment of:

(i) The magnitude of the difficulties facing the most seriously affected countries;

(ii) The kind and quantities of the commodities and goods essentially required by them:

(iii) Their need for financial assistance;

(iv) Their technical assistance requirements, including especially access to technology;

7. Requests the Secretary-General of the United Nations, the Secretary-General of the United Nations Conference on Trade and Development, the President of the International Bank for Reconstruction and Development, the Managing Director of the International Monetary Fund, the Administrator of the United Nations Development Programme and the heads of the other competent international organizations to assist the Ad Hoc Committee in performing the functions assigned to it under operative paragraph 6, and help, as appropriate, in the operations of the Special Fund;

8. Requests the International Monetary Fund to expedite decisions on:

(a) The establishment of an extended special facility with a view to enabling the most seriously affected developing countries to participate in it on favourable terms;

(b) The creation of Special Drawing Rights and the early establishment of the link between the allocation of Special Drawing Rights and development financing; and

(c) The establishment and operation of the proposed new special facility to extend credits and subsidize interest charges on commercial funds borrowed by Member States bearing in mind the interest of the developing countries and especially the additional financial requirements of the most seriously affected countries;

9. Requests the World Bank Group and the International Monetary Fund to place their managerial, financial and technical services at the disposal of Governments contributing to emergency financial relief so as to enable them to assist without delay in channelling funds to the recipients, making such institutional and procedural changes as may be required;

10. Invites the United Nations Development Programme to take the necessary steps, particularly at the country level, to respond on an emergency basis to requests for additional assistance which it may be called upon to render within the framework of the Special Programme;

11. Requests the Ad Hoc Committee to submit its report and recommendations to the Economic and Social Council at its fifty-seventh session and invites the Council, on the basis of its consideration of this report, to submit suitable recommendations to the General Assembly at its twenty-ninth session;

12. Decides to consider, within the framework of a new international economic order, as a matter of high priority at the twenty-ninth session of the General Assembly, the question of special measures for the most seriously affected countries.

NUCLEAR POWER RISKS

Mr. BAKER. Mr. President, the Senate will soon begin consideration of H.R. 15323, a bill to modify and extend the Price-Anderson Indemnity Act of 1957. That act was designed to protect the public and the nuclear industry by assuring the availability of funds for the payment of claims in the event of a catastrophic nuclear incident. Such accidents or incidents must result in damage or loss of either life or property in order for the relevant liability provisions to take effect; and the maximum amount of indemnity of the Government is fixed at $500 million while private insurance is set at $60 million.

The purpose of H.R. 15323 is to amend the act so as to improve its potential effectiveness in the event of a nuclear accident; and to extend it beyond the scheduled expiration date of 1977. I support the concept embodied in the Price-Anderson Act and feel very strongly that it should be extended. To do otherwise, in my judgment, is to create unnecessary havoc in the nuclear industry with regard to the issue of liability for nuclear power plants and facilities presently in the planning stages of their 7- to 9-year leadtime prior to their actual operation.

It has been argued that the Joint Committee on Atomic Energy, of which I am a member, should have postponed markup of H.R. 15323 until we had had an adequate opportunity to review the text and findings of the so-called Rasmussen study. That study dealt with the question of probability of a major nuclear accident and certain safety aspects associated with the construction and operation of nuclear powerplants and facilities.

Although I am deeply concerned about all health, safety, and environmental hazards associated with the peaceful use of nuclear energy, I am not persuaded by the arguments based largely upon the outcome of the Rasmussen study. In fact, Dr. Rasmussen has already testified before the Joint Committee on the findings of the study and that information is by and large part of the public domain. Thus, while I believe that the matter of nuclear safety must be addressed in its totality at some point in the near future and addressed definitively in the proper public form, I see no reason not to extend this act in the interest of continuity and in the absence of compelling information, evidence, or data to the contrary.

Therefore, Mr. President, I shall support amendment and extension of the Price-Anderson Act when it is considered on the floor of the Senate. Moreover, in light of the fact that the discussion on Price-Anderson is just the beginning of what is likely to be a protracted debate in the House and the Senate on the viability of the so-called nuclear option, I should like to call the attention of my colleagues to an excellent article on this subject. That article, entitled "Nuclear Power Risks," was written by Dr. R. Phillip Hammond and attempts, quite successfully in my view, to provide the background to the growing nuclear power debate as well as put the overall question of safety in the proper perspective.

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

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

[From American Scientist, March–April 1974]

NUCLEAR POWER RISKS

(By R. Philip Hammond)

(NOTE.—R. Philip Hammond has had over 30 years' experience with radioactive materials. He has worked with nuclear weapons, reactor fuels, fission wastes, and experimental reactors. He has first-hand knowledge of what can go wrong in the nuclear field and what has to be done to clean up after a spill. Safety is thus more than an academic matter to him. Dr. Hammond is well known for his developments in seawater desalting and for his studies of the application of nuclear energy to food production and industrial output in developing countries. He is author of the article "Atomic Energy" in the Encyclopedia Britannica, has been an adjunct professor at UCLA, and is now a consultant in the energy field. Address: R & D Associates, P.O. Box 3580, Santa Monica, Calif. 90403.)

The energy crisis has come to public attention rather suddenly. The citizen who lately was urged to buy an all-electric home and to "see America first" by auto is now confronted with brownouts, reduced power voltage, and gasoline shortages. He is justified in complaining that someone should have foreseen this and have done something about it. Some did see what was happening and urged preventive action, though we know now that not enough was done. One far-reaching step was taken, however: Congress set up the Civilian Nuclear Power Program and instructed the AEC to find means of ensuring a plentiful supply of energy for the United States. The AEC fulfilled its instructions, and commercial nuclear power arrived on the scene in what seemed to be the nick of time.

But something went wrong. Instead of receiving the accolades of a grateful public, the AEC has become the target of impassioned censure for having produced a juggernaut, an inexorable monster which could potentially destroy us if we become dependent on it for our power. The resulting dilemma is one of the most important social, political, and technical questions of our time. Energy is vital to our health, wealth, and safety, and yet the end of our gas and oil resources is in sight. Coal use could be expanded, but only at a very high cost in dollars and environmental effect, while oil imports pose economic and political problems which could become disastrous. It is not surprising that nuclear power has been welcomed by the utility industry as a clean, inexpensive, convenient, and inexhaustible source of energy. The AEC has assured us that reactors are safe, reliable, and economical, but public confidence in their assurances has been seriously undermined by events suggesting attempts to cover up the true status of reactor safety and waste handling.

The public has two big questions: What happens if a reactor breaks down and the fuel escapes? What are the risks and problems of shipping and storing nuclear waste for long periods? There is a third question, equally important, which is not asked: How

do the risks for other energy sources compare with the nuclear risk? This question is not asked because most people have not realized there is a risk from using coal, oil, or gas. These questions are legitimate and urgent, and answers to them are available, but the AEC and the nuclear industry seem to increase suspicion, instead of confidence, with every reply they give.

To an observer who has worked with nuclear reactors and nuclear wastes since the early days of the atomic project, the plight of the AEC is indeed ironic. Research in safety and attention to risks have been the watchwords throughout the years; the nuclear industry is without exception the safest in the world in which to be employed, and nuclear hazards are far better understood than are those of thousands of widely used chemical and biological agents, or of common energy sources such as coal. But it is difficult to judge these accomplishments, or the relative risks of various choices, without having information on these matters in clear and simple terms.

Our greatest need is for communication, and members of the scientific community can assist greatly in the process. Radioactivity and nuclear energy are complex subjects, and questions about safety tend to be answered by the experts in their accustomed language; i.e. in technical terms which are often meaningless jargon to the questioner. The basic facts must be put into plain, nontechnical language that people can relate to their own experience. As the President has noted, nuclear power can carry a major part of the energy burden if we can build reactors fast enough. We need to turn out power plants on a production-line basis, but public understanding and acceptance of the risks are essential. This article is an attempt to aid in this important communications step and to draw upon personal, first-hand experience for graphic illustrations of what nuclear fuels and waste materials are like, what amounts would be formed, and how they can be handled. In this effort I am acting as a spokesman for no one; my opinions and comments are not those of the AEC or any other institution, but are strictly my own.

RADIATION

We live in a world which is by nature radioactive. Cosmic rays from space shower the earth steadily; all our food, every spadeful of earth in our gardens, every stone, the very rocks of the earth's crust, and the oceans all carry a small amount of radioactive material, and they always have. This background radiation we must assume is harmless to man, since the human race developed in its presence. Yet these radioactive ingredients of the rocks represent a fantastic amount of energy. A piece of New Hampshire granite contains 100 times as much energy as a piece of coal of equal weight, but in the form of uranium and thorium. Most of the earth's granite has only 10 times the energy of coal per pound, or about the same radioactive content as coal itself. The combustion energy of coal is thus greatly exceeded by the energy of the radium, thorium, and uranium it bears, which remain in the ash or go up the stack when it is burned.

Our ability to detect and measure radiation is millionsfold more sensitive than for other hazards. Present instruments can detect as little as one billionth of the amount of radiation that would be considered hazardous, while for many poisonous materials, such as mercury, our measurement ability is often not far below the threshold of noticeable injury. The great tuna-fish scare came only when new, more sensitive measurements were developed. If we are exposed to a nuclear hazard, at least we can tell it's there.

Two kinds of radiation are produced by nuclear fuels and wastes: short-range radiation and penetrating radiation. The fuel materials emit short-range radiations, called alpha particles. These particles can do severe damage to internal body tissues, but they cannot penetrate the skin or even a piece of thin paper or a coat of paint. Hence the fuel materials could be called radiopoisons because they must be actually eaten or deposited inside the body to be harmful. A famous case in point is that of the radium watch dial-painters in the 1920s, who licked their brushes to point them.

The penetrating radiations, on the other hand, resemble X-rays in that they can produce damage at a distance from their source, even though the emitting material is tightly sealed in cans that do not leak. To handle such materials safely one must work from behind a heavy shield which will absorb the radiation, such as 1,000 feet of air, 20 feet of water, 10 feet of earth or concrete, 3 feet of steel, or 1 foot of uranium metal. (These relative amounts of shielding are only approximately equivalent, but the heavier the shielding material, the less is needed.) Most substances are not affected by absorbing such radiation, but living organisms and photographic film are.

All radiation dies away with time, and it is fortunate that the penetrating radiation does so rapidly. In a mixture of reactor wastes, the intensity of radiation drops by 90% in a few hours and by another 90% in a few months. The residual level is quite low after 100 years, and, after 350 years, penetrating radiation has essentially disappeared as a major source of hazard. The radio-poisons, or short-range emitters, tend to be long-lived, however, lasting for tens of thousands of years, just as do the radium and uranium in the earth.

IDENTIFYING THE HAZARDS

Figure 1 shows a fuel element for a present-day power reactor, called a "light water" reactor, since it is cooled by ordinary water in the core. The element is an assembly of metallic tubes into which the actual fuel is sealed. The tubes permit the heat of the nuclear reaction to pass through the wall but prevent the escape of the radioactive materials. Other types of reactors have different fuel forms, but we will confine our discussion to the most common type.

The public rightly fears the escape of the reactor fuel, which is a radiopoison, and of the waste products, which emit penetrating radiation, into their living space. They also associate reactors with atom bombs and fear a nuclear explosion. Finally, they are concerned about having to store wastes in constantly increasing amounts in an uncertain and indefinite future. Let us try to deal with each of these problems in plain language.

How does a reactor differ from an atom bomb? As the scaremongers say, "A reactor contains enough fissionable material to make hundreds of atom bombs. Do you want *that* in your backyard?" From my experience at the nuclear weapons laboratory at Los Alamos, New Mexico, I can offer three reasons why a light water reactor cannot be a bomb: It has the wrong composition, the wrong surroundings, and the wrong timing. Imaginative people have done their best to think up improbable and hypothetical accident sequences that might produce a nuclear explosion, but they cannot get around the fact that the fuel contains substances which would prevent a bomb from igniting. Further, a bomb must be set off in "clean" surroundings, free from neutrons, or it will preignite and shut itself off by thermal expansion. A reactor always has neutrons present and is thus the wrong surroundings. Finally, a bomb must be fired by pushing its parts together in a few millionths of a second, and there is nothing in a reactor to give such speeds, even if other conditions were met. Each of these three reasons is sufficient alone to prevent a nuclear explosion in a reactor. Thus one fear can be dismissed: A light water reactor may represent other hazards, but it cannot be a bomb.

What *can* happen to a reactor? In recent hearings in this subject, the AEC and the reactor manufacturers tried to defend their position on nuclear safety. They seemed to the public to be saying that, since all contingencies were provided for, nothing could possibly go wrong. In their defense, they refused to discuss what *would* happen if all the layers of prevention failed and the radioactive material escaped from the reactor. By their refusal, they tacitly agreed with the assumption of the uninformed that the consequences were unthinkably catastrophic. As a result, some writers have loosed their imaginations and have conjured up visions of a deadly, invisible miasma compressed inside a reactor, which, with the slightest failure, will escape and spread over the land, creating death, destruction, and instant blight, forever forbidding man's return to the region. Some typical statements are: "a damage potential beyond any other event that I can imagine. The hazard of fission products persists for a time that is longer than any I can conceive." "Where will your children live?" "Whole states may have to be evacuated." Thus in the absence of a clear statement of what *really* happens, people imagine a situation worse than if a full-scale atom bomb were released.

First, we must ask, is it possible to build a reactor so perfect that none of its components will ever fail? No! Humans being what they are, failures will occur despite the most stringent efforts in quality control and testing. A reactor is basically quite a simple device, compared to a boiler, for instance, but we must assume there will be failures. So far there have been about 2,000 reactor-years of operating experience and many kinds of failures. The majority of these are trivial—pumps to be replaced, bearings scored, control rods warped, various small leaks. There have been a few more serious defects and accidents: fuel failures, flow blockages, broken pipes, an unfastened lid, etc. Reactor operators and manufacturers point out that rarely are any of these failures in the nuclear portion; of those that are, most are trivial mechanical replacements. Of the few more serious failures, not one has yet caused even potential injury to the public. There was a near miss, though, when a British military reactor (of a type no longer used) caught fire while open for reloading and contaminated some pasture land. The reactor had no containment shell.

There is a good case for expecting rapidly diminishing levels of probability for really severe reactor damage and failure, not so much because of man-made safeguards, but because a reactor, of its own nature, tends to shut itself off if overheated. Yes, reactors can fail in dozens of ways, and the consequences can be costly delays and replacements. Very seldom is the fuel damaged, but if it is, there are some tedious and expensive clean-up jobs. Clean-ups within the plant are done by repeated flushing with detergents or other chemicals and rinsing of any spilled materials into special holding tanks. Everything must be done with long-handled tools or by remote control. None of these failures would be detectable outside the plant, and none would affect the public.

Thus far there has never been a reactor accident that ruptured or even damaged the main tank or vessel housing the fuel. For this to happen, all the previous defenses would have to fail, and a complete loss of all coolant would have to occur so fast that all the residual heat would still be on hand. Then the damaged fuel could in principle

melt its way through the various structural levels and baffles within the reactor vessel and reach the heavy steel or concrete main vessel wall. No one really knows how likely the fuel is actually to escape in such a case. Most estimates say it would not penetrate the main vessel, but it might under some conditions. Almost any external cooling source would arrest the penetration, however. Some tests would seem to be in order, but no one has yet performed them.

Once through the main vessel, there is still another line of defense or, in some cases, two or three. All water-type power reactors except those in the USSR have a containment shell—an airtight dome or tank which is often the main visual feature of a nuclear power station. This containment shell encloses all the nuclear components—reactor, pumps, heat exchangers, coolant tanks, etc., and is intended to prevent any breakdowns or ruptures of the system from releasing anything to the outside. There is no doubt it can do this if intact, but a hot mass of fuel that has just melted its way through the thick reactor tank might be able to do the same to the containment. Some structural experts believe that the heavy concrete base of the reactor foundation, the presence of coolant that has escaped from the vessel, the diluting and cooling effect of the reactor internals, and the time delay involved in reaching the containment would essentially preclude further penetration. But until more tests are made, there remains a residual chance, however small, that the containment could be pierced.

Up to this point the interests of the public are not concerned. If the hapless reactor owner cannot prevent such serious damage to his half-billion dollar investment, that is his worry. We might reflect cynically that we will have to pay for it in higher electric bills, but there is no direct public risk. Once the containment is breached, however, the situation changes. It becomes very much our worry, and we have a right to know just what will happen. As mentioned above, the lack of official statements on this point has led to wild and imaginative speculations. The only official publication is the famous WASH 740 study (*1*), made many years ago before it was completely clear that a reactor cannot function as a bomb. The authors of WASH 740 were asked to ignore all the improbabilities and assume that a small nuclear explosion *had* taken place and dispersed some of the reactor core in a "worst case" event. This study, often quoted by nuclear detractors, has never been replaced by a more modern, realistic appraisal, until recently when a new team of experts began work, led by Dr. Norman Rasmussen of M.I.T.

ASSESSING THE RISKS

While we are watching for their results, perhaps we can find some preliminary data to estimate the general scope of what we would be faced with and what could be done about it. The first thing that is apparent is that there are some seemingly deliberate attempts to mislead the public. For example, Ralph Nader and Friends of the Earth have recently asked for the shutdown of all operating nuclear power plants. They state that "the amount of radioactivity routinely present [in one of these plants] is equivalent to ten times the amount of radioactive fallout from detonation of the largest nuclear weapon in the United States defense arsenal" (complaint filed in U.S. District Court). In a fine example of misdirection, the reader of this statement is left with the implication that a reactor is ten times worse than an H-bomb, although the statement does not say so directly. An H-bomb or an atom bomb does its damage, of course, primarily by blast, by scorching, intense heat from a fireball, and by a sudden burst of penetrating rays that are part of the fission process itself, not from the fission products or nuclear wastes. Fallout of wastes, though hazardous enough, is by comparison a trivial part of the effect of the bomb. Stating that these materials are present in a reactor, if there is no bomb to spread them over an area, is scaremongering. It is equivalent to saying the chlorine gas stored at the city waterworks and swimming pools is sufficient to poison everyone in the city 8,726 times. Some of the AEC statements have been equally misleading in the other direction.

What facts of our own can we deduce? First, we know that none of the public is near the reactor, for each plant has an exclusion area, usually thousands of acres, which can be cleared in any emergency. Second, we know that there will be plenty of time for warning, evacuation, or preventive measures. The meltdown of a reactor core can occur only if the plant has recently been operated for several weeks at high power and if several kinds of safeguards have failed to provide a way to remove the 1% or so of the heat which is evolved for some hours after shutdown and continues at a diminishing rate for weeks. The rate at which the heat is produced is well known, and it is easy to calculate the maximum rate at which the reactor vessel internals and walls could be penetrated, which may be a matter of hours. Considerable additional time would then be needed to penetrate the containment vessel, so there is time to prepare.

As noted above, the consequences of a major meltdown which might penetrate the containment shell and come out into the ground have never received intensive study, seemingly because to discuss such an event was to admit the possibility of a bureaucratic failure. But let's try to imagine a blob of white-hot fuel emerging into the earth, about 30 to 40 feet under the surface, having penetrated the concrete foundation. There is a very good chance that the public would have no measurable sign that anything had occurred. After several hours of sizzling away, all the easily vaporized materials in the fuel would necessarily have boiled out and probably would have solidified again somewhere inside the cool upper parts of the reactor containment or the concrete foundation. The emerging fuel material—heavy, white-hot, and semiliquid—is essentially inert, like so much molten steel or lava, except that it is emitting penetrating radiation and contains radio-poisons. If the containment is under pressure, the design provides either a means of venting it through a filter system which will remove radioactive particles, or else enough ice or water stored inside to keep everything condensed.

If I had to contend with such a material (and I have had some first-hand experience in cleaning up radioactive spills), I cannot think of a place where I would prefer to have it than far underground. It would be completely shielded by the overlying earth and concrete, it would be enclosed in a thick pocket of fused earth, and it would be completely dry, for it is known that heating of the earth would drive the soil moisture away for perhaps 20 feet or more. At a radius of about 20 feet or so, the heat flowing from the fuel mass would be spread out enough so that the soil could contain some water and so provide a rapid conduction of heat. Thus the system would stabilize and melt no further and would be completely safe until such time as salvage operations might begin. There would be no contamination of the water table because of the dry, heated zone. If the soil is dry, or if the foundation is rock, melting might continue somewhat further, but eventually a sufficiently large radius would be formed to carry away the heat steadily, and penetration would cease with debris encapsulated in a ball of fused earth or rock.

Where is the risk to the public in all this? If there is any, it is not from the melted fuel, but from the more easily vaporized materials driven off beforehand. If by some chance the containment cannot be vented, a blowhole might form through the soil, releasing some of the steam together with radioactive particulates. Such a release would contain only a small fraction of the fission products, but it could be a source of severe danger downwind, though far from a "catastrophe."

Hence it seems to me that all the controversy about whether or not the emergency core cooling system works is barking up the wrong tree. The owner of the reactor may very well want such a system to preserve his investment, but the safety of the public depends upon other factors, such as whether the containment vessel contains enough ice or water to assure condensation of the easily vaporized portion of the fission products, and whether there is a reliable way to vent excess pressure in the containment shell through an adequate filtering system. Such factors are much easier to determine, and the risks easier to guard against, than proving that a meltdown can never occur. If condensation can be assured, there is almost a negligible public hazard, in my opinion, from a meltthrough of the containment shell. I would be glad to tackle the job of drilling into the spilled fuel and bringing it up in small bits for recovery. This could be done safely and completely.

Some experts have worried about whether there could be a so-called steam explosion inside the main vessel, in which molten fuel would suddenly become dispersed in fine droplets in water, and thus generate a volume of steam sufficient to blow off the vessel lid, rupture the containment, and disperse the core over the surrounding area. There is indeed sufficient energy in a melted core to do this, and the consequences, although not in any way resembling the havoc of a nuclear bomb, could be injurious or fatal to persons in the vicinity. However, such an explosion is, in my opinion, incredible because the conditions required for its occurrence are incredible. Such an explosion could not happen if the reactor vessel were full of water, as it normally is, or if the vessel were empty, as it would be if ruptured. (Water stays liquid at the temperature in a reactor only because it is pressurized—if the vessel has even a small leak, all the water inside flashes to steam and escapes.) Thus it is very difficult to have it both ways—dry enough inside to permit an uncooled blob of melted fuel to form, and yet wet enough to provide a pool of water into which it could fall. The scenarios which try to arrange such conditions certainly need to be studied thoroughly, but so far these seem more remote than other kinds of hazards.

Regardless of the precautions we take and the safeguards we install, there will always be a residual hazard from a nuclear power station. The best we can ask is that such a station be at least as safe to the general public as an alternative power source. For the near future, the only practical domestic alternative to nuclear power is coal. Although the coal industry has not yet been required to produce an environmental impact statement, much very disturbing information is now available about the consequences of using coal. One careful 1964 study (2) showed that about 19,000 deaths per year in the U.S. could be attributed, directly or indirectly, to the use of coal and oil, which contain carcinogenic, radioactive, and acid-forming materials. In addition, we are paying heavy environmental cost for coal in mining areas and in continuous damages in corrosion and cleaning losses. A large nuclear

power plant could displace nearly 1% of the 1964 U.S. coal consumption and could thus be looked upon as saving 1% of 19,000, or 190 lives per year. Over the 30-year life of the plant, 5,700 lives would weigh in the balance, plus untold property damage. Even the most pessimistic estimates of nuclear plant failures predict a smaller toll than that, with a probability of occurrence not once in 30 years but once in hundreds or thousands of years. As noted above, in a total of 2,000 reactor years of experience, there has been thus far no failure which was a significant hazard to the public.

The above example does not exhaust the list of "What if?" questions about reactors. There are also other types of reactors than the water type considered here. But for all cases I have seen, similar conclusions can be drawn, and the same safety standards will have to apply, so that failures, even rare ones, could hardly be described as catastrophes. On balance, it is hard to escape the conclusion, after 25 years of experience, that reactors, failure-beset as they are, are already much safer than the alternative of using coal, and that they have indeed arrived in the nick of time. There is no doubt that they will be improved as experience is gained.

STORAGE OF WASTE

The storage of nuclear waste is the other big question that concerns the public. This is not a technical question so much as a social problem, for it involves taking on a responsibility which we cannot discharge completely ourselves but must hand on in some form or other to our successors. What is lacking in the public's concept of this problem is an appreciation of the real size, scope, and cost of the commitment and the nature of the hazard involved. People are confused by the apparently careless leakages of stored liquid wastes at the Hanford works of the AEC. The soil conditions at Hanford may be such, as the AEC claims, that no risk has resulted. But a continuing series of unintentional spills is not the way to gain the public's confidence.

First, what is the nature of the waste material? When spent nuclear fuel elements are removed from a reactor, they still look like Figure 1, and both waste products and unburned fuel are completely contained. The penetrating radiation emitted from the wastes, however, means that the elements must be transported in a thick-walled cask or shield to the reprocessing plant. At the plant, in a sealed chamber behind heavy walls, machines chop up the fuel rods and dissolve the material. Chemical treatment then separates the valuable unburned fuel, which is recovered for reuse, from the wastes, which remain in a highly purified liquid form. (There are some gaseous waste products, which must be absorbed on charcoal, pumped into storage tubes, and held for decay; but these are a relatively minor problem, since both the amount and the costs are low.)

After some intermediate storage period, the liquid waste can be boiled down in an electric pot furnace and melted to form a glassy solid. When cooled, the solid waste is a black, ceramic clinker resembling obsidian or lava. It is inert; it does not dissolve in water or react with air. The procedures for converting a batch of waste to this solid form and sealing it into a metal tube 12 inches in diameter and 10 feet long are completely worked out and the costs are known. Once sealed, the tube can be safely moved in a thick-walled shipping cask (designed to survive all conceivable shipping accidents) to a final storage place. If the contents somehow escaped, it would not be dispersed but would lie where it fell until scraped up by remote control vehicles. The public hazard from this material consists only in proximity—it must be kept behind a heavy wall or shield for about 350 years. After that, it could be given more routine storage but, since it contains traces of fuel, which is a radio-poison, it must be kept isolated from food or water, like so much pitchblende or other radioactive ore. Alternatively, further processing could remove the fuel traces.

The part of the waste problem that is hardest to grasp is the extremely small volume produced. A single aspirin tablet has the same volume as the waste produced by 7,000 kw hours, or one person's annual share of U.S. electric output. If the entire electrical capacity of the U.S. were nuclear and ran at the present rate for 350 years, the total waste produced could be stored in a single pit or vault 200 feet long by 200 feet wide and 200 feet deep. (In an engineered waste storage facility, one would allow some extra space for accessibility and cooling passages.) The oldest cans could then be removed as new ones were added, making a perpetual capacity. This volume of waste is quite small compared to the corresponding volume of ore needed, which would occupy a space about 200 feet by 200 feet by 5 miles long (assuming 0.25% ore and breeders available in 10 years or so.) This amount in turn is dwarfed by the environmental impact of producing the same energy from coal: 33 cubic miles would be needed, or the equivalent of a pit 200 feet wide and 200 feet deep extending clear around the earth! In either case, we are perforce handing over a problem to our successors. The nuclear one is much the lesser of the two.

Care in handling nuclear waste is obviously important, especially before the inert solid form is reached. Thus the public should scrutinize the safety measures at fuel-processing plants. But, compared to the large quantities of other lethal materials necessary to our society, the minuscule volume of the nuclear waste reduces the problem, since it cannot add measurably to the overall risk, and the cost of treatment, transport, and storage is only 1/1000 of the cost of electricity.

Whether we want to store the wastes in a retrievable form or effect some permanent disposal, as in an ice cap or salt mine, is a decision of little importance now. Since we have very little waste so far and we may find a use for it later, I think we should keep our options open for the present by retrievable storage, say for the next 30 years or so, until the need and best means of final disposal become apparent.

The issue of sabotage and terrorism using nuclear materials is raised by those who have imagined a deadly, compressed gas which would disperse itself over the countryside. In reality, these heavy, inert solids are less of a threat than so much dynamite. A fanatic could cause trouble with them, mostly to himself. In the long run, just as with reactors, there are going to be spills, casualties or even fatalities from nuclear waste. But it is quite clear that no new, unique avenue is offered to terrorists, nor is the total risk measurably increased. As for do-it-yourself atom bombs, we noted above that nuclear fuels have the wrong composition, so that the materials that move in industrial nuclear power channels are of little use. Whether or not a highly sophisticated, heavily financed organization could acquire the array of special talent needed to seize, separate, and purify plutonium and produce a bomb is a separate question which needs intensive study. It is also a question which does not much affect the choice of a civilian energy source, for such an organization could also intercept weapons materials or finished bombs. Internal disruption of this type is a social question the whole world must face. The terrorist has many types of threat to choose from, no matter what type of power station we have.

MAKING THE CHOICE

The existence of a constantly expanding human population on this hostile ball of clay is fraught with hazard at every turn, and there are *no* completely safe alternatives. All we can hope to do is choose wisely from the paths that are available. Daily experience shows that the public accepts risk when necessary, provided the nature of the risk and the alternatives are understood. Legitimate questions are being asked about the risks of using nuclear power, and they must be answered. The public is not served by those who exaggerate the risks or by those who claim there is no risk. Much of the outcry against nuclear energy is from those who fear it because it is new to them—forgetting that it is 25 years old and that its hazards have been studied from the first—or from those who, hearing of these hazards, have not stopped to compare the dangers of choosing another path.

What I have tried to do in this article is to dispel the vision of unthinkable catastrophe if there is an ultimate nuclear failure. The hazard is real—somewhere along the line in a nuclear economy there will be some lives lost, some injuries, and some nasty messes to clean up and decontaminate. But there will be no catastrophe, and we know from experience that radioactive spills *can* be cleaned up. It seems clear that each of the other available paths will have an even higher cost in lives, in dollars, and in damage to the environment. The *real* friends of the earth can assist the public in such balanced assessment.

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RETIREMENT OF LT. GEN. LEO E. BENADE

Mr. STENNIS. Mr. President, among the nominations reported yesterday by the Committee on Armed Services was that of Lt. Gen. Leo E. Benade, U.S. Army, to be placed on the retired list in that grade.

During his entire career as a senior officer, General Benade has devoted himself almost entirely to the most difficult issues in the Department of Defense relating to military personnel, pay, retirement and related issues; his last assignment being that of Deputy Assistant Secretary of Defense for Manpower and Reserve Affairs.

For about 20 years he has testified before the Committee on Armed Services on almost all the military pay legislation that has been considered and other important personnel items. In the 1950's as a lieutenant colonel he assisted in the first legislation authorizing the drafting of doctors during the Korean emergency. Actually, at that time he was a member of the Medical Service Corps of the Army. Later, he participated in the various pay acts beginning in 1955 and succeeding years.

General Benade mastered the most difficult task in the military as well as in other professions, that of acquiring complete, in-depth knowledge of the subject matter, together with the ability to communicate on its many problems. Along with ability, he gained the respect and

confidence of the committee members and staff with whom he dealt which is a crucial element in any important legislation.

I have found personally over the many years that military manpower and its related problems is the most difficult area in which the Congress or the Departmental officials must cope.

It is only appropriate, therefore, that we recognize the contribution and service of General Benade to the Department of Defense and his assistance to the Congress over the last two decades. I speak for our entire Armed Services Committee. I am pleased for the Army to promote him to Lieutenant General because it is deserved. I do not believe enough recognition is given to those who labor in this highly important and difficult field.

SENATOR RANDOLPH DELIVERS THOUGHTFUL AND CHALLENGING ADDRESS ON WATER RESOURCES DEVELOPMENT

Mr. GRAVEL. Mr. President, during the nearly 6 years that I have been a Member of the Senate it has been my privilege to serve as a member of the Committee on Public Works, under the very able chairmanship of Senator JENNINGS RANDOLPH.

Senator RANDOLPH is known in the Congress as an eminently fair, considerate, and cooperative chairman. In the conduct of committee business his goal is to develop workable legislation that responds to public needs. In so doing, he is always considerate of the views of Members, be they veterans or newcomers.

The knowledge and experience of Senator RANDOLPH in all aspects of public works is indeed broad. He is the Senate's knowledgeable leader on highway transportation. He was one of the first to raise the banner for environmental protection, and he has a long record of support for water resource development.

As chairman of our Subcommittee on Water Resources during the 93d Congress I have participated in this important work. It has been challenging for me personally, and my work has been greatly facilitated by the concern and guidance of our committee chairman.

Mr. President, Senator RANDOLPH's commitment to water resources development and his extensive knowledge of the subject is reflected in an address he gave at the National Conference on Flood Plain Management on July 25 here in Washington. His observations point the way for the years ahead and I ask unanimous consent that the text of Senator RANDOLPH's speech be printed in the RECORD.

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

WISE WATER RESOURCE DEVELOPMENT STRENGTHENS AMERICA

Few programs are more essential to the economic and social well-being of our people than wise and comprehensive water resources development.

In 1808 Albert Gallatin, Secretary of the Treasury under President Thomas Jefferson, enunciated for the first time the policy of our young republic regarding water resources development by declaring ". . . no other single operation, within the power of government, can more effectually tend to strengthen and perpetuate that union which secures external independence, domestic peace, and individual liberty."

A Federal program for waterway improvement was initiated with the removal of snags and sandbars from the Ohio and Mississippi Rivers on May 24, 1924.

Throughout the 19th Century, the Federal effort was devoted almost exclusively to the improvement of navigational facilities. The concept of water resources development continued to broaden through the turn of the century.

In transmitting a 1906 report to the Congress, President Theodore Roosevelt emphasized (quote): "The National Government must play the leading part in securing the largest possible use of our waterways; other agencies can assist and should assist, but the work is essentially national in its scope." This concept has guided our water resources policy, and it has enabled us, to date, to meet the demands of a constantly expanding industrial technology and a growing population. In meeting these demands, many of our public works programs have succeeded beyond our expectations.

In the past, our interest in water resources was concentrated on navigation, irrigation development of the West and reducing the impact of natural disasters. Today we see water resources as having an even larger role in our national life. They are vital ingredients in our efforts to support economic development and improve the quality of our physical environment.

Because I am particularly aware of the critical importance of water to our society, I am always bothered when this work is referred to as pork barrel. Those of us who are involved with the development and management of natural resources know this to be an untrue and unwise description of our work.

I cite one example as a demonstration of the great and lasting benefits that accrue from proper water resource development. Just over a year ago the valley of the Mississippi River was struck by unusually heavy flooding. Damage to homes, farms, and industry totaled about $500 million. This is a huge monetary loss and it was accompanied by substantial personal hardship and suffering.

For many years the Federal Government, through the Army Corps of Engineers, has been involved in a gigantic project to tame the Mississippi. Nearly $2 billion has been spent on the Mississippi River and Tributaries Project which is now half completed. The work done thus far prevented at least $7.6 billion in damage during last year's flood.

So our investment, not just expenditure, in the Mississippi Valley was returned nearly fourfold within the space of just a few months. I am sure that people who live in the flood ravaged area of the Mississippi would take a strong exception to pork barrel description of work that has saved them billions of dollars in property and crops, and preservation of life itself.

Of course, no government program can remain static in its operations. Changing conditions require constant evaluation of the way we provide the essential services that the public expects from us. This is as true of water resources development as of other government activities.

Throughout the United States, citizens are taking a new look at the way we treat the world in which we live. We know that we cannot continue to pollute our air and water and to abandon millions of tons of solid waste containing useful materials.

A growing and increasingly productive society such as ours must also give attention to how it uses the land. In recent years land use has been increasingly debated. At every level of government policies relating to transportation, housing, pollution control, and water resources are among those under discussion.

Early this year the Water Resources Act of 1974, became law. One of the most significant features of the Act was Section 73 which for the first time articulated in law the validity of nonstructural approaches in water resources activity.

The resolution of water resources projects has traditionally involved construction. Some of our most important engineering achievements, in fact, are associated with water resources management. The changed nature of our society and the rapidly escalating cost of construction, now make it mandatory that we look to other ways of achieving our goals. The 1974 Act is very specific that in planning any flood protection project "consideration shall be given to nonstructural alternatives to prevent or reduce flood damage."

To further support our belief in the nonstructural approach, the 1974 Act includes three projects of this type. One is the flood plain of the Charles River in the Boston area where the Congress authorized the expenditure of $7.3 million to acquire 8,500 acres subject to frequent flooding. By controlling this land and preventing its development we will obviate the need for expensive upstream dams. The benefit-cost ratio of this project is 6–1 making it an extremely good investment from the taxpayer point of view.

The second nonstructural project provides for total evacuation, flood proofing and land control measures in the town of Prairie du Chien, Wisconsin. This Mississippi River community also suffers severe flooding and this nonstructural answer to its problems is well conceived. It also has a 6–1 benefit-cost ratio.

In addition, we authorized the acquisition of land and development of recreational facilities on the South Platte River in Colorado just below the Chatfield Dam. Without such a procedure, extensive channel improvements would have been required in the river to accommodate water released from the dam. These will now be avoided since private development below the dam will not take place.

I have been in public life long enough to know that a large dam or other structure can be very attractive politically.

We do not properly represent our constituents, however, if we are unable to accept the best way of doing the job even if it does not require a large outlay of money and result in a structure to which local citizens can point with justification.

I fully expect that the nonstructural approach will be increasingly adopted in the years ahead. Construction may not always be the best answer to a flood problem. The proper and less costly response may well be to let the floods come but to control the flood area so that personal and property damage will not occur.

Later today the National Commission on Water Quality will meet. I sponsored the Commission in the Federal Water Pollution Amendments of 1972, as part of our cooperative work effort.

As we develop and maintain adequate water resources, part of our effort must be to provide clean and drinkable water. Congress set forth a series of far reaching requirements and goals. The Commission is to study and investigate the costs, impacts and benefits of achieving these goals and requirements.

Members of the House and Senate and the general public labor to assess the future, not the past, as we investigate this serious problem. Our membership is representative of a cross section of the Nation and the technical fields of expertise required for such a study.

The public sector is represented by Governor Nelson A. Rockefeller, our able Chairman; Raymond Kudukis, a civil engineer and director of public utilities for the city

of Cleveland; William R. Gionelli, a consulting civil engineer and former director of the California Department of Water Resources, and Edwin A. Gee, Senior Vice President of the DuPont Corporation.

Congressional members include Senator Edmund Muskie, James Buckley, Lloyd Bentsen, and Howard Baker and Representatives Robert Jones, James Wright, John Blatnik, William Harsha and James Grover.

Those who are participating in this Conference on Plain Flood Management represent organizations with a wide variety of interests. It is highly commendable that you have joined to focus your attention on this very important subject.

In ancient times the first civilizations developed in river valleys. Our great population centers continue to be constructed along waterways and there is no reason to believe that this practice will not continue in the future. Where there are rivers, there will be flooding. If our society changes, so must our methods of protecting people change. I know that by working together we can meet the challenges that lay before us; and I shall be helped in counseling with you and those persons and groups you represent.

FORT CAMPBELL, KY.

Mr. COOK. Mr. President, the people of Kentucky have always been proud of Fort Campbell, but today we take increased pleasure in that pride.

I have been notified by the Defense Department that Fort Campbell was selected a winner for the annual "Secretary of Defense Natural Resources Conservation Award" for 1973.

During my visits to Fort Campbell, I have been very impressed with the excellent relationship between the community and the post. I have been particularly pleased with the number of conservation projects cosponsored by civilian and military leaders.

Kentuckians are proud that Fort Campbell is the home of the 101st Division Airmobile, and we look forward to many years of being the host State of this prestigious division.

I ask unanimous consent to print in the RECORD a letter I received from Mr. Perry J. Fliakas, who is Acting Deputy Assistant Secretary of Defense.

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

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., July 26, 1974.

Hon. MARLOW W. COOK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COOK: I am pleased to advise you that Fort Campbell, Kentucky has been judged the winner of the Secretary of Defense Natural Resources Conservation Award for 1973. This award program, now in its thirteenth year, is designed to recognize the military installation which has demonstrated the greatest initiative and progress in the conservation of its natural resources during a three-year judging period. The DoD conservation program is designed to assure multiple use of military real property consistent with the military mission of the installation.

Six finalists nominated by the three Military Departments from a total of 237 installations throughout the US competed vigorously for this honor again this year. All six were inspected by a selection committee of nationally prominent civilian conservation leaders with Fort Campbell finishing in first place.

The Honorable Arthur L. Mendolia, Assistant Secretary of Defense (Installations and Logistics), will make the presentation of the award at Fort Campbell on the morning of August 13, 1974. You are cordially invited to join Mr. Mendolia at Fort Campbell on that date for the award ceremony. If you are able to attend, additional details may be obtained from Mr. F. E. Roche of this office at OX5-6744 or OX7-7227.

Sincerely yours,

PERRY J. FLIAKAS,
Acting Deputy Assistant Secretary of Defense.

RETIREMENT OF JAMES L. JOHNSON

Mr. BIBLE. Mr. President, several weeks back when James L. Johnson announced his retirement, I was unable to be present on the floor and I would be remiss without noting, I have known Jimmie since he first came to the Hill as a stenographer for the late Alben Barkley.

Jimmie worked 31 years in the Senate and came to the Hill in 1934 when I first met him. As Registration Clerk in the Office of the Secretary of the Senate and later as Assistant Legislative Clerk, Jimmie performed his duties with competence and dignity. Regardless of the issue as history unfolded through the years, Jimmie kept his delightful disposition and was always friendly and courteous.

I just wanted to add my thanks for the devoted employees of the Senate such as Jimmie, who have contributed much to the workings of this body.

I hope he will enjoy his well-earned retirement and continue his cheery outlook on life. He has always been a good friend and we shall miss him.

UNANSWERED QUESTIONS ABOUT THE USE OF UNLEADED GASOLINE

Mr. BIBLE. Mr. President, as chairman of the Select Committee on Small Business, on July 25 I introduced Senate Concurrent Resolution 104 which would express the sense of Congress that reasonable extension of time be permitted to small independent gasoline marketers for the purpose of obtaining and installing product and equipment necessary for their stations to dispense no-lead gasoline.

The present deadline is July 1, 1974—September 1 upon application. However, my best information is that even by the end of the 1975 model year—approximately 13 months from now—only 10 percent of the automobiles on the road will be required to use no-lead gasoline. Thus, an extension of the present deadline—and the accompanying threat of up to $10,000 a day fine—for small service station owners, who despite their best efforts cannot obtain physical delivery of the product or equipment, will not inflict major harm upon the environment. Neither will such delays impair the ability of smaller service stations to render adequate service to 90 percent of the Nation's motor vehicles.

It seems to me that it would be entirely unjustified to let rigid bureaucratic guidelines over the next year force many independent gasoline marketers out of business.

This would seem to be a particularly harsh result in view of the fact that there is so much uncertainty about unleaded gasoline—the extent to which this "clean product" is available, the extent of its use over the next year, and even whether it is lead or some other chemical that is actually doing the damage to the pollution control devices.

In this connection there has come to my attention an article from the July 1974, American Motorist magazine, a publication of the American Automobile Association, which pinpoints many of these questions and sets forth the evidence which is known on both sides.

The type of fuel to be used by the country's 10 million vehicles is an important economic factor that will be with us for some time to come. The introduction of such new products and their associated equipment will have major effects on the small business segments of the petroleum industry, particularly if mandatory Federal standards are imposed under hard and fast deadlines. I feel that the survey of information in this article will be useful to many Members of this body facing decisions on what might constitute appropriate legislative relief measures, and would also be informative to small businessmen and women and the general public.

I ask unanimous consent that this article entitled "Unleaded Gas: Too Little, Too Late?" be printed in the RECORD.

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

UNLEADED GAS: TOO LITTLE, TOO LATE?
(By Bill Berman)

Many proud owners of the new 1975 model cars, which will appear in dealers' showrooms this September, will find their gas tanks slightly different in design. They will have a narrower neck that will refuse regular gas station pump nozzles.

This new design is to make sure that no leaded grades of gas can be pumped into these cars since such fuel would "poison" any catalytic converter-emission control device.

What's unusual is that General Motors will install this tank on all of its models whether they have a catalytic converter or not. Ford and American Motors reportedly will follow suit, and Chrysler is said to be planning to install the tank on 60% of its new models.

The only gas these cars can fill up with is called Unleaded Gas. It will be dispensed—if available—from a separate pump with a specially designed nozzle. This gas was supposed to be ready for sale July 1st.

It is not the same as *low* lead fuel which has been marketed under such brand names as Gulftane or Shell Super Regular—both of which have been phased out in most areas. It is a gas that is virtually free of additives containing lead and phosphorus.

The important question to new car owners is whether enough of this new Unleaded Gas will be available when needed. It is a question that only recently has had the full attention of the Environmental Protection Agency (EPA), the Federal Energy Administration (FEA) the auto and oil industries.

The American Automobile Association has been asking this question for more than a year. Yet only after initiating innumerable contacts with government and industry officials during this past April, May and June, were we able to learn what roadblocks lay ahead in distributing Unleaded Gas in all parts of the nation

Originally, we found that with the possible exception of General Motors, no one was in-

clined to refute EPA's claim that one-half of the country's 218,000 service stations would sell Unleaded Gas after July 1st.

Indeed, the major oil companies had supported EPA by promising that Unleaded Gas would be at all stations which pumped more than 200,000 gallons of gas annually. FEA was also lending support to this issue by promising Unleaded Gas would be distributed to everyone everywhere—even though at that time FEA had no regulations of its own to carry out this vow.

GM'S UNCERTAINTY

But some doubts came to light. Chairman of the Board Richard C. Gerstenberg wrote to the administrators of the EPA and FEA in April saying, "We at General Motors have become increasingly concerned about indications of potential distribution problems with unleaded gasoline."

Gerstenberg said FEA's existing fuel allocation program "appears to fall short of assuring adequate availability of the fuel." He also said that the EPA regulations indicate "Gasoline stations in many rural areas and sparsely populated large counties may not be required to supply unleaded gas, according to available data."

Not without a touch of malice, Gerstenberg urged the agencies to undertake an education program with retail outlets and the public "with the same zeal EPA has given to promoting its fuel economy ratings."

He also asked the officials to bear in mind that although approximately 10 per cent of the cars on the road will *require* unleaded fuel by the end of the 1975 model year, about 62 percent of the total car population will be capable of using it, and many may make that choice.

The danger here is the potential contamination of these new converters. If FEA, EPA and the oil industry could not deliver Unleaded Gas where it was needed, then some of the nation's 10 million new car owners might switch to leaded fuel. Such fuel will slowly destroy the inner workings of catalytic converters—and if forced to replace them, owners could pay as much as $150.

WAS ANYONE CERTAIN?

Various other auto and oil industry representatives told the AAA in April they doubted whether enough Unleaded Gas could be made and distributed by the time new cars would appear. They said EPA's original Unleaded Gas regulations ignored many providers of gasoline other than service stations. These include municipal, state and private fleet vehicle operators, auto assembly plants and dealerships. Where would they get Unleaded Gas?

In addition, they felt at the time that EPA hadn't realized there may be a secondary demand for Unleaded Gas. This would come from motorists who wanted to try the new fuel, but actually didn't need it. This demand might strain Unleaded Gas supplies severely, they said.

But more startling, we found indications during April and May that EPA's promise of Unleaded Gas at every other station may have been made prematurely. Actually, EPA and FEA were meeting as late as mid-May with auto and oil companies to resolve:

How much Unleaded Gas could be made by the nation's 130-odd refiners, and how many cars would need it, initially.

What parts of the nation would receive little or no Unleaded Gas.

What would happen if drivers and potential new car buyers lived in or drove into areas that had limited quantities of Unleaded Gas.

NOTHING SURE ABOUT UNLEADED GAS

Since there were conflicting and sketchy reports of these meetings, AAA began a detailed questioning of representatives of the oil and auto industries for their projections of the future availability of this new fuel. We were told at that time:

The auto companies were making the same inquiries that we were. As one company spokesman put it, "We're just plain scared there's not going to be any Unleaded Gas everywhere we travel."

Every auto company had expressed concern to the two agencies that if Unleaded Gas were not visibly available—especially in the nation's many rural counties—then potential new car buyers might delay their purchases. The result could be economic disaster for the auto industry.

One auto company felt that once Unleaded Gas became a household word then the number of motorists wanting it would jump from 10 per cent initially to possibly 20 per cent of the auto population.

Meanwhile, oil industry representatives were telling us:

The FEA hadn't realized until April 1974 that it would become involved with Unleaded Gas. Only then did it hurriedly begin to survey the nation's refiners to find out how much could be made and what lead time was needed.

The major gasoline marketers were guaranteeing that only their "directly served" stations would have some Unleaded Gas after July 1st. "Indirectly served" stations (those owned by independent operators but which carry brand names like Exxon, Mobil etc.) were not getting such guarantees from their parent companies.

In fact, Gulf Oil Company had told stations carrying its name in 13 Mid-West states (but for which it was no longer a fuel supplier) that it would not make Unleaded Gas available. They would have to find suppliers of the fuel on their own.

However, after AAA reported this decision and it was picked up by the Associated Press in May, Gulf told AAA it had changed its mind. The company would send those stations Unleaded Gas even though it was not obliged to do so by law.

Nor were many of the independent non-branded stations, which sell 22 per cent of the nation's gasoline, able to get firm Unleaded Gas contracts from maor suppliers—at least as of when this was being written.

AAA repeatedly pointed out such problems to both FEA and EPA during May. Consequently, FEA has issued a proposed rule which may insure that all bulk purchasers of gasoline will be able to obtain Unleaded Gas supplies without too much difficulty.

There were unconfirmed reports that some oil companies which traditionally sold only two grades of gas—Premium and Regular—felt they might have to drop one or the other once Unleaded Gas was required. The problem was an 18-month delay in procurring new under-station storage tanks because of a current steel shortage. And the cost of sinking such tanks could run beyond $5,000.

In fact, Union Oil Company disclosed to AAA in May that it would have to drop regular gas at all of its stations required to sell Unleaded. Some marketers, however, were said to be planning to drop Premium.

Since then AAA has been trying to confirm recurrent reports that CITGO, Phillips, Getty, Hess and Clark stations required to sell Unleaded probably will drop their Premium grades. Murphy Oil Company stations also will likely drop Regular.

Spokesmen for Atlantic Richfield, Mobil, Ashland, Texaco and Chevron (East) have said their outlets presently selling two grades may decide on their own to drop Premium if required to sell Unleaded, although the companies would try to discourage this action.

Indeed, a few EPA officials had been privately suggesting to many gas marketers that it would be wise to drop Premium if they faced a delay in dispensing Unleaded Gas.

Almost to a man, the oil industry people AAA contacted expressed fears that neither FEA or EPA grasped the gravity of the coming demand for Unleaded Gas.

Actually, FEA's initial reaction to concerns about potential shortages of Unleaded Gas was summed up by one FEA spokesman who said to AAA, "We don't want to overestimate the demand for this fuel."

A SCARCITY OF NOZZLES?

During all of our contacts with the government and auto and oil industries, we did not hear that the availability of the special Unleaded Gas pump nozzles might be a problem.

However, AAA found that one of the three major nozzle makers had been on strike between April and June. It had placed a freeze on its orders during this strike and had not had a chance to contact all of its customers.

Neither of its two competitors were able to take on additional orders during this strike. All three companies expressed doubts that all those who had ordered the nozzles would receive them during the summer. The company that was on strike told AAA on June 4th it was 40,000 nozzles behind in its schedule. However, the company did feel it could catch up by September.

EPA DROPS A SURPRISE

Though it repeatedly assured the AAA that it would remedy all future problems with Unleaded Gas availability, the EPA published a ruling in May that would narrow that availability in metropolitan areas.

The agency said it had erred in its original mandate on Unleaded Gas which was published in January 1973. That mandate obligated high-volume stations to sell Unleaded Gas, and owners of chains of six or more stations to sell the fuel at 60 per cent of their outlets no matter their gas sales volume.

EPA claimed the latter rule did not significantly improve the availability of Unleaded Gas, although such chains include as many as 90,000 stations and it dropped these stations from the Unleaded Gas network.

To make up for this massive deletion, EPA proposed at the same time to obligate some 10,000 rural service stations to sell Unleaded Gas after January 1, 1975—a full three months after new cars come out in September.

The agency briefly noted that the effect of this proposal—since it would not take hold until after new cars appeared—would be that motorists would be able to find Unleaded gas at only 29 per cent of the stations in two-thirds of the counties of the nation.

Still, the agency said its latest actions would significantly help the distribution of the new fuel, claiming some 111,000 stations would sell Unleaded Gas after July, and 10,000 more stations would sell it after January.

EPA noted AAA's concern for Unleaded Gas availability in the prologue to its May proposal, saying:

". . . the American Automobile Association has recently written to EPA stressing the interest of the motorist. Their letter states that 'without lead-free gas readily available, catalytic systems will be quickly damaged. This would cause the motorists to be faced with an early, expensive replacement bill. Additionally, the owner-operators would then be contributing to air pollution, probably without his knowledge.'"

AAA will respond to EPA's latest rulings shortly by saying we feel they will work a hardship on many more motorists than EPA is aware.

A WRONG DECISION?

But the entire Unleaded Gas availability matter took another surprising turn in May. A Chrysler Corporation scientist announced that he had found lead itself does not poison catalytic converters. An additional chemical—Ethylene Dibromide—which has traditionally been added to gasoline with lead may be the actual destroyer of the sensitive metals within converters.

This scientist's findings have shaken the oil and auto industries and EPA who find they might be getting the wrong chemical

out of gasoline; that lead might be able to be kept in gas and allowed to fuel converter-equipped cars after all.

Representatives of the Ethyl Corporation and E. I. DuPont De Nemours & Co. told AAA they think the findings are sound. A Ford spokesman told AAA the company feels this revelation is encouraging. EPA announced in June that it was gathering all data on the matter of Ethylene Dibromide and would review them as soon as possible.

But GM, taking its traditional "get the lead out" line, said it was unconvinced by these late reports.

VIEWS OF THE U.S. CHAMBER OF COMMERCE

Mr. PACKWOOD. Mr. President, through an unfortunate oversight, a statement submitted for the record of the Banking Subcommittee on International Finance Hearings on export control policy and the Eximbank by the U.S. Chamber of Commerce never got printed. I ask unanimous consent that that statement be printed in the RECORD in order that other Senators might know the Chamber's views on this important legislation.

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

STATEMENT ON S. 1890, EXPORT-IMPORT BANK ACT AND S. 3282, EXPORT ADMINISTRATION ACT FOR SUBMISSION TO THE SUBCOMMITTEE ON INTERNATIONAL FINANCE OF THE SENATE BANKING, HOUSING AND URBAN AFFAIRS COMMITTEE FOR THE CHAMBER OF COMMERCE OF THE UNITED STATES

(By Richard O. Lehmann [1])

The Chamber of Commerce of the United States appreciates the opportunity to comment on aspects of international economic policy related to extension, which we support, of (1) the Export Administration Act; and (2) the statutory authority of the Export-Import Bank of the United States (Eximbank). Our interest in these issues stems from a responsibility to represent a membership of over 46,000 business firms, 2600 local and state chambers of commerce, 1100 trade associations, and 35 American Chambers of Commerce abroad. This diversity of membership obliges us to assess the impact of export control and need for export financing from the view point of both the internationally and domestically oriented American business communities.

THE INTERNATIONAL ECONOMY

In 1971, when the Export-Import Bank Act was last considered by the Congress, the Chamber expressed concern about our "nation's delicate trade situation." The first two quarters of that year had seen a sharp deterioration in the traditional American trade surplus while other warning signs had begun to appear internationally. Nonetheless, the basic outlook at that time, as it had been through most of the postwar era, was optimistic.

However, in summer 1971, the situation, abroad and at home, changed radically. On August 15, President Nixon suspended the dollar's convertibility, applied a 10% surcharge to all dutiable imports and initiated a wage-price freeze. At the same time, the U.S. began to experience monthly trade deficits of such magnitude that 1971 became the first deficit year, on the trade account, since 1893. With the international economy on the verge of chaos as a result of the unilateral American actions and with our own competitive export position deteriorating, a major domestic response was the introduction, in early fall, of the Foreign Trade and Investment Act, the so-called Burke-Hartke bill.

This response manifested a profound lack of understanding that the crisis situation and its ostensible cause, the overvaluation of the dollar, were long-term problems which generally stemmed from the accumulated inadequacies of the international economic system. That system, embodied primarily in the General Agreement on Tariffs and Trade (GATT) and the International Monetary Fund (IMF), was negotiated and established at the conclusion of World War II when the United States was the only significant global economic power. By 1971, however, the nations of Europe and Japan were, in every sense, our economic equals. This equality was reflected in trade flows, global competition for markets, and technological innovation; reflected everywhere, except in basic rules and concepts under which the international economic system through the GATT and IMF operated. While policies followed in the post-war movement toward an open global trading system had been successful, it was clear that the system itself required further review and modification to take into account the economic realities of the 1970's.

Policy response

The American policy response to this challenge has been developed in two distinct, but parallel, efforts. In the monetary area, the December 1971 Smithsonian Agreement on currency realignments produced the first dollar devaluation followed by further devaluations—one official and one unofficial. This parity change is responsible, in large part, for the $8 billion turnaround on the American trade account between 1972 and 1973. At the same time, progress has been achieved toward basic monetary reform in the Group of Twenty under the auspices of the IMF.

The American policy response to this challenge has been developed in two distinct, but parallel, efforts. In the monetary area, the December 1971 Smithsonian Agreement on currency realignments produced the first dollar devaluation followed by further devaluations—one official and one unofficial. This parity change is responsible, in large part, for the $8 billion turnaround on the American trade account between 1972 and 1973. At the same time, progress has been achieved toward basic monetary reform in the Group of Twenty under the auspices of the IMF.

Concurrent with the Smithsonian Agreement was the commitment to engage in negotiations aimed not only at further reduction of tariff and non-tariff barriers, but also to reform the international trade rules. Progress in this area has been neither as rapid nor encouraging as in the monetary field. While in September 1973 more than 100 nations met in Tokyo to open formally the scheduled talks, earnest negotiations will not begin until the world's most powerful economy—the United States—possesses a negotiating mandate in the form of an enacted trade bill.

1973

Global economic events in 1973 have caused reconsideration of these basic approaches to foreign trade and monetary issues. With greatly intensified demands for American wheat and soybeans; with the oil embargo and its attendant price rise; and with simultaneous booms in the economies of the developed world accompanied, outside the U.S., by double-digit inflation—some contend trade and monetary reforms, in present conceptual form, are largely irrelevant. These "new" problems, it is maintained, are of sufficient magnitude and importance that they alone should be the basis for future policy development.

We disagree. It is unfortunate that the most recent economic events often tend to color unduly our responses to the challenge of long-term policy-making. For example, when the Trade Bill was introduced in April of last year, following, in 1972, the largest trade deficit in our history, concern focused internationally on expanding markets for American exports and, domestically, on how best to deal with dislocations resulting from import competition. Today, in the wake of an oil embargo with short supply situations at home, we are engrossed with the "access to supply" question. Incidentally, part of the U.S. shortages problem does not result from the actions of any foreign country, but from the poorly-conceived wage-price mechanism of the past summer when a domestic price ceiling existed absent export controls. The market mechanism thus was only partially operational so that items subject to price controls naturally flowed abroad, where market prices were substantially higher. In such circumstances, we should not exacerbate the situation by overreacting further through the imposition of export controls, but completely do away with the cause of the original distortion—wage-price controls.

As with the principle of the open market, our approach to handling the challenges and problems of the international economy must consistently address actual circumstances, not changing perceptions of them. Access to supplies was a problem long before the oil embargo and access to markets for American exports remains of utmost importance today.

Exports

In development of international economic policy, it is fundamental to recognize the interrelationship of its many parts. Exports are one key to the U.S. international economic performance; imports, investment flows, government expenditures, and receipts from overseas production are other indicators of our international economic health. Within this overall context, the expansion of American exports is crucial for two reasons:

(1) With the prospect that the developed nations will be simultaneously in payments deficit this year, increased export trade must be regarded as a major means of off-setting the American deficit.

(2) The experience of the past year has dramatically demonstrated the dependency of the United States on imported basic raw materials to support its industrial base. We need to sell abroad to pay for what we must purchase in foreign markets. Quite apart from consumer preference for some foreign manufactured products, the increased prices of basic commodities make export expansion a necessary and important goal.

Two major aspects of this critical effort are the issues at hand before this subcommittee.

(1) Competitive financing of American exports.

(2) Reliable supply of American exports.

With its enormous domestic market, the nature and meaning of exporting has often been misunderstood in the United States. It is not sufficiently appreciated that exporting and the development of markets abroad cannot be accomplished overnight, and the flow of products cannot be expected to be turned on and off like a water faucet.

In planning for export sales, American business must have reasonable assurance there will be known and reliable sources of financing at competitive rates. Similarly, foreign business, purchasing American exports, requires reasonable certainty that their sources of supply in the United States will continue to be reliable and regular.

With these considerations in mind, we submit the following comments and recommendations relative to the legislative issues before the subcommittee.

EXPORT-IMPORT BANK ACT

S. 1890

The National Chamber supports S. 1890 which would extend the statutory life of the Export-Import Bank of the United States

[1] Associate Director, Foreign Trade Policy, Chamber of Commerce of the United States.

and increase its loan and guarantee commitment authority. The major provisions of this bill, of special interest to the business community, include:

(1) Extension of the Bank's charter to 1978.

(2) Increase in guarantees and insurance chargeable on a 25% fractional reserve basis from 10 to 20 billion dollars.

(3) Increase in loan commitment authority from 20 to 30 billion dollars.

(4) Exemption of bank borrowings from the Eximbank from provisions of the National Bank Act, where applicable.

Prompt and full enactment of this legislation is a necessary step in maintaining and improving our exporters' competitive position in world markets.

Record of the Bank

Eximbank's record since enactment of the 1971 legislation has been exemplary. The Bank has aggressively and imaginatively supported growing amounts of American exports to the $10.5 billion level of fiscal year 1973.

A continuing concern with agencies such as Eximbank is that their efforts and programs be complementary to, rather than in place of, traditional activities carried out by the private sector. Eximbank, in assisting greater amounts of exports, has consistently encouraged the widest private financial community participation. Thus today, direct loans represent a much smaller percentage of total Bank activity than in the past. In addition, the Bank's facilities have become increasingly available and utilized by the small and medium-sized exporter. Eximbank's overall flexibility and program mix are, in the opinion of the exporting and financial community, fully consistent with the Bank's congressional directive: "to provide guarantees, insurance and extensions of credit at rates and on terms and conditions which are competitive with the government-supported rates and terms and other conditions available for the financing of exports from the principal countries whose exporters compete with United States exporters."

The crucial nature of export expansion today makes it imperative that this congressional mandate be substantially maintained. American business needs the basic assurance that long-range export development efforts will be rewarded. Certainly, the price, quality, and nature of American exports justify such efforts. What is required, in addition, is the certainty of known and suitably competitive sources of export financing. The National Chamber is confident that Eximbank will continue to provide this reliability in a responsive manner.

Need to avoid unnecessary controls

In testimony on this subject in 1971, the Chamber noted:

"Instead of pursuing consistent policies toward strengthening our domestic export base, the government has maintained controls on the very tools which are crucial to successful international competition."

At that time, the controls to which we referred included restrictions on Eximbank operations resulting from requirements of the unified budget, Voluntary Foreign Credit Restraint program (VFCR), and restrictions against financing in Eastern Europe. We maintained that continued use of such controls would have negative effects on Eximbank operations and general efforts to expand American exports. We were gratified when Congress agreed to remove Eximbank from under the unified budget, and to provide the President with certain flexibility in regard to the extension of Exim facilities to Eastern Europe. Earlier this year, the Administration announced removal of VFCR guidelines.

While the lifting of these controls and restrictions is clearly not the sole reason for the dramatic expansion of Exim operations over the past years, that expansion would not have been as marked or effective if the Bank had been required to continue operation under the same strictures that were present prior to enactment of the 1971 Act.

Serious policy issues relating to trade with communist nations and in energy-related products have been raised in regard to Exim's operations. As previously noted, export markets are developed and maintained, West and East, through reliability of supply and competitiveness of financing. The National Chamber believes this market development can only be accomplished through consistent efforts which are best achieved without unnecessary controls and restrictions

EXPORT ADMINISTRATION ACT

S. 3282

The National Chamber supports extension to 1977 of authority contained in the Export Administration Act of 1969 to control exports to the extent necessary:

(1) To protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of abnormal foreign demand;

(2) To further significantly the foreign policy of the United States and to fulfill its international responsibilities; or

(3) To exercise necessary vigilance over exports from the standpoint of their significance to the national security of the United States.

We believe this authority is necessary to protect the trade and foreign policy interests of the United States. We caution, however, that its indiscriminate overuse could have serious implications for the international credibility of the United States as a source of reliable supply. Export controls, outside security considerations, are a policy alternative of utmost gravity which should be employed only as as a last resort.

With the exception of the Administration-proposed amendment to Section 3 of the Act and the extension to 1977 of existing authorities, we are not in a position to comment, in any detail, on the other proposed Administration amendments embodied in S. 3282. We do, nonetheless, have general comments relative to the issues involved in the revision and extension of this Act.

Retaliatory authorities

In testimony on the Trade Reform Act (H.R. 10710) before the Senate Finance Committee, we supported revision of that bill "to mandate U.S. negotiators to deal with (access to supplies) in multilateral negotiations and to grant the President certain powers for use against unfair foreign export restrictions." We are thus in agreement with the thrust of the Administration-proposed amendment to Section 3 of the Export Administration Act which would enable the President to retaliate against countries unreasonably restricting U.S. access to supplies of a commodity. We suggest, however, that such authority may be misplaced and inappropriate in the Export Administration Act.

A widely-supported Administration-proposed amendment to H.R. 10710 would authorize the President to engage in multilateral negotiations aimed at international agreement on standards and procedures for the control of exports. Their amendment to S. 3282 which would give the President retaliatory power against "unreasonable (foreign export) restrictions" could create a dangerous bifurcation in trade policy. International negotiations on what constitutes "unreasonable restrictions" would be carried out under authorities conferred in one law, while in a different statute, the President could employ retaliatory authority simply by providing his own definition of "unreasonable," irrespective of the ongoing negotiations.

This dilemma could, in our opinion, best be resolved by including both the negotiating and retaliatory authority in H.R. 10710. While this may prove difficult, as that legislation is outside the purview of this subcommittee, we believe the minimum required is a responsible definitional link between the negotiating and retaliatory authorities.

Public procedures

On June 27, 1973, the Administration embargoed the export of soybeans—a surprising action not only because there had been little prior indication of the seriousness of the situation, but also because there was so little done in terms of prior consultation or cooperative efforts by the Administration.

Following from this experience, we believe that, in the few instances where imposition of export controls may appear necessary "to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of abnormal foreign demand," appropriate procedural safeguards, including prior public hearings, should be provided all interested parties. The above noted criterion sets out appropriately strict conditions that do not generally arise overnight. As such, public hearings and other appropriate safeguards would not seriously hinder the implementation of the procedures and requirements of this Act. At the same time, introducing an element of fairness and openness—heretofore absent in the imposition of export controls—would avoid the disruptive effects on contractual obligations which stemmed from the June 1973 action.

COMPARABILITY FOR CIVIL SERVICE PERSONNEL AT GRADES GS 16–18

Mr. McGEE. Mr. President, the Civil Service Commission today announced the results of a nationwide executive pay study, in which it was assisted by the American Compensation Association, the American Management Association, and the Conference Board. Its findings, relating to pay for Federal employees in the supergrade categories—that is, individuals at grades GS–16, 17, and 18—are rather startling and go far in telling us why it is that many competent, experienced career executives either have left Government service recently or are seriously considering that move.

Generally, the study, which was conducted among 144 companies, large and small, and encompassed eight occupations which represent 40 percent of the Federal employment at the top of the general schedule, showed that the salary rates in effect for GS–16 trail private sector salaries by 27 percent. At the GS–17 level they trail the private sector by 55.6 percent. And at GS–18 they are 97.4 percent below the private sector's salary level for comparable positions.

Of course, at present, the pay rates for all GS–18's all GS–17's, and all GS–16's above the third step of the schedule are frozen at $36,000 per year by the workings of the system that bars general schedule employees from being paid salaries higher than those in effect for persons on the executive schedule.

Mr. President, I ask unanimous consent that the Civil Service Commission announcement of its study be printed in the RECORD.

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

[From the U.S. Civil Service Commission]

NATIONWIDE EXECUTIVE PAY STUDY

The Civil Service Commission today announced the results of a nationwide executive pay study conducted as part of the Commission's review of the Federal Pay Comparability Process. The objective of the study was to determine current private enterprise salaries for positions equivalent to top Federal career levels.

The study showed that in private industry, an executive working at the level of a GS-16 civil servant is receiving an average salary of $45,146 per year; at GS-17, $56,011; and at GS-18, $71,076. These salaries are well above the current $36,000 limit applied to all Federal positions at the GS-16 through 18 levels.

BACKGROUND

Under present pay comparability procedures Federal salary rates for GS-1 through GS-15 level positions are compared and adjusted in accordance with the results of the Bureau of Labor Statistics annual survey of professional, administrative, technical, and clerical occupations (PATC). Scheduled salary levels for civil service executives at grade levels above GS-15 are determined by extension of the results of the BLS data. The present salary schedule provides for a range at grade 16 of $32,806 to $41,550; at grade 17 the range is from $37,926 to $43,040; and at grade 18 a single salary rate of $43,926. However, pay of civil servants is limited by law to no more than the rate for Level V of the Executive Schedule, currently $36,000 per year.

CONDUCT OF THE STUDY

The CSC Executive Pay Study was designed to approximate the industrial coverage of the annual BLS PATC survey. The following industrial categories were represented in the study: Manufacturing; Transportation and Public Utilities; Wholesale Trade; Retail Trade; Finance, Insurance, and Real Estate; and Services. One hundred forty-four companies, ranging from some of the larger firms in America to those employing as few as 500 persons, were visited.

Eight occupations, representing more than 40 percent of Federal employment at those upper grade levels, were included in the study: Directors of Personnel, Attorneys, Chief Accountants, Engineers, Electronic Data Processing Program Managers, Plant Managers, Commercial Managers, and Economists.

The Commission was assisted in the design and conduct of the study by the American Compensation Association, American Management Association, and the Conference Board.

Commission staff and 26 Federal agency job analysts spent two weeks during April collecting job content and compensation information from study participants. An extensive job evaluation process, which included an independent review by private industry experts, resulted in usable information on more than 700 private industry positions equivalent to Federal GS-16 through GS-18 level positions.

PRINCIPAL FINDINGS

Generally, the study showed that the salary rates produced for GS-16 through GS-18 levels under the current method are quite conservative in comparison with private enterprise salaries. The findings indicate that Government salaries trail private sector salaries by 27 percent at the GS-16 level, 55.6 percent at the GS-17 level, and 97.4 percent at the GS-18 level.

Another sharp distinction was found in the extent that private sector compensation is increased through the awarding of bonuses. Bonuses play a significant part in the compensation of private sector officials, with individuals at the responsibility level of GS-16 receiving average annual bonuses of $9,676; at GS-17, $16,361; and at GS-18, $22,985—above and beyond base salary.

A detailed report of the study findings is scheduled to be sent to the participating companies in August.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, one of the principal functions of our system of government, as embodied in our Constitution and our Bill of Rights, is to protect individual citizens from abuses of power by those elected or appointed to positions of authority. No tradition is more firmly rooted in our democracy than this safeguarding of personal liberty from the stifling bonds of tyranny. Over the two centuries of our independence Americans have made enormous sacrifices to win and protect this freedom.

I believe that no liberty or right is more fundamental than that to life itself. Genocide is the systematic denial of this right to existence. The awful dimensions of this ultimate abuse of power became especially clear in the Second World War with the advent of Nazi-sponsored mass persecutions and executions.

In response to these horrors the nations of the world created the International Convention on the Prevention and Punishment of the Crime of Genocide. To date, more than 70 countries have ratified the accord, which defines this crime and binds its signers to action against its perpetrators. Our Nation, regrettably, has yet to join in this effort.

The Senate should act swiftly to correct this disfigurement of our tradition of liberty and freedom. As the section of individual rights and responsibilities of the American Bar Association concluded in a 1969 study—

> The United States, which was founded on the basis of protest against governmental excesses, and which grew great in substantial measure because it was a haven and the hope for oppressed persons everywhere, should be in the lead in joining in the declaration of revulsion at the organized effort to eliminate a whole people during World War II, and of determination that such an effort shall not be undertaken ever again.

Too many men and women stood idly by earlier in this century while millions of their fellows died. We must not shirk our moral responsibility to commit the United States to the defense of all men against destruction at the mad whims of the powerful.

SENATE JURISDICTION OVER ERDA

Mr. CURTIS. Mr. President, in the next few weeks, the Senate will probably act on the Energy Reorganization Act of 1974 (S. 2744). The Government Operations Committee is to be commended for this legislation, because it addresses the Nation's energy problem in a clear, farsighted fashion.

There is no doubt that the sense of urgency over energy has somewhat abated since last winter. The gas pumps are open again, and the highways are full of cars.

But the long-range problem of providing cheap and plentiful energy for the Nation has not gone away. We know our sources of fossil fuels are finite. Some day we will simply run out.

The Energy Reorganization Act of 1974 makes a clear bid to centralize energy research and development at the Federal level within one agency. It is a wise measure, because it ends the current fragmented approach to energy research and development.

In other words, it attacks the energy problem the same way we responded to the space challenge after Sputnik was launched in 1957.

I am sure I do not need to remind the Senate that following the launch of Sputnik there were tremors both here and abroad. The response was the creation of the National Aeronautics and Space Administration that put America first in space.

I believe there is a clear parallel between the aftermath of Sputnik and the energy problem confronting the Nation today.

If the executive branch of Government is going to have a unified approach to solving the energy problem, I submit the Senate should do the same thing. In other words, jurisdiction over the Energy Research and Development Administration should be vested in one, and only one, legislative committee.

In my opinion the committee best able to take on this job is the Aeronautical and Space Sciences Committee, for it has a wealth of experience in handling high technology R. & D. programs.

Moreover, the Space Committee understands multidisciplinary programs through its involvement with NASA. In all likelihood, a multidisciplinary approach will be required to find the technology that can substitute for fossil fuels.

The Space Committee will give ERDA programs the close attention they deserve, and the committee will see to it that all forms of energy receive fair consideration to the exclusion of none.

Finally, the Space Committee has a strong bipartisan tradition, and let us face it, there is not one energy crunch for Democrats and another one for Republicans.

Mr. President, in view of the urgency over energy research and development, I have asked to be made a cosponsor of Senate Resolution 352 which would confer jurisdiction over the Energy Research and Development Administration to the Aeronautical and Space Sciences Committee.

A PUBLICATION OF INTEREST AND VALUE TO SPANISH-SPEAKING CITIZENS

Mr. MONTOYA. Mr. President, I have recently received a copy of a new publication of the U.S. Civil Service Commission Bureau of Recruiting and Examining, "La SF-171 Se Llena Asi!" For the benefit of those of you who are not bilingual, let me explain that title: "Form SF-171 Is Filled Out in This Way"

This booklet will be of inestimable value to those minority working people who have been excluded from many Government jobs because they could not break through the language barrier. Although there are many jobs in civil service which could be filled by the

Spanish-speaking working people of this Nation, these jobs have always been closed to those applicants who could not understand the instructions and terms used in the standard application forms.

The Office of the Spanish-Speaking Program at the Civil Service Commission has now prepared a detailed explanation, in Spanish, for these disadvantaged applicants.

I commend them for the fine job they have done, and suggest to my colleagues that they assist the Commission in disseminating information about this booklet to constituents in Spanish-speaking communities in their States.

The publication, BRE-55, can be obtained from the Civil Service Commission Office of the Spanish-Speaking Program, Washington, D.C. 20415.

Spanish-surnamed citizens are not represented in Government service in the same proportions as they are in the population, and it has been very difficult to increase their numbers or make sure that they have an equal opportunity to work at all levels in government.

The "Sixteen Point Program," begun in 1970, has never been fully implemented or successful in overcoming the difficulties or recruitment or hiring of Spanish-surnamed applicants. This new publication is very welcome as part of the effort to make that program more worthwhile.

THE FREEDOMS AMERICANS DESERVE

Mr. PROXMIRE. Mr. President, Herbert W. Hobler, the president of the Nassau Broadcasting Co., which operates radio stations in Princeton and Trenton, N.J., has been crusading against the fairness doctrine and the equal time provision which govern broadcasters.

Here is a licensee who has the temerity to challenge his license grantor.

In a recent editorial, which rather sums up his continuing campaign, Mr. Hobler makes some telling points.

It was written before the Federal Communications Commission reaffirmed the fairness doctrine, which explains Mr. Hobler's optimism at the end of the editorial.

Yet, it does present the problem in a clear way.

Mr. Hobler also has published a booklet on the subject. His title, "Americans . . . One of Your Freedoms Is Missing!" sounds the warning.

Mr. President, I ask unanimous consent that the editorial of July 10 be printed in the RECORD.

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

EDITORIAL OF NASSAU BROADCASTING CO., JULY 10, 1974

(By Herbert W. Hobler)

Forty years ago, on July 10, 1934, the Communications Act was passed creating the Federal Communications Commission. At the time of the act almost anyone could start a radio station by filling out a form and going into business. One station was even operating at 500,000 watts and covering most of the United States. Other stations were literally moved about from town to town in trucks using their frequency wherever they want. And so, the basic purpose of creating the FCC was to bring order out of chaos, to set technical standards, to allocate frequencies, to establish a philosophy of service to the public for their convenience and necessity.

There are many things that Americans can celebrate 40 years later, for radio and TV for all their shortcomings has become a communications complex that has transformed our society's interrelationships with each other and indeed with the world. Today, within a matter of minutes, we all become aware of local, national, or international news, we are exposed to great dramas, documentaries, and we debate issues through telephone talk shows; and we even listen and watch a man step onto the moon. And, with all our information exposure and ultimate greater knowledgeability of the ongoing world, we have become captives of our own communications system. For, as we have become liberated and informed sophisticates and as we have become more and more a people of, by and for the government, we have set up distinctions in our media.

We are critics of the theater, of books, magazines, the arts, and newspapers and we fight for their rights under the First Amendment for free speech, their rights to be biased and critical. On the other hand, we encourage the Federal government and the FCC to restrict freedom of expression of broadcasters through the Equal Time Law, the Fairness Doctrine, the right to announce lottery numbers, the right to advertise the armed forces—the right to be judged as the free press is for unrestricted viewpoints and program concepts.

We believe that our forefathers would find it incomprehensible that our Supreme Court had to be petitioned by the Miami Herald in order to once again prove, as it was just decided a few weeks ago, that there is no room for a Fairness Doctrine in our free press, that the nation's principal form of communications—radio and TV—are encumbered with violations in name and in spirit of the first amendment through federal controls. We also believe the forefathers of the FCC 40 years ago did not conceive such restrictions for they wrote into that very act a section which still says: "Nothing in this act shall be understood or construed to give the Commission the power to censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech of radio communication".

This week our Supreme Court in Washington has begun sitting in judgment as to whether a President can legally or perhaps quasi-legally have rights beyond the scope of the Constitution. A few blocks away the FCC celebrates 40 years of broadcasting regulations which over the years have more and more assumed certain controls which challenge our basic freedoms guaranteed in the Constitution. The present Commission is thoughtfully concerned with these matters. So are we. Perhaps together we can restore the freedoms Americans deserve.

MILITARY ORDER OF THE PURPLE HEART—INSTALLATION OF CHAPTER 1974 AT FINDLAY, OHIO

Mr. TAFT. Mr. President, Mr. John Binnion, the National Commander of the Military Order of the Purple Heart, made some remarks at the recent installation of a Chapter of the Order in Findlay, Ohio, which I think can serve as an inspiration for all of us. His discussion of the history of the Military Order of the Purple Heart serves to remind us all of the tremendous dedication and sacrifices of the men of our military services for their Nation and for freedom.

Mr. President, I accordingly ask unanimous consent that Mr. Binnion's remarks be printed in the RECORD.

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

INSTALLATION OF CHAPTER 1974 AT FINDLAY, OHIO

Commander Chain, National Vice Commander Flanders, Department Commander Inman, Past National Commander Lukatz, Fellow Patriots, guests . . . my pleasure in being here this evening is difficult to put into words. To see any organization come into being is a thrill indeed. But to see a new Chapter of the Military Order of the Purple Heart spring up is something special because the members are something special. So I thank you all for putting this evening together so that I could be here to share it with you.

My remarks will be brief—or, as brief as I can make them and say what has to be said at such an event. The talk will be divided into four sections: (1) a brief history of the Military Order of the Purple Heart; (2) the function of the Order on a National scale; (3) some of the National objectives of the Order; and (4) some of the objectives which the local Chapter, Number 1974, could strive to obtain.

BRIEF HISTORY OF MOPH

As some of you here tonight know, the Purple Heart Medal is the oldest military decoration in the United States. In fact, I am told that it is the oldest decoration for gallantry and bravery in the world, except for the Cross of St. George of Russia. The first Purple Heart decoration was authorized on August 7, 1782, by General George Washington at Newburg, New York. Allow me to read from the orderly book of General Washington's Headquarters on that date.

"The General ever desirous to cherish virtuous ambition in his soldiers, as well as to foster and encourage every species of Military merit, directs that whenever any singularly meritorious action is performed, the author of it shall be permitted to wear on his facings over the left breast, the figure of a heart in purple cloth or silk, edged with narrow lace or binding. Not only instances of unusual gallantry, but also of extraordinary fidelity and essential service in any way shall meet with a due reward. Before this favour can be conferred on any man, the particular fact, or facts, on which it is to be grounded must be set forth to the Commander-in-chief, accompanied with certificate from the Commanding officers of the regiment and brigade to which the Candidate for reward belonged, or other incontestable proofs, and upon granting it, the name and regiment of the person with the action so certified are to be enrolled on the Book of Merit which will be kept at the orderly office. Men who have merited this last distinction to be suffered to pass all guards and sentinels which officers are permitted to do.

"The road to glory in a patriot army and a free country is thus open to all. This order is also to have retrospect to the earliest stages of the war, and to be considered as a permanent one."

The Book of Merit, referred to in the orderly book, has been lost or misplaced or destroyed. However, there are four other references to this Badge of Military Merits as the Purple Heart Medal was first named.

(1) In the Museum in Exeter, New Hampshire, a uniform which was worn by a Revolutionary War Patriot (name unknown) is displayed. On the left breast of the blue tunic

is seen a heart of purple silk, bound with braid and edged with lace, undeniable proof of the Badge of Military Merit.

(2) Sergeant Daniel Bissel of the Town of Windsor, Hartford County, Connecticut, was awarded the Badge of Military Merit on May 3, 1783. At the request of General Washington, Sergeant Bissel pretended to desert from the Army and "escaped" to New York City where he served as a spy. When he returned to Newburg and reported to General Washington he was cited for bravery. Ironically, while in New York City, he was forced to join the British Army and served in the very regiment given to Benedict Arnold for his "service to the king."

(3) The second Badge of Military Merit to be reported on was presented to Sergeant Elijah Churchill of the 2nd Continental Dragoons. In the words which come down to us, we find: "In the opinion of his officers he acted a conspicuous and singularly meritorious part. . . . acquitting himself with great gallantry, firmness and address."

However, there was more to it than that. In November of 1780 Sergeant Churchill with a detachment of fifty men under the command of Major Benjamin Talmage, crossed Long Island Sound in open boats for an attack on Fort St. George. Somehow, they missed their bearings and landed twelve miles below their objective.

Sergeant Churchill with sixteen men went ahead of the main body, surprised, took, and destroyed Fort St. George, assisted in the burning of a British supply schooner anchored close to shore, and helped capture fifty prisoners. He returned to the American lines with all his men and only one of them wounded.

But that was not all.

In October of 1781 he was again under the command of Major Talmage. And again he was in charge of a contingent which preceded the main attack upon Fort Slongo on Long Island. As a result of the surprise and the success of his attack, twenty-one prisoners were taken and a large supply of clothes, food, powder, and ammunition was taken back to the Americans. There were no Continental casualties.

Sergeant Churchill was from the town of Enfield, New York.

(4) The third Badge of Military Merit which can be reported upon was won by Sergeant Daniel Brown during the Battle of Yorktown on the evening of October 14, 1781. Sergeant Brown was serving under Alexander Hamilton at the time.

Sergeant Brown was ordered to take a detachment of men and precede the main attack upon the British lines. Like the shock troops of the wars with which we are more familiar, he was to draw and sustain the first brunt of the enemy's fire and drive into their lines as far as he might without waiting for sappers to cut through the barricades and obstructions so that those who were to follow might find the going more easy.

General Greator and his board of officers, in the citation and the investigation, found:

"That Sergeant Brown, of the late 5th Connecticut Regiment, in the assault of the enemy's left redoubt at Yorktown in Virginia, on the evening of October 14, 1781, conducted a forlorn hope with great bravery, propriety and deliberate firmness and that his general character appears unexceptionable."

And then? Well, we don't know how many Badges of Military Merit were awarded. We do know, however, that the Purple Heart was forgotten until some time just prior to the two hundredth anniversary of George Washington's birth. John C. Fitzpatrick, Custodian of Documents of the Library of Congress, discovered records of the decoration and its award by Washington in some half-burned bundles of official papers which had survived the burning of Washington in the War of 1812.

Upon President Hoover's direction, General Douglas MacArthur, Chief of Staff of the United States Army, issued a General Order on February 22, 1932, reviving the Purple Heart decoration in honor of our first President. And the Purple Heart Medal has been an integral part of the Military since that time.

THE FUNCTION OF THE ORDER ON A NATIONAL SCALE

The Preamble to our Constitution of the Military Order of the Purple Heart contains these words. "Through this organization and our membership in it, we hope to be able to preserve and perpetuate those ideals of liberty, justice, and the general welfare which are the very foundation of our way of life, and we pledge to foster and enhance those principles which have made this nation what it is today and which, from the beginning of our national history, have served as a beacon of hope and salvation to the peoples of all nations."

Specifically, our Order has four principles and objects:

(1) Patriotic;
(2) Fraternal;
(3) Historical;
(4) Educational.

Those are defined in the Constitution. However, we need to be a little more specific and pay special attention to our work with Veterans—not only those who were wounded, but all Veterans who need our help. We do this through assistance in many ways:

Hospital visits; education; employment; rehabilitation; and others.

The theme, always, is on assistance. Sometimes this assistance is with money; sometimes with our hands and our hearts; sometimes with our leadership; sometimes in our joining hands with other Veterans' organizations or other agencies; and so forth. But always it is assistance, *assistance*, Assistance.

NATIONAL OBJECTIVES OF THE ORDER

In a previous section we mentioned something of the National Objectives. However, at one time or another, the Order has taken upon itself the burden to carrying a message to the people. We do this, often, through Resolutions which have been passed at our National Conventions. Some of the more recent ones included:

(1) Our stand for better educational benefits for Veterans of the Vietnam conflict.

(2) Our stand against the defamation and desecration of the United States Flag by some who would degrade it through senseless and malicious actions.

(3) Our stand for increased aid to Veterans of World War I.

(4) Our stand for better medical care and facilities for all Veterans.

(5) And many, many more, including support of the United Nations Organization.

The important thing to remember is that we recognize individual differences of opinion and we respect all opinions of our members.

SOME OBJECTIVES FOR CHAPTER 1974

Finally, we would insert at this time our challenge to Chapter 1974 to come up with some specific, obtainable objectives which can be accomplished during the months and years ahead. It is not enough that you have an organization; it is not enough that you increase its membership. What you must remember is that you have an obligation to make your community, your State, your Country better.

Some of your goals might include participation in:

(1) Youth activities.
(2) Assistance to Veterans of all wars.
(3) Hospital visits.
(4) Patriotic activities.
(5) Community Leadership.
(6) School visitations.
(7) Religious activities.
(8) Citizenship activities.
(9) Library aid.
(10) And so forth. The list is almost endless.

CONCLUSION

There, I suppose, is a thumbnail sketch of the Military Order of the Purple Heart and the challenge to Chapter 1974.

I hope you new members can appreciate the history of the Order. I hope you can live up to the challenges which truly lie before you. I hope that your Chapter will grow, not only in membership but in service. And finally, I hope that your Chapter and all Chapters in the Order will die out because there will be no more wars and therefore no new members.

Allow me to close with a prayer which General Washington gave at Newburg, New York, the place of the origination of the Purple Heart Medal. General Washington was a devout man and he knew his Bible. The prayer came from the question the Prophet Micah asked in Chapter 6, Verse 8, when he said, "And what does the Lord require of you?" Micah then answered his own question: "To be just, to love mercy, and to walk humbly with your God."

Listen for those words here.

"I make it my earnest prayer that God would have the United States in His Holy protection; that He would incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; to entertain a brotherly affection and love for one another, and particularly for their brethren who have served in the field.

"And finally that He would dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of minds which were the characteristics of the Divine Author of our blessed religion, and without an humble imitation of whose example in these things we can never hope to be a happy nation. Amen."

Thank you for allowing me to talk with you here tonight. And may God bless you all.

DEATH SENTENCES IN CHILE

Mr. KENNEDY. Mr. President, recent reports from Chile continue to confirm the absence of due process protections and the lack of adequate legal protections under the military junta.

New articles published in the Washington Post and New York Times note the sentences in the widely published trials of air force officers and former civilian members of the Allende government include four death sentences. The article also describes the specific restrictions on defense attorneys that have convinced many foreign observers that, even assuming the legitimacy of the use of a military court martial proceeding in time of war, the proceedings were "a show trial" rather than a correct legal proceeding.

One attorney was thrown out of court for speaking "too warmly" of the Allende government. Another was reprimanded for reporting that his five clients had been tortured.

These reports confirm the testimony of Judge William Booth of the Criminal Court of New York City and Ramsey Clark, former Attorney General of the United States, who visited the trial and concluded that there is no rule of law in Chile.

I ask unanimous consent that their statements be printed in the RECORD at this time.

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

STATEMENT BY RAMSEY CLARK BEFORE THE REFUGEES AND ESCAPEES SUBCOMMITTEE, COMMITTEE ON THE JUDICIARY, U.S. SENATE, JULY 23, 1974

Democracy in Chile died September 11, 1973. No fiction agreed upon can alter that fact. All who love democracy must mourn its passing. The death of any democracy diminishes all.

Your concern here is human rights. Democracy is not unrelated to human rights. Reinhold Niebuhr told us, "Man's capacity for justice makes democracy possible, but his inclination for injustice makes democracy necessary." Injustice, including the denial of human rights, is largely unrestrained in the absence of democracy.

There are no human rights in Chile today in the only sense that rights have value. The military government of Chile can transgress any human right with impunity; for any reason it chooses, or no reason at all. Rights are unenforceable. Arbitrary, uncontrolled will governs.

Chile, I believe, has a longer history and higher commitment to democracy than most nations of the Americas. Article 1 of its constitution, provided "The state of Chile is unitary. Its government is republican and representatively democratic." No electorate chose the military junta that overthrew constitutional democracy or the dictator who now rules Chile. By what it calls Law Decree 27, the junta dissolved the Congress on September 21, 1973 and transferred legislative power to itself. By Law Decree 128, the junta assumed the power to modify the Constitution on November 12, 1973 and that is a pretty comprehensive power. These were, of course, laws in name only. They represented the exercise of military power; that is all.

Constitutional government with its promises of freedom, the rule of law and integrity in governmental activity also died September 11. Chile's constitution was a wisely conceived allocation of the powers of government and rights of a people. It was born of legal process and served its nation well for nearly half a century. It did not guarantee easy times and Chile has not known easy times. It did offer democratic government and the rule of law. It was rendered meaningless by the violence of armed force. Among constitutional provisions directly violated are the following:

Article 4. No magistracy, or person, or assembly of persons, not even under the pretext of extraordinary circumstances, is empowered to assume any other authority or rights than those that have been expressly conferred upon them by the laws. Every act in contravention of this Article is void.

Article 11. No one can be sentenced unless he is legally tried in accordance with a law promulgated prior to the act upon which the trial is based.

Article 15. In case an authority orders the arrest of any person, he must, within the forty-eight hours following, make report thereof to the proper judge and place at his disposal the person detained.

Article 16. Every individual who may be arrested, charged or imprisoned contrary to the provisions of the foregoing articles may apply, for himself, or by anyone in his name, to the judicial authority designated by law, petitioning that the legal requirements be observed.

Article 18. In criminal cases the accused shall not be obliged to testify under oath about his own actions, nor can his ascendents, descendants, spouse, or relations within the third degree of consanguinity of second or affinity, inclusive, be obliged so to testify.

Torture shall not be applied . . .

Article 22. The public force is constituted solely and exclusively by the Armed Forces and the *carabinero* guards, which entities are essentially professional, organized by rank, disciplined, obedient and nondeliberating.

Article 23. Every resolution the President of the Republic, the Chamber of Deputies, the Senate or the Courts of Justices may agree to in the presence of or on demand of an army, a commandant at the head of an armed force, or of any assembly of people, with or without arms and in disobedience of the authorities, is null in law and cannot produce any effect.

Article 66. When the President of the Republic in person commands the armed forces, or when from illness, absence from the territory of the Republic, or from any other weighty reason, he cannot exercise his office, the Minister whom the order of precedence as fixed by law may designate shall substitute for him, under the title of Vice President of the Republic. In default of such, the Minister who follows in the order of precedence, and in default of all the Ministers, the President of the Senate, the President of the Chamber of Deputies or the President of the Supreme Court successively, shall substitute for the President.

In case of death, or declaration of cause for resignation, or other kind of absolute impossibility, or disability that cannot be ended before the completion of the time remaining of the constitutional period, the Vice President in the first ten days of his incumbency shall issue the proper orders to proceed, within sixty days, to a new election of President in the manner prescribed by the Constitution and by the electoral law.

Article 72 (17). Special attributes of the President are: To declare in a state of assembly one or more provinces invaded or menaced in case of foreign war, and in a state of siege one or several points of the Republic in case of foreign attack.

In case of internal disturbance the declaration of one or more places being in a state of siege belong to Congress, but if Congress is not in session, the President may make it for a determined period.

Through the declaration of a state of siege, there is conceded to the President of the Republic only the authority to transfer persons from one department to another and to confine them in their own houses, or in places other than jails or intended for the confinement or imprisonment of ordinary criminals.

Measures taken on account of the state or siege shall have no greater duration than the siege, but the constitutional guarantees granted to deputies and senators shall not be infringed thereby.

Article 80. The power of judging civil and criminal cases belong exclusively to the tribunals established by law.

The five trials I witnessed conducted by the Air Force under the authority of the military government were lawless charades. Whether there was in fact justification for the State of Siege allegedly based on the mysterious Plan Z or the junta had seen too many movies is not relevant. Metaphysical references to the differences in legal systems cannot incapacitate foreign judgment. One need not be a scholar of Chilean law, or have witnessed trials in Spain and other continental countries as I have done, to know the trial was neither governed by pre-established principles and procedures uniformly applied nor an effort to determine truth.

First it is not possible to trace power from the constitution to the court. Perhaps this is why posted outside the courtroom which was once the chapel of a Catholic convent was a rainspotted carbon copy of a typed memo saying no attorney shall challenge the jurisdiction of the court or the procedures it uses. A lawyer who dared to question whether his client had been tortured was banned from further practice there among other penalties.

General Orlando Gutierrez, the Air Force Fiscal, or prosecutor, presented his entire case by reading from the Dictamen, or indictment and witness statements. Virtually all the statements were by defendants and their co-defendants and uncorroborated, seriously questioning whether they were true. All were elicited under circumstances so inherently coercive, whatever the techniques employed, as to make them questionable by any standard. No witness appeared at the trial. No prosecution witness was present to be challenged by cross examination. No defendant offered or compelled a single witness in his defense or spoke a word himself in "open" court. While the trials were called open, no family was permitted to be present and whatever the reasons, the room was virtually empty except for one morning when a first year law class from the University of Chile attended a single trial. The press, nearly all Chilean, sat in the balcony. A few foreign observers attended part time, and personnel from the Army monitored the trials.

The serious offenses charged, treason and sedition, with death demanded for some, could not be applied by any stretch of logic or twist of legal reasoning to the facts alleged which uniformly referred to activity prior to September 11, 1973, nor support jurisdiction in a military court at a date after September 11, 1973. Thus the statute itself could not support the prosecution even if the court had jurisdiction and the application of law was not *ex post facto*.

No system seeking objective fact finding permits the trier of fact to be the persons threatened by the acts alleged; yet here the very court personnel were potential victims of the conduct allegedly planned, though admittedly not executed. The absence of a legal officer to guide the court, instruct it in the law or determine procedures made the trial a game of soldiers playing prosecutor, judge, and jury, which is to law as children playing soldier is to war, but deadly yet. Only one member of the seven man court was a lawyer. The prosecutor was a general untrained in law.

The ultimate irony was the fact that the members of the court had participated in the very violent overthrow of the government that they accused some of the persons they tried with planning, but not executing. It can only be assumed that these mock trials, demeaning legal institutions and due process were intended as a justification for the golpe. Even if the charges were true, a planned overthrow of government by one junta cannot justify an actual revolution by another. Subjecting these defendants to this Kafkaesque show trial is itself a denial of human rights.

The denial of human rights in Chile on and since September 11, 1973 is widespread and continuing. Life is the first right of every human. We do not know how many humans have lost their lives to lawless acts of the military. We know one of the first was the constitutional President, Salvador Allende. We know deaths must be measured in the thousands. Tens of thousands have lost their liberty. Thousands remain in detention today. Thousands more have been tortured.

Among the fundamental human rights protected by the Universal Declaration of Human Rights and the International Convention of Civil and Political Rights ratified by Chile which have been flagrantly violated are the following:

1. Right not to be subjected to arbitrary arrest or detention (Art. 9, U.D.H.R. and Art. 9 I.C.C.P.R.).

2. Right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment (Art. 5 U.D.H.R. and Art. 7 I.C.C.P.R.)

3. Right to a fair and public trial with all the guarantees necessary for one's defense before an impartial and independent tribunal. Respect for the principle of non-retroactivity (Articles 10 and 11 of the U.D.H.R. and Articles 14 and 15 of the I.C.C.P.R.).

4. Right to life, liberty and the security of persons (Art. 3 of the U.D. and Article 6 of I.C.C.P.R.).

5. Right not to be subjected to arbitrary interference with one's privacy, family, home or correspondence, nor to attacks on one's honor and reputation. (Article 12 of the U.D. and Article 17 of the I.C.).

6. Right to freedom of movement and of residence within the borders of a State. Right to leave any country including one's own and to return to one's country. (Article 13 of the U.D. and Article 12 of the Covenant).

7. Freedom of thought, conscience and religion, freedom of opinion and expression, and freedom of peaceful assembly and association (Articles 18, 19 and 20 of the U.D. and Articles 18, 19, 21 and 22 of the International Covenant).

8. Right to work and to a just and fair remuneration and to protection against unemployment. Right to form and join trade unions. (Article 23 of the Universal Declaration and Articles 6, 7 and 8 of the International Covenant on Economic, Social and Cultural Rights).

As we have seen, the military seizure of power in Chile destroyed democracy and constitutional government. No rationalization can alter that. It brought a violent and lawless reign of arbitrary power dealing death to thousands, imprisonment and torture to tens of thousands and terror to hundreds of thousands. It established authoritarian government controlling the people by military force and threat of force, seizing university administration, abolishing labor organizations, suspending political parties and burning books. It continues today a state of siege, holding former high officials of civilian government and thousands of others, many since September, yet not charged with crime. On page 5 of its White Book explaining the seizure of power it says it has governed since September 11 "in an atmosphere of absolute peace and normality."

We can rage at what has been done to rights and humanity in Chile, but rage rarely solves problems and rarer still is the solution wise. Rather we should look at our own conduct. Finally it is our own conduct that is our responsibility. What has the United States of America done in Chile?

Our nation praises democracy and constitutional government, extols the rule of law and proclaims the primacy of human rights. How then do we explain our policy and conduct in Chile? For we witnessed, condoned and may have been an agent in the fall of constitutional democracy, subversion of law and the death and torture of thousands. If we care why do we not speak out and act? You cannot make the world safe for hypocrisy.

I urge your committee to find the truth to the following questions and act upon that truth. An open, democratic society must know what its government and other agencies and instrumentalities of its society affecting the rights of others do. For their acts are our responsibility.

1. Did the Departments of State, Defense, the CIA or other federal agencies discriminate against, or directly or indirectly act to cause or encourage the overthrow of constitutional government in Chile?

2. Did U.S. economic or military aid to Chile or its withdrawal contribute to the fall of that government? Does the pattern of total aid from 1965 to date suggest a failure to value democratic government over military government?

3. Did corporations owned and operated by U.S. interests or multi-national corporations dominated by U.S. interests contribute to the military seizure?

4. Do government records reveal a discriminatory policy by U.S. or U.S. dominated business which contributed to economic instability in Chile? Do American corporations prefer to do business with a military government in Chile?

5. Why has our government not protested a military seizure of power and urged an immediate return to constitutional government?

6. Were there units of the U.S. Navy off the shores of Chile or other U.S. military presence in the area on September 11 in unusual numbers? If so, why?

7. What has our government done to protect human rights in Chile? Have we acted to prevent or protested killings, torture, arbitrary incarceration? When? How?

8. How many persons did the U.S. Embassy grant and deny asylum to on or after September 11, 1973? What are the policy reasons for failing to protect persons whose lives were in danger as many other nations did?

9. How many persons from Chile have we offered permanent residence rights here? How does this policy contrast with our policy toward Cuba? What are the reasons for the difference?

10. Have we restricted persons exiled from Chile in visiting, traveling, or speaking freely in the U.S.? Why?

11. What economic, political and moral sanctions can the U.S. and its people bring to bear on totalitarianism in Chile?

12. What can the U.S. do to stimulate UN, International Banks and other organizations to bring economic, moral and other pressures to restore human rights in Chile?

If we revere life and democracy, we must pursue such questions with a passion and through them forge a foreign policy based, not on military power or economic profit, but on the way governments treat their people—on the quality of human rights. Then we can find peace through the affirmative response President Kennedy sought from us when he asked, "Is not peace, in the last analysis, basically a matter of human rights?"

STATEMENT OF THE HONORABLE WILLIAM H. BOOTH, JUDGE, NEW YORK CITY CRIMINAL COURT

Judge BOOTH. I appear here today with Mr. Clark, with whom I observed trials in Santiago, Chile recently for one week. Certainly, one week does not make one an expert on anything but I believe our observations may be of some aid to you in your legislative work.

Before I left for Chile, I was warned by some that I ought not to pre-judge what I might see, and to understand the pride of Chilean Americans in their sense of democracy and justice. Then, during the entire course of my visit, and even now, there appears to be great concern that a short term visitor might hastily arrive at an unjust conclusion about the situation in Chile.

The city of Santiago certainly does not have the immediate appearance of a place wracked by revolution. People travel about freely, there seems to be an abundance of food, clothing and other goods for sale to the general populace. People seem healthy, happy and even publicly affectionate. Only when you speak to families of prisoners, to people who have been sorely affected by the political upheaval of September 11, 1973 do you begin to feel a different mood. They relate of torture during interrogation of prisoners, of prisoners being held incommunicado, of poor prison conditions, and of the insensitivity of the new government. They tell of successive arrests of the same person by each of the Armed Forces, interrogation and release, and rearrest thus causing fear and panic among them. They show shuttered homes in which they tell you are prisoners, under interrogation and torture, carried there under cover of darkness and a one o'clock curfew.

After conversations of this sort, one can't help notice the large numbers of police and military personnel on the streets; the fears experienced by those whose loved ones have been affected are seen as another part of the city than that first seen on arrival. A shuttered Congress is a reminder that drastic change has occurred; bombed or fired-out buildings are deadly reminders of how that change was brought to fruition.

To a U.S. citizen trained in the law, the trials we saw are most difficult to objectively observe. They are held in an Air Force base, the tribunal is composed of seven generals only one of whom is a lawyer. The prosecutor also is a nonlawyer although his secretary is a civilian lawyer. The trials proceed by the prosecutor reading the statements of any of the 67 defendants which implicate the defendant then on trial. Then, he reads the defendant's statement, after which he requests the appropriate penalty, from a term of years to death in some instances. Then defense counsel—usually assigned—reads his statement in opposition. The defendant does not testify, nor can counsel call any of the others whose statements have been used. The only "live" witnesses who were called were character witnesses occasionally called by the defense. After all the trials have been completed, it is understood the tribunal will recess and later announce their verdicts and sentences. All 67 trials should have been completed soon since two or three are heard daily.

It appears to be an inviolate rule that defense counsel does not question the voluntariness of defendants' statements. It was explained that to do so would impugn the reputation of the prosecutor. One young counsel did raise questions as to defendants' statements and the tribunal announced that he could no longer practice before them. Referral was also made to the equivalent of our bar Association and other disciplinary action against the lawyer was involved.

From conversations with all concerned, the system of "justice" in these trials is hardly questioned. But, also, apparently all believe the defendants will be convicted; the only question appears to be the severity of the penalty. What's more, the defendants are on criminal trial for acts of conspiracy in support of the then constitutionally elected government—to which incidentally they were obligated by oath to uphold!

We were permitted to visit the public jail and to confer, though not privately, with prisoners of our choice. Though the prison is an ancient and rickety one, the men we spoke with assured us that their lot was a great deal better there than at the military detention centers where they had been detained earlier. We saw there also men held incommunicado allegedly for misdeeds while there; though we were advised that they were still under interrogation and this is the real reason for their being isolated.

It is interesting that in order to see prisoners, we had to seek permission from the prosecutor, one General Gutierrez. One night while giving me a lift to the jail, General Gutierrez remarked that too many people in Chile are involved in politics. I responded that this was laudable, that not enough people are involved in U.S.A. politics. He repeated his remark adding that politics should be only for the politicians!

Earlier observers have testified to first-hand indications of torture and other human rights violations. I would hope that your committee will recommend a change in U.S. Policy to permit asylum to political prisoners. We saw many other Embassies accepting asylees, but the American Embassy has not taken any, not even relatives of American citizens. We have always been proud of our country's heritage. Particularly have we reason to be proud that we have been a haven to all those who have had to

leave their homeland because of oppression. Although Chileans may not on the whole be oppressed, there are many thousands who are living a hell on earth because of their political beliefs. To continue our great traditions, it would seem most urgent to me that we once again open our doors to those Chileans who desire our aid.

Mr. KENNEDY. Mr. President, the lack of legal protections is only part of the problem in Chile as witnesses before the Senate Subcommittee on Refugees testified last week. Their concern, described in recent news accounts of the hearing, is that human rights continue to be violated by the practices of the Junta.

For all of these reasons, I intend to introduce legislation to suspend U.S. military aid to Chile when the foreign aid bill comes before the Senate.

Mr. President, I ask unanimous consent that articles on these matters be printed in the RECORD at this time.

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

[From the Washington Post, July 31, 1974]

CHILE SENTENCES EX-OFFICIALS TO DEATH

(By Joseph Novitski)

SANTIAGO, CHILE, July 30.—A Chilean air force court martial condemned four supporters of former President Salvador Allende to death for treason and sentenced 56 others to prison today.

The four men sentenced to death are Carlos Lazo, 47, a leader of Allende's Socialist Party and former vice president of a state bank, and three former air force officers—ex-Col. Ernesto Galaz, ex-Capt. Raul Vergara and ex-Sgt. Belarmino Constanzo.

The court martial decided that the four men were the ringleaders of a conspiracy by Marxist political parties within the government coalition and an extreme leftist group outside the government to recruit air force non-commissioned officers into political groups, to pass secret air force plans to the government and to try to place officers favorable to Allende into key air force commands.

The court also found that plans were made to seize a nearby air force base, but they were not carried out.

In effect, the court tried 54 air force men and 9 civilian men and one woman for treason, sedition or military insubordination on the basis of acts committed while Chile was not at war and the defendants were serving a constitutionally elected government. Today it found all but three of them guilty.

The trial attracted attention throughout the world, and many foreign observers attended those sessions that were open.

The court martial cited the Dreyfus affair in France, the Stalin purge trials of 1937, the execution of Julius and Ethel Rosenberg as spies in the United States and Fidel Castro's trial of the Cubans captured on the beaches of the Bay of Pigs as historical precedents for its decision.

The sentences were approved unanimously by the seven senior officers who made up the court after two months of open sessions and 45 days of private deliberations. The sentences cannot be appealed, but must be confirmed by Gen. Jose Berdechesky, commander of the Santiago air force garrison and convening authority of the court martial.

The families of the four men sentenced to die before a firing squad were expected to appeal to Gen. Berdechesky and to Gen. Augusto Pinochet, the army general who rules Chile in the name of the military junta that seized power in the Sept. 11 coup.

When the trial began, it appeared to some foreign legal observers to be proceeding correctly under the Chilean military code. As it went on, however, restrictions were imposed, turning it into a show trial.

One of the 31 defense lawyers was thrown out of court when he spoke too warmly of the Allende government. The court then forbade political arguments.

Another lawyer reported that all five of the men he was defending had been tortured. He was reprimanded by the court.

Defense lawyers agreed privately to present their charges of torture in writing and not to read them aloud in court. Then the court began telling some lawyers which parts of their written legal arguments could be read in court.

Watched by jurists from the United States and Europe, by diplomats and by a lawyer from the International Red Cross, the air force prosecutor argued that the defendants had stolen military secrets, organized subversive cells in air force units and that some of them were connected with a plan by leftists to seize El Bosque, an air base on the outskirts of Santiago which houses the Chilean air force academy.

Today, in a 234-page decision, the court agreed. It found that, in fact, the Chilean armed forces had been legally at war with several small extremist groups since before Allende was elected in 1970. It concluded that a court martial was therefore competent to judge offenses committed against the military code before the coup.

"Finally, the trial record leads to the categorical conclusion that the military pronunciamiento on Sept. 11, 1973, halted plans to destroy the air force in particular and the armed forces in general and prevented the mass assassination of their non-Marxist members a few short days before it was to be consummated," the officers on the court declared.

They rejected all of the arguments brought up by defense lawyers to challenge the constitutional basis of the trial. They also refused to consider the extenuating circumstances, such as good service records, lack of previous prosecutions and good character witnesses, in all but seven of the 60 cases that resulted in findings of guilty.

Erich Schnake, a former Senator and Socialist Party leader, for whom the prosecution requested the death penalty, was sentenced to 20 years in prison.

The court sentenced 34 of the defendants to lesser penalties than the air force prosecutor had requested, but it made it clear in almost every instance that it was doing so by its own decision and not as a result of defense arguments. The court upheld the prosecutor's request in sentence in 8 cases and increased the severity of the sentences in 22.

[From the New York Times, July 31, 1974]

CHILEAN COURT CONDEMNS FOUR AND IMPRISONS 56 IN MASS TRIAL

SANTIAGO, CHILE, July 30—An air force court-martial today condemned four persons to death by firing squad and sentenced 56 to prison in the mass trial of persons seized after last year's coup against the Marxist coalition Government of President Salvador Allende Gossens.

The prisoners, air force personnel and civilians, were tried on charges ranging from possession of Communist literature to treason. Three persons were acquitted.

The death sentences are subject to review by the military junta that has controlled the country since Dr. Allende's overthrow and death last Sept. 11. There have been no known death sentences in Chile since mid-January, although firing squads shot at least 96 persons in the months following the coup.

The prison terms handed down today range from 300 days to life.

Among those condemned to death was one of the 10 civilians on trial, Charles Lazo, former president of the state bank and a member of the outlawed Socialist party. The military prosecutor had sought life imprisonment for Mr. Lazo on charges of treason and espionage, but the six-officer court overruled him.

Capt. Patricio Carbacho, one of six defendants for whom the prosecutor had sought the death penalty, received life imprisonment.

The others facing execution are former air force men, Col. Ernesto Galaz Guzman, Capt. Raul Vergara and Sgt. Berlimino Constanz. They were convicted of treason and sedition.

Erich Schnake, who was a Senator and director of the Socialist party, was sentenced to 20 years in jail for espionage and inciting a revolt. The only woman defendant, Maria Teresa Wedeles, was sentenced to 300 days in jail.

The court-martial, which was open to newsmen and international legal observers, began April 17 at the Air Force Academy on the outskirts of Santiago. Testimony ended during the first week of June and the officers adjourned to consider the verdicts.

THE CONTINUING TROUBLES OF THE SST

Mr. PROXMIRE. Mr. President, the wisdom of the Senate's decision to discontinue Federal funding of an experimental supersonic transport aircraft becomes more evident with each passing day. The flaws and potential dangers of supersonic airplanes are emerging as French and Soviet SST's begin to enter service. More importantly these weaknesses represent only the tip of an iceberg of problems and hazards still to be confronted by the developers of the SST.

A study released recently by the U.S. Department of Transportation, for example, predicts the SST's now being developed will produce noise that will carry farther and have an impact on more people than the loudest subsonic jets now in use. Although it appears that the sounds produced by the SST will be no louder than those of conventional jets, many more people will be subjected to the roar of such aircraft. At airports in crowded metropolitan areas an SST will expose nearly twice as many persons to the 100-decibel thunder of a jet engine.

Another recent report, written by Swedish aeronautics expert Bo Lundberg, details a more serious potential shortcoming of the SST's. Mr. Lundberg argues that the long-term effects of the enormous aerodynamic pressures and blistering heat imposed by supersonic speeds upon an aircraft's structure are still uncertain. Adequate tests of these effects, as Mr. Lundberg points out, will not be completed until the early 1980's, long after some SST's will begin service.

The ultimate product of these uncertainties could be extraordinarily high costs, in both structural repairs and, as the SST crash outside Paris earlier this year so tragically illustrates, in human lives.

This body halted Federal funding for the SST because it was an unsound in-

vestment of the taxpayers' dollars. These new studies indicate that we made the proper choice. Today the SST remains an uneconomical, bothersome, and dangerous example of the misapplication of technological expertise.

ILLINOIS' CATERPILLAR CO. OFFERS HELP WITH ALCOHOLISM

Mr. PERCY. Mr. President, the Second Report of the National Commission on Marihuana and Drug Abuse stated that alcohol dependence is without question the most serious drug problem in this country today. Available statistics support that statement:

About 1 in 10 of the 95 million Americans who drink is now either an alcoholic or a problem drinker.

At least half of the annual 55,500 traffic fatalities in the United States are alcohol related.

In 1971, alcoholism and related problems accounted for $9.35 billion in lost production time in the United States.

Mr. President, it is obvious that alcoholism and alcohol abuse are causing extremely serious problems in this country. In terms of lost productivity, health costs, family disruptions, and loss of individual dignity, alcohol abuse takes an immeasureable toll of our citizens and of our society as a whole.

In May Congress approved and the President signed into law the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act amendments, authorizing the expenditure of more than $400 million during the next 3 years to combat alcoholism in this country. Funds appropriated under this authorization will mean tremendous steps forward in the Federal attack on alcoholism, but even generous Federal assistance cannot eradicate the problems of alcoholism and alcohol abuse in this country. Substantial efforts by private groups must be made if this most critical problem is to be combated effectively.

I am most pleased to report that the Caterpillar Co., headquartered in Joliet, Ill., has initiated an outreach, education, and treatment program to assist its employees who have alcohol related problems. I wish to commend the Caterpillar Co. for its most progressive and humane attitude toward employees who have occupational and personal difficulties because of alcohol. I would hope that other companies in all States will realize how much the interests of their employees and their companies can benefit from programs designed to combat alcohol abuse. I am convinced that many large companies would realize substantial benefits from instituting similar policies and programs, and I would urge them to consider doing so.

I ask that two recent articles from the Caterpillar "Bulldozer" newsletter be printed in the RECORD in order that my colleagues may be aware of the need for and benefits resulting from a company-directed program to combat alcohol abuse.

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

[From the Caterpillar Bulldozer, May 30, 1974]

IF DRINKING IS A PROBLEM YOU CAN RECEIVE HELP

Stop and think!

When was the last time you had too much to drink?

Was it three or four drinks?

Could you just possibly be suffering from the illness of alcoholism?

Every day, hundreds of people cross over the line. Approximately nine million Americans are alcoholics—many more millions are problem drinkers. "An alcoholic is someone whose drinking causes a continuing problem in any department of his life."

And the problem doesn't stop outside the gates of our plant. There are some employees—both men and women on all payrolls—who are having serious job performance difficulties because of excessive drinking.

"The unfortunate thing is that many individuals moving towards alcoholism won't admit it to themselves until the human costs are tremendous," says Dr. Robert Babick, Director of Medical Services.

"What I mean by human costs is the damaging results of alcoholism or other drug abuse to a person's mental, physical, and spiritual health. Also, the suffering this illness brings to an alcoholic's family."

Jim Cunnane joined the Medical Services staff several months ago to help coordinate the plant medical program for employees with drinking and/or other drug abuse problems.

"I want to stress that Jim is an important member of our medical staff," says Dr. Babick. "He has an extensive background in industry and the rehabilitation of alcoholics.

"Already, he is helping a number of employees having difficulties with alcohol. His counseling efforts are backed up by extensive outside rehabilitation programs when needed."

Dr. Babick encourages any employee who needs help to make an appointment with the Medical Department.

"All interviews are confidential." An employee can make an appointment through his supervisor or with Medical directly.

"No employee should feel embarrassed to come in. That's why we are here. We will do everything possible to help an individual who sincerely seeks it."

Dr. Babick pointed out that the typical alcoholic is between 35 and 50 years old. He is a skilled or semiskilled employee who usually owns his own home, has two children, and at least seven years' seniority.

"The average age of employees at our plant is 37.23 with 12 years of seniority," he relates. "We estimate through national statistics that approximately six percent of our employees are suffering from alcoholism."

Dr. Babick stresses that alcoholism is not limited to any sex or economic status.

"Sometimes we have found that a woman is more hesitant than a man in seeking help." But without help, it's very difficult for a person to lick this problem.

"Alcoholism is a progressive illness. It doesn't happen overnight. The sickness usually creeps up slowly on a person. He gradually crosses over into alcoholism without knowing it. Left untreated, it can be fatal."

But the illness is treatable and can be arrested. Dr. Babick indicated that Lutheran General Rehabilitation Center of Chicago reports 80% recovery rates for Industrial Alcoholism programs where there is direct involvement in treatment by the family and the employer.

"The Company stands ready to cooperate fully with any employee who recognizes he/she has an alcohol or other drug abuse problem and makes an effort to correct it," Dr. Babick concludes.

WHAT KIND OF DRINKER ARE YOU?

Do you think and talk about drinking often?

Do you drink more now than you used to?

Do you sometimes gulp drinks?

Do you often take a drink to help you relax?

Do you drink when you are alone?

Do you sometimes forget what happened while you were drinking?

Do you keep a bottle hidden somewhere—at home or at work—for quick pick-me-ups?

Do you need a drink to have fun?

Do you ever just start drinking without really thinking about it?

Do you drink in the morning to relieve a hangover?

If you answered "yes" to any of these questions, you may want to do some serious thinking about the way you use alcohol.

[From the Caterpillar Bulldozer, July 9, 1974]

YOU CAN RECEIVE HELP: IF DRINKING IS A PROBLEM

EDITOR'S NOTE: (Employees suffering from alcohol and/or other drug abuse illness may receive comprehensive help from Medical Services. An article in the May issue of "Bulldozer" briefly explained how an employee can obtain this help. Drexel White, president of Local 851, International Association of Machinists and Aerospace Workers, has recommended that the program be more fully explained in "Bulldozer." While endorsing this effort to help employees, White feels that some individuals with a drinking problem may be reluctant to seek help unless they first know all the facts. "An employee wants to know how seeking help will affect his job, his pay and his chances for advancement," White said. "And he wants to know how much this help is going to cost him." In response to White's suggestion, the following article uses a fictitious person to relate what does happen when an employee seeks Company help for an alcohol and/or drug abuse problem.)

Bill realized that he wasn't going to make it alone.

Bill, age 35, had worked for Caterpillar-Joliet for 15 years. He was a good employee and had progressed through several promotions. He lives in a nice neighborhood and in the past participated in several community activities.

Yet, Bill had been having problems in the last couple of years. His relationship with his wife and two sons was slowly disintegrating.

But then things really went bad. Bill had an auto accident and was ticketed for driving under the influence of alcohol.

Personal bills seemed to be piling up. He thought alcohol eased the tensions. He used to drink only after work. But lately, the drinking increased. He began taking a bottle to work with him in his car—sneaking a few belts before entering the plant.

The ache in his stomach during work bothered him. Only a drink seemed to soothe the pain. He began missing work more often because of heavy drinking hangovers.

ALWAYS SICK

Bill felt like he had a constant flu bug. Drinking became more important than eating or spending time with his family. He became totally preoccupied with drinking. His job performance began to suffer.

Still, Bill didn't think he had a drinking problem. He thought it was just daily pressures which forced him to drink often.

Then, Bill began to get scared. Occasionally he couldn't remember what happened after starting to drink heavily. This happened more and more often. The "blackouts" sapped his strength and ability to lead a normal life.

His family was suffering because of his drinking. Bill realized that he needed help. The tremendous obsession and compulsion to drink was consuming his life.

So what could he do?

Bill heard there was a program to help employees with drinking problems. He was fearful to take the first step. What would happen to him? Would he lose his job?

Finally, Bill decided to request an interview with Medical Services to discuss his problem. It was the first step to recovery.

Bill went in for the interview. He talked with Jim Cunnane, coordinator in Medical Services for employees with alcohol and/or other drug abuse problems.

NEEDED DATA

Cunnane explained that Medical would do everything possible to help him arrest his drinking problem. Also, that alcoholism is an illness—an illness that if left untreated can be fatal.

Bill was relieved to find out that no record of his problem would be placed in his Caterpillar Personal History Folder. This was a medical matter and all information was strictly confidential.

But, Bill had to do his part. He sincerely had to cooperate in the treatment of his illness.

Bill's situation was thoroughly evaluated under the direction of Dr. Robert Babick, manager of Medical Services. Cunnane handled the confidential personal interviews—utilizing his extensive background in the rehabilitation of alcoholics—to help make a recommendation on Bill's case.

Medical recommended that Bill participate in a voluntary rehabilitation program for alcoholics at Lutheran General Hospital, Park Ridge, Ill.—considered by professionals to be an outstanding program.

Cunnane explained that Lutheran General Hospital's Rehabilitation Center is a self-contained world of academic-looking lecture rooms and library, deep-carpeted group rooms, comfortable lounges and recreation rooms. With "motel-like bedrooms" and pleasant surroundings, the center offers a challenging 25-day rehabilitation program where the alcoholic has the maximum opportunity for recovery.

Men and women from all walks of life—blue collar, white collar and professionals—have participated in the Lutheran General program with good results.

Cunnane also explained that the program cost is completely covered under Bill's Employee Benefits Plan. While in treatment, he will receive weekly disability benefits. If needed, Bill first would experience a short detoxification period, a "drying out," at Lutheran General Hospital under expert medical care. Then he enters a formally structured 21-day treatment program.

RIGHT DECISION

The choice was up to Bill. He decided to go to Lutheran General. And for Bill, the treatment program has been successful.

Though Bill will always be an alcoholic, he leads a normal life today. He participates in local Alcoholics Anonymous activities. His family members also take advantage of community supportive resource programs. They are vitally important in the total rehabilitation program. Medical Services keeps in touch with Bill to assure things are going well.

BILL IS SYMBOL

Though Bill doesn't exist, he does symbolize a number of employees now being helped by Medical Services because of alcohol and/or other drug abuse problems.

"We are dedicated to providing total quality medical care for all illnesses, including alcoholism," says Dr. Babick.

An employee who wishes to discuss a drinking and/or other drug abuse problem can on a confidential basis first discuss the problem with his supervisor, or call Medical direct, 6281.

CONSERVATION AND REHABILITATION PROGRAMS ON MILITARY RESERVATIONS

Mr. HART. Mr. President, I ask unanimous consent that the bill H.R. 11537 as passed by the Senate on July 15, 1974 be printed in the RECORD. While this is not the usual practice for House bills passed by the Senate, the Commerce Committee has received a number of requests for copies of the Senate-passed version of H.R. 11537. It would facilitate the distribution of this material if the bill could be printed in the RECORD.

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

H.R. 11537

An Act to extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to promote effectual planning, development, maintenance and coordination of wildlife, fish and game conservation and rehabilitation in military reservations", approved September 15, 1960 (16 U.S.C. 670a–f), is amended—

(1) by inserting immediately after the first sentence of the first section thereof the following new sentence: "Such cooperative plan shall provide for (1) fish and wildlife habitat improvements or modifications, (2) range rehabilitation where necessary for support of wildlife and (3) control of off-road vehicle traffic."; and

(2) by amending section 6(b) thereof—

(A) by amending the first sentence thereof by inserting immediately after "July 1, 1971," the following: "and not to exceed $1,500,000 for the fiscal year beginning July 1, 1972, and for each of the next five fiscal years thereafter,"; and

(B) by inserting immediately before the last sentence thereof the following new sentence: "There is authorized to be appropriated to the Secretary of the Interior not to exceed $2,000,000 for the fiscal year beginning July 1, 1973, and for each of the next four fiscal years thereafter to enable the Secretary to carry out such functions and responsibilities as he may have under cooperative plans to which he is a party under this title."

SEC. 2. Such Act of September 15, 1960, is further amended by adding at the end thereof the following:

"TITLE II—CONSERVATION PROGRAMS ON CERTAIN PUBLIC LAND

"SEC. 201. (a) The Secretary of the Interior and the Secretary of Agriculture shall each, in cooperation with the State agencies and in accordance with comprehensive plans developed pursuant to section 202 of this title, plan, develop maintain, and coordinate programs for the conservation and rehabilitation of wildlife, fish, and game. Such conservation and rehabilitation programs shall include, but not be limited to, specific habitat improvement projects and related activities and adequate protection for species considered rare or endangered.

"(b) The Secretary of the Interior shall implement the conservation and rehabilitation programs required under subsection (a) of this section on public land under his jurisdiction. The Secretary of the Interior shall adopt, modify, and implement the conservation and rehabilitation programs required under such subsection (a) on public land under the jurisdiction of the Chairman but only with the prior written approval of the Atomic Energy Commission, and on public land under the jurisdiction of the Administrator, but only with the prior written approval of the Administrator. The Secretary of Agriculture shall implement such conservation and rehabilitation programs on public land under his jurisdiction.

"SEC. 202. (a)(1) The Secretary of the Interior shall develop, in consultation with the State agencies, a comprehensive plan for conservation and rehabilitation programs to be implemented on public land under his jurisdiction and the Secretary of Agriculture shall do the same in connection with public land under his jurisdiction.

"(2) The Secretary of the Interior shall develop, with the prior written approval of the Atomic Energy Commission, a comprehensive plan for conservation and rehabilitation programs to be implemented on public land under the jurisdiction of the Chairman and develop, with the prior written approval of the Administrator, a comprehensive plan for such programs to be implemented on public land under the jurisdiction of the Administrator. Each such plan shall be developed after the Secretary of the Interior makes, with the prior written approval of the Chairman or the Administrator, as the case may be, and in consultation with the State agencies, necessary studies and surveys of the land concerned to determine where conservation and rehabilitation programs are most needed.

"(b) Each comprehensive plan developed pursuant to this section shall be consistent with any overall land use and management plans for the lands involved. In any case in which hunting, trapping, or fishing (or any combination thereof) of resident fish and wildlife is to be permitted on public land under a comprehensive plan, such hunting, trapping, and fishing shall be conducted in accordance with applicable laws and regulations of the State in which such land is located.

"(c)(1) Each State agency may enter into a cooperative agreement with—

"(A) the Secretary of the Interior with respect to those conservation and rehabilitation programs to be implemented under this title within the State on public land which is under his jurisdiction;

"(B) the Secretary of Agriculture with respect to those conservation and rehabilitation programs to be implemented under this title within the State on public land which is under his jurisdiction; and

"(C) the Secretary of the Interior and the Chairman or the Administrator, as the case may be, with respect to those conservation and rehabilitation programs to be implemented under this title within the State on public land under the jurisdiction of the Chairman or the Administrator; except that before entering into any cooperative agreement which affects public land under the jurisdiction of the Chairman, the Secretary of the Interior shall obtain the prior written approval of the Atomic Energy Commission and before entering into any cooperative agreement which affects public lands under the jurisdiction of the Administrator, the Secretary of the Interior shall obtain the prior written approval of the Administrator.

"Conservation and rehabilitation programs developed and implemented pursuant to this title shall be deemed as supplemental to wildlife, fish, and game related programs conducted by the Secretaries of the Interior and

Agriculture pursuant to other provisions of law. Nothing in this Act shall be construed as limiting the authority of the Secretary of Agriculture or the Interior to manage the national forests or other public lands for wildlife and fish and other purposes in accordance with the Multiple Use—Sustained Yield Act of 1960 (74 Stat. 215; 16 U.S.C. 528–31) or other applicable authority."

"(2) Any conservation and rehabilitation program included within a cooperative agreement entered into under this subsection may be modified in a manner mutually agreeable to the State agency and the Secretary concerned (and the Chairman or the Administrator, as the case may be, if public land under his jurisdiction is involved). Before modifying any cooperative agreement which affects public land under the jurisdiction of the Chairman, the Secretary of the Interior shall obtain the prior written approval of the Atomic Energy Commission and before modifying any cooperative agreement which affects public land under the jurisdiction of the Administrator, the Secretary of the Interior shall obtain the prior written approval of the Administrator.

"(3) Each cooperative agreement entered into under this subsection shall—

"(A) specify those areas of public land within the State on which conservation and rehabilitation programs will be implemented;

"(B) provide for fish and wildlife habitat improvements or modifications, or both;

"(C) provide for range rehabilitation where necessay for support of wildlife;

"(D) provide adequate protections for fish and wildlife officially classified as rare or endangered by the U.S. Department of the Interior, or considered threatened, rare, or endangered by the State agency;"

"(E) require the control of off-road vehicle traffic;

"(F) if the issuance of public land area management stamps is agreed to pursuant to section 203(a) of this title—

"(i) contain such terms and conditions as are required under section 203(b) of this title;

"(ii) require the maintenance of accurate records and the filing of annual reports by the State agency to the Secretary of the Interior or the Secretary of Agriculture, or both, as the case may be, setting forth the amount and disposition of the fees collected for such stamps; and

"(iii) authorize the Secretary concerned and the Comptroller General of the United States, or their authorized representatives, to have access to such records for purposes of audit and examination; and

"(G) contain such other terms and conditions as the Secretary concerned and the State agency deem necessary and appropriate to carry out the purposes of this title.

A cooperative agreement may also provide for arrangements under which the Secretary concerned may authorize officers and employees of the State agency to enforce, or to assist in the enforcement of, section 204(a) of this title.

"(4) Except where limited under a comprehensive plan or pursuant to cooperative agreement, hunting, fishing, and trapping shall be permitted on public land which is the subject of a conservation and rehabilitation program implemented under this title.

"(5) The Secretary of the Interior and the Secretary of Agriculture, as the case may be, shall prescribe such regulations as are deemed necessary to control, in a manner consistent with the applicable comprehensive plan and cooperative agreement, the public use of public land which is the subject of any conservation and rehabilitation program implemented by him under this title.

"SEC. 203. (a) Any State agency may agree with the Secretary of the Interior and the Secretary of Agriculture (or with the Secretary of the Interior or the Secretary of Agriculture, as the case may be, if within the State concerned all conservation and rehabilitation programs under this title will be implemented by him) that no individual will be permitted to hunt, trap, or fish on any public land within the State which is subject to a conservation and rehabilitation program implemented under this title unless at the time such individual is engaged in such activity he has on his person a valid public land management area stamp issued pursuant to this section.

"(b) Any agreement made pursuant to subsection (a) of this section to require the issuance of public land management area stamps shall be subject to the following conditions:

"(1) Such stamps shall be issued, sold, and the fees therefor collected, by the State agency or by the authorized agents of such agency.

"(2) Notice of the requirement to possess such stamps shall be displayed prominently in all places where State hunting, trapping, or fishing licenses are sold. To the maximum extent practicable, the sale of such stamps shall be combined with the sale of such State hunting, trapping, and fishing licenses.

(3) Except for expenses incurred in the printing, issuing, or selling of such stamps, the fees collected for such stamps by the State agency shall be utilized in carrying out conservation and rehabilitation programs implemented under this title in the State concerned and for no other purpose. If such programs are implemented by both the Secretary of the Interior and the Secretary of Agriculture in the State, the Secretaries shall mutually agree, on such basis as they deem reasonable, on the proportion of such fees that shall be applied by the State agency to their respective programs.

(4) The purchase of any such stamp shall entitle the purchaser thereof to hunt, trap, and fish on any public land within such State which is the subject of a conservation or rehabilitation program implemented under this title except to the extent that the public use of such land is limited pursuant to a comprehensive plan or cooperative agreement; but the purchase of any such stamp shall not be construed as (A) eliminating the requirement for the purchase of a migratory bird hunting stamp as set forth in the first section of the Act of March 16, 1934, commonly referred to as the Migratory Bird Hunting Stamp Act (16 U.S.C. 718a), or (B) relieving the purchaser from compliance with any applicable State game and fish laws and regulations.

(5) The amount of the fee to be charged for such stamps, the age at which the individual is required to acquire such a stamp, and the expiration date for such stamps shall be mutually agreed upon by the State agency and the Secretary or Secretaries concerned; except that each such stamp shall be void not later than one year after the date of issuance.

(6) Each such stamp must be validated by the purchaser thereof by signing his name across the face of the stamp.

(7) Any individual to whom a stamp is sold pursuant to this section shall upon request exhibit such stamp for inspection to any officer or employee of the Department of the Interior or the Department of Agriculture, or to any other person who is authorized to enforce section 204(a) of this title.

"SEC. 204. (a)(1) Any person who hunts, traps, or fishes on any public land which is subject to a conservation and rehabilitation program implemented under this title without having on his person a valid public land management area stamp, if the possession of such a stamp is required, shall be fined not more than $1,000, or imprisoned for not more than six months or both.

"(2) Any person who knowingly violates or fails to comply with any regulations prescribed under section 202(c)(5) of this title shall be fined not more than $500, or imprisoned not more than six months, or both.

"(b)(1) For the purpose of enforcing subsection (a) of this section, the Secretary of the Interior and the Secretary of Agriculture may designate any employee of their respective departments to (i) carry firearms; (ii) execute and serve any warrant or other process issued by a court or officer of competent jurisdiction; (iii) make arrests without warrant or process for a misdemeanor he has reasonable grounds to believe is being committed in his presence or view; (iv) search without warrant or process any person, place, or conveyance as provided by law; and (v) seize without warrant or process any evidentiary item as provided by law."

"(3) Any person charged with committing any offense under subsection (a) of this section may be tried and sentenced by any United States magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401 of title 18, United States Code.

"(c) All guns, traps, nets, and other equipment, vessels, vehicles, and other means of transportation used by any person when engaged in committing an offense under subsection (a) of this section shall be subject to forfeiture to the United States and may be seized and held pending the prosecution of any person arrested for committing such offense. Upon conviction for such offense, such forfeiture may be adjudicated as a penalty in addition to any other provided for committing such offense.

"(d) All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the custom laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as such provisions of law are applicable and not inconsistent with the provisions of this section; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Department of the Treasury shall, for the purposes of this section, be exercised or performed by the Secretary of the Interior or the Secretary of Agriculture, as the case may be, or by such persons as he may designate.

"SEC. 205. As used in this title—

"(1) The term 'Administrator' means the Administrator of the National Aeronautics and Space Administration.

"(2) The term 'Chairman' means the Chairman of the Atomic Enegry Commission.

"(3) The term 'off-road vehicle' means any motorized vehicle designed for, or capable of, cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; but such term does not include—

"(A) any registered motorboat at the option of each State;

"(B) any military, fire, emergency, or law enforcement vehicle when used for emergency purposes; and

"(C) any vehicle the use of which is expressly authorized by the Secretary of the Interior or the Secretary of Agriculture under a permit, lease, license, or contract.

"(4) The term 'public land' means all lands under the respective jurisdiction of the Secretary of the Interior, the Secretary of Agriculture, the Chairman, and the Administrator, except land which is, or hereafter may be, within or designated as—

"(A) a military reservation;

"(B) units of the National Park System;

"(C) an area within the national wildlife refuge system;

"(D) Indian reservations;"

"(E) an area within an Indian reservation or land held in trust by the United States for an Indian or Indian tribe."

"(5) The term 'State agency' means the agency or agencies of a State responsible for the administration of the fish and game laws of the State.

"(6) The term 'conservation and rehabilitation programs' means to utilize those methods and procedures which are necessary to enhance wildlife, fish, and game resources to the maximum extent practicable on public lands subject to this title, including appropriate protection, consistent with any overall land use and management plans for the lands involved. Such methods and procedures shall include, but shall not be limited to, all activities associated with scientific resources management such as protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking in conformance with the provisions of this title."

"SEC. 206. Notwithstanding any other provisions in this title, section 203 of this title shall not apply to land which is, or hereafter may be, within or designated as National Forest Service land or as Bureau of Land Management land of any State in which all Federal lands therein comprise 25 per centum or more of the total area of such State."

"SEC. 207. (a) There is authorized to be appropriated the sum of $10,000,000 for the fiscal year ending June 30, 1974, and for each of the next four fiscal years thereafter to enable the Department of the Interior to carry out its functions and responsibilities under this title.

"(b) There is authorized to be appropriated the sum of $10,000,000 for the fiscal year ending June 30, 1974, and for each of the next four fiscal years thereafter to enable the Department of Agriculture to carry out its functions and responsibilities under this title."

SEC. 3. Such Act of September 15, 1960, is further amended—

(1) by redesignating the first section and sections 2 through 6 as sections 101 through 106, respectively;

(2) by striking out "That the Secretary of Defense" in section 101 (as so redesignated) and inserting in lieu thereof the following:

"TITLE I—CONSERVATION PROGRAMS ON MILITARY RESERVATIONS

"SEC. 101. The Secretary of Defense";

(3) by striking out "Act" the first time it appears in the proviso to section 102 (as so redesignated) and inserting in lieu thereof "title";

(4) by striking out "Act" each place it appears in sections 104 and 106 (as so redesignated) and inserting in lieu thereof "title"; and

(5) by striking out "sections 1 and 2" in section 106 (as so redesignated) and inserting in lieu thereof "sections 101 and 102".

"Sec. 208. Nothing in this Act shall enlarge or diminish or in any way affect the rights of Indians or Indian tribes to the use of water or natural resources or their rights to fish, trap, or hunt wildlife as secured by statute, agreement, treaty, Executive order, or court decree. Nor will any provision of the Act enlarge or diminish or in any way affect existing State or Federal jurisdiction to regulate those rights either on or off reservations."

SEC. 4. Nothing in this Act shall in any way affect the jurisdiction, authority, duties or activities of the Joint Federal-State Land Use Planning Commission established pursuant to section 17 of the Alaska Native Claims Settlement Act (85 Stat. 688). And, any comprehensive plan promulgated pursuant to this Act for Alaska shall be submitted to such Commission for its advice and comments prior to its approval.

INDOCHINA AID

Mr. KENNEDY. Mr. President, the Congress will soon consider the administration's budget requests for the so-called Indochina Postwar Reconstruction program—a $943 million request for this coming fiscal year, or nearly double that authorized last year.

Of this amount, well over half will go to purchase commodities for the Commercial Import Program in South Vietnam or to support the stabilization funds that help Cambodia and Laos close their foreign exchange gap. Less than a quarter of our aid to Indochina will be spent for humanitarian purposes and not much more will go to fulfill the objectives for which the program is labeled: "postwar reconstruction."

Instead, American money will buy commodities for rich merchants to sell or corrupt governments to dispense, and not to bring relief or rehabilitation to millions of war victims in need of help. We will continue to support war economies rather than help war victims.

Mr. President, the abuses and failures of our commodity import programs in Indochina have been documented and exposed for a number of years. Yet, this administration seems determined to repeat the failures of the past. The name of the program changes, but the purposes of the program remains the same.

Nowhere is this stated more clearly than in a news dispatch yesterday by Mr. Tammy Arbuckle in the Washington Star-News. He once again reviews the corruption and abuses which surround our AID program in Laos and Cambodia, suggesting it will remain this way so long as we are more interested in supplying commodities for Indochina instead of providing humanitarian assistance.

Mr. Arbuckle's article is a sobering reminder to Congress that, as we consider this year's foreign assistance bill, there are some long overdue reforms that must be made in our Indochina program. In the absence of any meaningful change by the administration, the Congress must act to change the character and level of our aid program, and to establish a humanitarian priority.

Mr. President, I would like to draw the attention of all Senators to the article by Mr. Arbuckle, and I ask unanimous consent that it be printed in the RECORD.

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

[From the Washington Star-News, July 30, 1974]

LAOS PROGRAMS: GOOD AND BAD AID WORK

(By Tammy Arbuckle)

VIENTIANE.—A huge waste of American aid funds in Indochina, combined with the failure of the U.S. Agency for International Development to achieve its objectives in the area, makes necessary a searching appraisal of America's Indochina aid program, U.S. officials in the area say.

"I guess we know only how to do things the most expensive way," a senior USAID official said, trying to explain away the high cost of a tiny project in northwest Laos, the construction of a market, completed in March, in the town of Ban Houei Sai.

This market covers only 1,400 square meters and consists of only a concrete floor, cement pillars and a tin roof with no walls for coolness. USAID's share of the cost of construction materials, equipment and personnel alone was $32,533, calculating at the official exchange rate of 600 kip to one dollar.

To make matters worse, the USAID-built market is placed to cause the maximum inconvenience for the local people who are supposed to use it, USAID critics says.

Americans said the market is placed at the rear of the town, far from the center of commercial activity—the main street along the Mekong bank where Thai traders from across the river come to trade with the hill tribes, often using their profits to buy other items before returning to their villages. USAID sources admit the market location is bad and has made America look stupid. AID officials' defense is that the market is located on the only piece of ground available.

Nobody can find fault with the work of USAID field officer Frank Bewitz in Laos' northern capital, Luang Prabang. For an outlay of only $2,000 and some technical knowledge and skill with his hands Bewitz has given the close to 4,000 inhabitants of Pak Ou a town north of Luang Prabang, a complete potable water system using new type plastic tubing for waterpipes.

USAID's food and nutrition program in South Vietnam and humanitarian programs in Cambodia are certainly worth continuing, along with the agency's malaria eradication program in Laos.

Falsipiral malaria is a deadly killer in Laos, but USAID teams, in cooperation with the International Red Cross, spray Laos valleys, slowly clearing mosquitoes from some areas.

The malaria program, one of the few efforts which bring immediate, obvious help to poorer people and earn the gratitude on which political succes can be built, lacks funds.

With so many aspects of good and bad, and with such a complex set of programs it is difficult to decide what aid to continue and how much to spend.

This year the Nixon administration is asking for more aid money in Indochina than ever anywhere else—a total of $939.8 million

This money is for a multilateral aid program in Indochina which has three basic components: One is humanitarian aid; the second is development aid, this year being sold to congress under the rather dubious label of reconstruction; and the third is aid to save currencies and keep an artificially high standard of living for political reasons.

Many U.S. officials in Indochina missions and some brighter young Vietnamese, Cambodian and Lao officials believe USAID should should be revamped along different lines, with much of third part of the aid program cut out and American spending cut drastically.

These sources advocate that aid should reach directly to the bottom of the economic and social scale—to the man in the street, or ricefield, of Indochina—and that those programs which cause U.S. funds to filter only partially from the top to the bottom of society here should, at the very least, be reassessed and preferably should be severely cut.

This would mean that USAID's emphasis would be placed on the humanitarian and field programs.

The $170.3 million for humanitarian uses included in this year's Foreign aid bill achieves the twin objectives of reaching people who need it most and of letting poorer people in the region see the United States is really trying to do something to help them. The ordinary people of Indochina continue to prove a fruitful field for Communist cadres—which is itself an indictment of aid.

Although there is maladministration and corruption in some of these programs, the sources say humanitarian programs are successful because they are something which affects large numbers of people, something tangible.

So, too, is much of the development program—the building of schools and hospitals, for example—but not enough to justify the amounts asked for by the administration this year, according to critics.

The administration is seeking $227.7 million for development aid in South Vietnam and $22.4 million for Laos, with nothing for Cambodia.

President Nixon's tagging of those programs as reconstruction in his congressional request last April is seen as a political gimmick to give the impression something has been achieved in Indochina and give congress, heart a nudge. In requesting Indochina aid the president said the money was to assist Indochina nations "in their efforts to shift their economies from war to peace," but in South Vietnam the war is boiling on, making reconstruction pointless. In Laos there is little fighting but the Communists whose area has the greatest war damage, will not permit any American entry for aid supervision.

All over south Vietnam and Laos USAID has constructed stone buildings for various purposes at great cost: markets, for example.

Every population centre always had its markets. To construct a new market adds precisely zero to the economy. All the dirt of the old market is shifted to the new American-built market.

"It's a political thing so that the people can see the USAID handshake on the wall," a U.S. offical said, but "the handshake soon disappears under a coating of dirt."

The most flagrant abuses of aid are practiced in the Cambodian commodity import program, for which $71 million is asked this fiscal year, the Cambodian exchange support fund and the Laos foreign exchange operations fund, budgeted at $17.5 million each.

South Vietnam does not have similar programs. A senior American aid official there labels them "economically unsound" and says they are not in Vietnam because U.S. officals there know they don't work.

But senior aid officials in Cambodia and Laos, because the three programs are part of a web of U.S. political support for the governments there, fight to keep the programs even when they demonstrably fail.

The three programs are related to increased Cambodian and Lao government spending which causes deficit budgets.

They were begun in an effort to soak up extra money generated by war in these countries and stabilize the Cambodian rial and Lao kip monetary units.

But the aims of the program have been frustrated by corruption of the Vietnamese and Chinese who control these countries economies and high-ranking Lao and Cambodian official who's WHO officials have stolen U.S. funds.

In the commodity import program the merchants in Cambodia receive goods cheaply and sell them at a high price, as there are no price controls.

This defeats the purpose of making cheap goods available to large numbers of the population, who see goods displayed which they can't afford, arousing political discontent.

High profits for the Chinese produce large withdrawals in the fund as these merchants convert their profits back into dollars. Sometimes dollars are taken out through false invoicing for non-existent goods.

Because of the heavy imports, there is no incentive for staple goods, such to be locally produced. Thus, in Laos, there are no exports to give real backing to the kip currency.

The system does nothing to stop inflation. In Laos there has been over 70 percent inflation since January. In Cambodia, the figure is about 30 percent.

To make matters worse, the Cambodians and Laotians will not cut deficit spending. Nor will they devalue fast enough. And they cannot or will not institute price controls.

In Laos the program has turned out particularly badly for the United States. The Communists in the coalition government refuse to devaluate or institute price controls and spend government funds as fast as they can.

Among the uneducated population, the communist cadres successfully—and falsely—claim the Americans are taking dollars away, causing inflation and devaluation. The United States gets the blame from the Lao public sick of inflation and tired of seeing luxuries it can't buy.

Detractors of the aid schemes suggest Congress could phase out the import programs gradually.

They argue that the Lao and Cambodian governments then would realize the United States can't support them forever. The governments would be forced to devalue their currencies slowly thus avoiding sudden political collapse, the critics say, and would have to cut spending and institute price controls.

Critics argue that, because the programs widen the gap between rich and poor, there would be a political collapse, anyway.

U.S. officials unhappy with the programs point out the Communists are stronger than ever Indochina and therefore USAID, in its present form has failed after fifteen years of trying.

RESTORATION OF CITIZENSHIP TO GEN. ROBERT E. LEE

Mr. HARRY F. BYRD, JR. Mr. President, I am pleased to announce that the distinguished Senator from Georgia (Mr. NUNN) has asked to be added as a cosponsor of Senate Joint Resolution 189, a measure to restore posthumously full rights of citizenship to Gen. Robert E. Lee.

In asking that Senator NUNN be included as a cosponsor of this resolution, I think it is fitting to note that he joins Senators THURMOND, WILLIAM L. SCOTT, GRAVEL, HUMPHREY, HELMS, PERCY, GURNEY, and TOWER, all of whom are already cosponsors of the measure.

I would also like to bring to the attention of my colleagues that on July 6, 1974, the Reserve Officers Association of the United States formally endorsed this resolution. I attach particular importance to the unanimous action of this national organization at its annual convention in Atlanta, Ga.

As many of my colleagues know, the Reserve Officers Association of the United States carriers a membership which now exceeds 90,000. The ROA National Convention drew over 1,000 delegates representing every State in the Union. Their act reaffirms my representation to the Senate when I introduced this measure on February 21, 1974: this proposal speaks not to sectionalism, but instead expresses unanimity of thoughts in tribute, respect, and with a sense of justice to one of America's greatest men—Gen. Robert E. Lee.

I ask unanimous consent that the distinguished Senator from Georgia (Mr. NUNN) be added as a cosponsor of Senate Joint Resolution 189, and that the text of the standing mandate of the Reserve Officers Association of the United States be printed in the RECORD.

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

RESOLUTION NO. 5—RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES STANDING MANDATE

RESTORE THE U.S. CITIZENSHIP OF ROBERT E. LEE

Whereas, Robert E. Lee, the Confederacy's greatest general and one of Virginia's most distinguished sons, whom the entire nation has long recognized because of his outstanding virtues of courage, patriotism and selfless devotion to duty, and his contribution in healing the wounds of the War Between the States, did not have his United States citizenship restored after the War Between the States, and

Whereas, previous attempts have failed to restore his citizenship primarily because there had been no proof that he had ever complied with the requirements of amnesty by swearing "to support, protect, and defend the Constitution of the United States," and

Whereas, archivists in the National Archives in 1970 discovered his amnesty oath taken at Washington College in Lexington, Virginia, on October 2, 1865, and his application for reinstatement of citizenship submitted to President Andrew Johnson after being favorably endorsed by General Ulysses S. Grant on June 16, 1865, and

Whereas, the Robert E. Lee Chapter of ROA was named after this distinguished citizen-soldier who resided in Arlington, Virginia, and

Whereas, Senator Harry F. Byrd, Jr., and Representative Thomas N. Downing introduced Joint Resolutions on February 21, 1974, and March 6, 1974, respectively, to restore General Lee's citizenship,

Now therefore be it resolved that the Reserve Officers Association of the United States endorses the resolutions made by Senator Byrd and Representative Downing to restore posthumously United States citizenship to Robert E. Lee.

ADM. ELMO RUSSELL ZUMWALT, JR.

Mr. PROXMIRE. Mr. President, Adm. Elmo Russell Zumwalt, Jr., who has ended his 4-year tour as Chief of Naval Operations, moved decisively and boldly to reinvigorate the tradition-bound U.S. Navy. He made sweeping changes within his service, challenging old assumptions and testing new ideas.

In many ways, the changes initiated under Adimral Zumwalt's leadership may prove as revolutionary to the service and our Armed Forces as the shift from sail to steam that occurred well over a century ago.

Admiral Zumwalt is a unique and extremely well qualified officer. His broad background and assignments were not restricted to ship commands or to any single area of operations but were spread out among many fields of opportunity. This gave him a sure grasp of the key aspects of naval policies and operations. Diverse duties, both ashore and afloat, from service abroad various combatant vessels to the Naval ROTC program, and tours in the Pentagon, culminated in a year as the Naval Component Commander of the Military Assistance Command of Vietnam.

The CNO's long and varied career included three major areas that prepared

him well for the rigors of command as Chief of Naval Operations .

SYSTEMS ANALYSIS

The first of these areas was systems analysis. When Secretary of Defense Robert McNamara introduced this technique into the Department, Admiral Zumwalt undertook to direct a systems analysis group within the Office of the Chief of Naval Operations. He became one of the first contemporary naval officers to use this approach in evaluation and problem-solving and did much to spread its theories throughout the U.S. Navy.

Admiral Zumwalt served as Deputy Scientific Officer to the Center for Naval Analysis during 1966 to 1968 and was instrumental in restructuring the Center's approach to problem-solving. It is important to note that while serving as Director of the Systems Analysis Group, he was the personal representative of the Chief of Naval Operations, not only in dealings within the Defense Department, but also in testifying before congressional committees. For his work in system analysis Admiral Zumwalt was awarded the Distinguished Service Medal for "establishing the system analysis division and rapidly developing it into a highly effective, and responsive organization."

INTERNATIONAL AFFAIRS

The second important area of specialty was international affairs. In June 1962, he was assigned to the Office of the Assistant Secretary of Defense for International Security Affairs—ISA. At that time, ISA was an extremely important element in coordinating international and defense-related policies with DOD. Because of its influence in foreign policy it was often called the "Pentagon's little State Department."

Within this center for political-military planning, Admiral Zumwalt first served as desk officer for France, Spain, and Portugal, then as Director of Arms Control and Contingency Planning for Cuba. In addition to these assignments within ISA, Admiral Zumwalt served in the highest councils of the Navy, becoming the executive assistant and senior aide to the Honorable Paul H. Nitze, Secretary of the Navy.

His subsequent studies from the National War College prepared him to participate in joint, high level command and staff functions, and to execute national policy and strategy. For his activity and outstanding service within the offices of the Secretary of Defense and Secretary of the Navy, Admiral Zumwalt was awarded the Legion of Merit.

PERSONNEL POLICIES

The third specialty area was in the field of personnel.

Admiral Zumwalt did not develop a "people"-oriented attitude while in the CNO's position. His interest in personnel dates back to his early years in the U.S. Navy.

In June of 1953 he was assigned as Head of the Shore and Overseas Bases Section, Bureau of Navy Personnel at the Navy Department. He also served as officer and enlisted requirements officer and as action officer on medicare legislation. Undoubtedly, his first impressions toward Navy personnel policies and possible reforms within this area developed during this early period. After serving a brief tour of duty commanding a destroyer, he returned to the Bureau of Naval Personnel in 1957 and in 1958 was transferred to the Office of the Assistant Secretary of the Navy for Personnel and Reserve Forces.

In this position he served as Special Assistant for Naval Personnel until November 1958 then as Executive Assistant and Senior Aid until July 1959. Unquestionably, Admiral Zumwalt's tour as a personnel officer, together with his several sea commands in the U.S. Navy provided him with the necessary background, information, insight and appreciation of the problems and conflicts encountered by Navy men and women. As CNO the Admiral's flexibility in applying traditional Navy policies, his perseverance in initiating reforms, and his drive and energy to achieve the "impossible" in personnel relations undoubtedly came as a direct result of his own experiences.

MANPOWER REQUIREMENTS

On becoming Chief of Naval Operations in 1970, Admiral Zumwalt was faced with the Navy's most serious problem of manpower requirements. Still at war, both in and off Vietnam, the Navy was losing sailors at an alarming rate. Only 10 percent of the seamen on their first tour of duty were reenlisting. On Atlantic fleet aircraft carriers the rate was less than 3 percent. "In a highly technical organization," the CNO said at that time, "our retention problem borders on the verge of a catastrophic personnel crisis." The rising sophistication of weaponry demanded retention of trained and experienced personnel, especially in the fields of electronics and aviation machinery repair.

Admiral Zumwalt was idealy suited to communicate with younger enlisted and officer Navy men and women. He could reach them because he knew their problems, but more important, because he was both mentally and physically young and wanted to help. At the age of 44, he was the youngest naval officer ever promoted to rear admiral, and at the age of 49 the youngest four-star admiral in U.S. Naval history and the youngest to serve as U.S. Chief of Naval Operations. His youth was an important asset in better understanding, relating, and dealing with the great problems that beset the new and old recruits of the modern Navy. In order to move that huge Navy organization toward positive and progressive reforms it took a youthful, energetic, and dynamic personality. Admiral Zumwalt was that man.

THE Z-GRAMS

Three months to the day after moving in his office as CNO, Admiral Zumwalt issued the first of his now famous Z-grams. The purpose was to establish a study group to discover why Navy men were failing to reenlist. Ever since then, Admiral Zumwalt sought to make the Navy challenging enough to attract volunteers and retain trained personnel.

Admiral Zumwalt labeled the most important Navy communications with his initial to let Navy men know where they came from and where feedback could be directed. There have been more than 120 "Z-grams," with 104, or 87 percent, of these communications directly related to personnel problems. The admiral himself has called them "people programs," and has said that the "worth and personal dignity of the individual must be forcefully reaffirmed." He has brought about a revolution in personnel reforms and has issued Z-grams that:

Direct every base, station, air squadron, and ship commander to appoint minority group representatives to serve as minority affairs assistants with direct access to the commanding officer.

Launched a campaign to recruit more blacks officers and enlisted men, eliminate bias in job assignments and, in general, to transform the Navy into a "model of equal opportunity" by 1976.

Authorized beer vending machines in Navy barracks and liquor in those barracks which are divided into rooms; set up experimental hard-rock music clubs at five naval stations; abolished penalties for moustaches, beards, sideburns and longer hair; liberalized regulations on wearing uniforms; and knocked out a rule barring sailors from driving motorcycles onto Naval bases.

Abolished, effective July 1, 1973, the traditional sailor suit—with its round hat, jumper, necktie, flap on the back of the neck, and bell-bottom trousers—and replaced with the same double-breasted jacket, blue trousers, black tie and white cap worn by officers. Admiral Zumwalt said the old uniforms were just "not as prestigious as the suit and tie."

Ordered the opening of many new Navy billets to women and said the assignment of women aboard warships was the "ultimate goal" that will be timed to ratification of the women's equal rights amendment to the Constitution of the United States.

Other Z-grams forbade imposing a lower maximum for an enlisted man's personal checks on base than for an officer's [now its $50 for all], set 15 minutes as the maximum time any sailor should be ordered to wait in line for anything and established a new office in the Bureau of Naval Personnel called PERS-P to help Navy men solve their individual problems.

In a survey of nearly 12,000 enlisted men taken in 1971, 86 percent said the Z-grams had been good and a majority said Navy life had improved in 5 out of 8 areas. About half thought that there had been improvements in the field of human rights. The innovator and man most responsible for these reforms is Adm. Elmo Zumwalt.

ALL VOLUNTEER FORCE

In a recent interview the admiral said that he was motivated by two concerns. One was a belief that if the Navy were to compete for manpower in a day of an all-volunteer force, it had to recognize the legitimate desire of young men "to live in the lifestyle of their generation." The other was that racial integration of the Navy was a challenge so absolutely important and right that it just had "to be waded into." Admiral Zumwalt saw vindication for his reforms in the rising en-

listment and reenlistment figures, which are also regarded as a good barometer of Navy morale.

Today, 4 years after Admiral Zumwalt took office, reenlistments are up 23 percent for first-tour sailors and have risen from the 80's to 91 percent for career personnel. It is widely recognized in the Navy that from the first day on the job Admiral Zumwalt set about to improve the life of the ordinary seaman by eliminating unnecessary irritants and by treating Navy men as mature individuals.

On the question of racial integration in the Navy, the number of black officers has increased from three quarters of 1 percent to 1.5 percent and the number of black enlisted men from 4.4 percent to 8 percent. The first black admiral, Samuel L. Gravely, Jr., was appointed under Admiral Zumwalt and recently a second black officer, Gerald E. Thomas, has been selected for promotion to rear admiral.

Although the Z-grams particularly caught the public eye, Admiral Zumwalt also innovated a series of face-to-face meetings with members of his command. He has made himself highly visible to all hands, but especially to the enlisted personnel. The admiral has held numerous question-and-answer conferences with the men and women of the Navy in various parts of the country and the world in a continuing effort to ascertain sources of dissatisfaction and to find ready solutions to individual or collective problems.

The admiral has devised and established a "mod squad" destroyer squadron operating in the Mediterranean Sea. In this experimental project all the commanding officers, executive officers, and department heads of the seven destroyers are a rank lower than is normal for such key positions. And the skippers, execs, and senior officers, therefore, are several years younger and have perhaps only half the naval experience of officers who traditionally fill such seagoing posts. Admiral Zumwalt explained that this experiment was designed to give up-and-coming young officers an earlier crack at senior command billets, thus utilizing their talents sooner and providing an incentive for the brightest young officers to remain in the Navy. He may have summed up his philosophy on personnel relations when he said, "my first move is to retain the best I can find. In my book, people come first."

Mr. President, Admiral Zumwalt and I have had any number of disputes. We have argued about the strength of the U.S. Navy and the strength of the Soviet Navy. We have debated strategy and tactics. In many cases I have thought that he presented only the bleak picture of the threat in order to justify larger Navy expenditures.

But through it all I recognized the CNO as an effective, persuasive, and vigorous proponent of the Navy viewpoint.

He has my respect.

SANTA MONICA MOUNTAINS NATIONAL URBAN PARK AND SEASHORE

Mr. CRANSTON. Mr. President, I recently had the pleasure of testifying before an Interior Subcommittee on Parks and Recreation hearing, chaired by Senator BENNETT JOHNSTON, on a bill to establish the Santa Monica Mountains National Urban Park and Seashore, a bill I have cosponsored with my California colleague, Senator JOHN V. TUNNEY.

There is a real need for an urban recreation area for metropolitan Los Angeles. I believe firmly that the Federal Government has a responsibility to help provide this area not only for the 10 million residents in the Los Angeles basin, but for the many thousands of Americans from all over the country who visit southern California each year.

I ask unanimous consent that my testimony before the Interior Subcommittee be printed in the RECORD. I also ask unanimous consent that an article from the Sierra Club magazine be printed in the RECORD. This article describes vividly the tremendous urban pressures upon the Santa Monica Mountains for further development and expansion and, I believe, makes a persuasive case for the need to preserve this wide-open space for all times.

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

TESTIMONY OF U.S. SENATOR ALAN CRANSTON

Mr. Chairman, I am delighted that the Senate Interior Committee has scheduled this field hearing to consider legislation establishing a Santa Monica Mountains National Urban Park and Seashore. The bill is S. 1270, and I am a co-sponsor of this legislative attempt to preserve, as park land, this last remaining open space in the Los Angeles Basin.

I am especially pleased that this hearing is being convened here in Los Angeles. This is where the park is needed and where the park would be. And I am convinced that no better audio-visual aid exists anywhere in America to demonstrate the need for open space recreation areas for our millions of urban citizens.

Mr. Chairman, the issue before us is not simply the creation of another park. It goes right to the heart of a major national debate: the role of the federal government in providing its citizens with the elbow room to engage in a true pursuit of happiness.

Let me take just a few moments to put my views in perspective, by describing why I believe this measure is of transcendental importance to our concept of national parks and the future of open space recreation in America.

There is the intrinsic worth of the bill itself: The Santa Monica Mountains and adjacent coastline comprise over 200,000 acres of undeveloped land stretching from the beaches of Santa Monica Bay eastward to the coastal mountains and canyons of Los Angeles and Ventura Counties, from Griffith Park to Point Mugu. The landscape is varied—rolling hills and sandy beaches, stark cliffs and lush creek corridors, grasslands and chaparral. The plant and animal life is unique, for the Santa Monica Mountains is the only place in the western hemisphere with a Mediterranean-type climate. Sage, sumac, yucca and other foliage characteristic of the Mediterranean cover the hillsides. There is plenty of wildlife, including deer, coyote, bobcat, raccoon, rabbit, fox, and squirrel. Marsh and water birds are found along the coast.

The Santa Monica Mountains and seashore have tremendous value as open space and park land. The 10 million people living in metropolitan Los Angeles have less recreation land than any other urban dwellers in the United States, including New York. Existing public parks and beaches are consistently overcrowded. Campers frequently must be turned away from full campgrounds. As the population of Southern California increases by five percent each year, the demands on these facilities are being intensified and the need to develop new parks increases.

In addition, the Santa Monica Mountains serve as an important buffer against continuing urban sprawl, as an airshed, a refuge from urban pressures, and a resource for scientific studies.

These values are literally unquestioned. In its Santa Monica Mountains Study released last year, the Bureau of Outdoor Recreation clearly recognizes the values of the Santa Monica Mountains and notes the federal criteria the proposal meets.

The mountains are spacious; though not urban in character, they are within easy driving distance of the second largest urban area in the country. They are more than a regional resource; the fact that 5 percent of the nation's population visits Southern California each year to enjoy the sun and beaches makes the region, and the Santa Monica Mountains and seashore in particular, a national asset. Creation of an urban park would open up this vast area to the hundreds of thousands of vacationers, tourists and convention-goers who annually visit Los Angeles. The scale of investment, development and operation responsibilities require direct federal involvement.

But the Bureau contends that a national recreation area in the Santa Monica Mountains area cannot be justified under current federal guidelines—guidelines which dictate higher recreation carrying capacities for the area to be served.

I think these guidelines are completely out of date. But their continued use poses an important question, central to the federal role in meeting our recreation needs: Are parks to fit the needs of people, or are people to fit the needs of parks?

The effect of what the Bureau is saying is clear: If the proposed Santa Monica Mountains recreation area cannot support the number of visitors the Bureau thinks it should, then it shall not be a recreation area under federal sponsorship, and therefore quite possibly shall serve no people at all.

Mr. Chairman, the Bureau's guidelines for national recreation areas are over a decade old. They were drawn for an America that no longer fits the old specifications. They were written for an age when "energy crisis" was an unknown term, when heavy urbanization of our coastal areas had just begun, and bigger cars and better highways helped Americans escape the cities and reach the open spaces quickly and confidently.

This clearly is no longer the case. And America's "space for life" has declined to the point where we have barely room to breathe.

Of all the public open spaces we need, recreation space is at the top of the list.

Between 1950 and 1970, acreage in state park systems increased by over 80 percent while attendance increased more than 300 percent.

In our National Park System, acreage expanded by about 29 percent while the total number of visits soared more than 400 percent.

In urban areas, the need for open space is critical. And it is becoming clear that the acquisition of space will have to match the scale of the urban regions themselves.

In the words of the Rockefeller Panel on Urban Growth:

"Especially in newly urbanizing areas, we see both recreation and social needs best served by establishing as public policy that the limited natural supply of prime recreational open spaces, particularly beaches and other waterfront areas suitable for recreation, should, to the maximum feasible ex-

tent, be acquired by government, preserved, and made publicly accessible."

Even the Bureau of Outdoor Recreation—while opposing creation of this park—concedes that existing state, county, and city authorities cannot do the job alone. These units of government, by themselves, simply do not have the resources necessary to acquire threatened parklands quickly enough to prevent their being lost to incompatible development.

At the rate we are going, we are plainly in danger of being too late with too little. If we wait to move ahead, the land our citizens need will be vastly more expensive or much of it will no longer exist at all; cost then will no longer matter.

Mr. Chairman, I am aware that the Department of Interior's opposition to urban parks is not limited to our Santa Monica proposal. Also under fire from the Department is a proposed Cuyahoga Valley park between Akron and Cleveland, which also—according to Interior—fails to meet the criteria for "national significance."

What this means, I believe, is that the Department is determined to make the Cuyahoga bill and our proposal for a Santa Monica National Urban Park and Seashore into tests cases on the responsibility of the federal government in providing open space recreation for urban Americans.

And I want to serve notice, Mr. Chairman, that I am just as determined to do all I can to see that the federal government does not walk out on its basic responsibility to help provide *all* Americans with the space they need for recreation—not just those who can afford the cars, the gasoline, and the time to drive to a Yosemite or a Yellowstone.

I realize that there are enormous costs involved in buying up the Santa Monica Mountains. However, the federal government must not abandon the entire park proposal because of this. We should use our limited resources as effectively as possible to provide for public recreation needs.

If the federal government's investment in the Santa Monica Mountains is to be limited, it should be concentrated along Mulholland Drive. Preservation of this thoroughfare is the key to controlling development throughout the Santa Monica Mountains.

Last year the Los Angeles City Council adopted the report of the Citizens' Advisory Committee for the Mulholland Scenic Parkway, protecting Mulholland Drive within the City as a low-volume, slow-speed scenic parkway with two lanes, one in each direction. But the action is limited to the City of Los Angeles and can be reversed.

There will undoubtedly be pressures for zoning changes, and efforts to widen the main access road into the mountains. Without involvement of government beyond the local level, permanent protection is not yet assured. The 53-mile Mulholland Drive—extending from the Hollywood Freeway to the Pacific Coast Highway—serves as a connecting link between existing chain of state and local parks. Federal acquisition of this roadway and the establishment of a scenic corridor with overlooks, picnic areas, bike and horse paths, would reinforce previous state and local efforts, and would be an important start in the preservation of this natural environment.

BREATHING SPACE FOR LOS ANGELES—THE MOUNTAINS AND THE MEGALOPOLIS

(By Joseph E. Brown)

On a balmy spring morning a lizard, in retreat from the sun's increasing heat, slithers beneath a sumac bush. Not far away, a young gray fox pauses to slake his thirst at a small stream, flanked by graceful laurels and willows standing motionless on this breathless, windless day. Then he scurries up a ridge toward a sandstone peak. To the southwest, beyond the shoreline at the mountains' feet, beyond sight or hearing of either lizard or fox but surveyed by a flock of terns, three California gray whales lumber northward. Their destination: the Arctic, their annual migration to the Baja California calving grounds fulfilled once again.

There is much more in these Santa Monica mountains, along this seashore—hidden valleys, steep cliffs, submarine canyons, placid ponds, and shady groves. Companions of the fox: bobcat, coyote, ground squirrel, deer. Waterbirds and shorebirds. And an archaeological treasure: more than 600 Indian sites dating back nearly 7,000 years identified so far, possibly only a tenth of the number still awaiting discovery.

The Santa Monica Mountains, running roughly east-west parallel to the meandering Pacific shoreline, rise abruptly out of the agricultural Oxnard plain in the west; and in the east the range buries its feet beneath the asphalt of freeways and the concrete and glass of highrises almost at the heart of downtown Los Angeles. To the north lies the sprawl of the heavily populated San Fernando Valley, but to the south the range adjoins one of the most outstanding marine areas left between Santa Barbara and San Clemente, containing an extremely rich marine biota, kelp beds, and a spectacular stretch of sand beaches and rocky headlands. Together, mountains and shore contribute to Los Angeles' physical identity, provide a clean airshed for smog-contaminated inland cities, offer recreational alternatives to overused Southern California beaches, and support a surprising variety of plant and animal species.

They are not Alps, these mountains. One would hesitate to equate them with some of California's other natural wonders—Lake Tahoe, for example, or Yosemite, or the giant redwoods. Yet to the ten million residents of the Los Angeles megalopolis, the 46-mile-long, 10-mile-wide, 220,000-acre Santa Monica mountain range and its neighboring shoreline are far more important. For Los Angeles has less public lands and parks than any other American city, including New York. Worse, open space continues to shrink as the population expands. (Although 1970 marked the first time that more residents left Los Angeles County than arrived, adjacent Orange and Ventura ranked as California's fastest-growing counties of the sixties.) The Santa Monicas constitute the last surviving unpreserved open space close by the nation's second most populous urban area. So to Los Angeles' millions, this geologically, biologically, and geographically diverse mountain range is a backyard Big Sur, an Everyman's Sierra Nevada—so close that from downtown Los Angeles, the most distant point of the range is only 90 minutes away by automobile.

Ironically, the very attribute that makes this range especially valuable as open space—its proximity to a giant urban area—also makes it attractive to developers. And now, as never before, these mountains and the adjacent seashore are threatened by mindless development. If they are lost, not only will Los Angeles and California be poorer, but the entire nation as well, for this society can no longer afford to squander its resources, especially when the welfare of one of its largest cities is at stake.

Los Angeles needs all the open space it can get, and if the Santa Monicas are lost—when the need to preserve them is so clear and the means of doing so near at hand—what hope for other cities and regions to preserve the lands necessary and dear to them? Setting aside open space adjacent to urban areas is essential if our cities are to retain even the semblance of livability. The precedent for doing so exists in the two recently established national urban recreation areas in New York and San Francisco, and in many smaller open-space programs in other cities. It only remains for environmentalists to persuade federal, state, and local governments that such examples should be emulated in every urban area. Right now, the need for doing so is nowhere greater than in Los Angeles.

The bulldozer is at work on the Santa Monicas at the eastern end, near the heart of megalopolis; on the north, close to the heavily trafficked Ventura Freeway; and increasingly along the scenic Pacific Coast Highway to the south. Already, homes and apartments occupy about 32,000 acres, only 1,000 acres less than city, country, and state governments, and private property owners have been thoughtful enough to set aside for recreation and open space. Another 1,000 acres now supports a welter of commercial and industrial enterprises, ranging from shopping centers to gas stations and from movie studios to warehouses. Still another 5,800 acres remain as farmland. Only 150,000 acres—most of it in private ownership—remain in the Santa Monicas for badly needed open space. In another month or two—possibly three—the stage will be set for what possibly could be the Santa Monicas' last chance for survival as an open-space resource.

For years, the Sierra Club and other conservation organizations have advocated preserving the Santa Monicas as open space. Now, action finally seems possible. In January, 1973, for the second year in a row, California Senator John Tunney introduced a bill which would create a 100,000-acre Santa Monica Mountain and Seashore National Urban Park. This legislation, almost identical to another Tunney bill which wasn't heard in Congress last year, gives special priority to acquiring areas of "scenic, recreational, and open-space value." It initially appropriates $30 million for land-use study and acquisition, and, just as significantly, urges consideration of a regional commission to put the program into motion.

It also urges rigid land-use controls as safeguards against the "grow or die" philosophy to which local governments are traditionally prone. Although the exact boundaries for the park would not be determined until later (a deterrent to land speculators), the giant park would generally encompass the area east of the San Diego Freeway along the crest of the range to Griffith Park, and west of the freeway from Sunset Boulevard to Point Mugu. It would also include portions of the beaches and coastal canyons of Santa Monica Bay.

Senator Alan Cranston coauthored the Tunney bill, and Los Angeles area congressmen Barry Goldwater, Jr., and Alfronzo Bell introduced duplicate legislation simultaneously in the House. Committee hearings on both bills should be scheduled soon—probably by summer.

The Sierra Club supports the Tunney bill, as do other conservation groups. Both the city and county governments of Los Angeles have endorsed the concept, but while there appears to be local unity for the park itself, developers are certain to fight tooth and nail against the recommendation for regional controls. That the majority of Californians obviously approve of the regional concept was indicated by passage last November of the monumental coastal protection initiative. While the initiative at last established sensible, rigid control machinery for the seaward portion of the proposed mountain-seashore park, its authority ends at the ridge crest. A separate regional agency, originally proposed by a state study commission and inferentially endorsed by Tunney's bill, is needed to assure that haphazard development does not continue on the Santa Monicas' northern slopes.

Arguing for the need for federal action, Senator Tunney last August cited the narrowing gap between Los Angeles' increasing

population and dwindling open space. "Daily this process of uncontrolled urban sprawl into our *de facto* open space continues and the reality of a permanent, protected open-space and recreational area is slipping from our grasp," he said. "The enormity of the problem, and the expense of acquiring large areas and developing them for large-scale recreation—a totally new problem from the time when large scenic areas could be acquired for a pittance—necessitates federal involvement."

The Santa Monica Mountains represent precisely that sort of terrain on which development should not occur. Seventy-eight percent of the slopes west of the San Diego Freeway are in gradients over 25 percent; nearly half of them, 50 percent or more. Building on slopes this steep requires extensive cuts and fills which destroy the ecology of an area and contribute to further weakening of already precarious strata. The highly erodible soil and rock formations of the Santa Monicas' steeper slopes present a formidable slide hazard even without human meddling. Furthermore, fires, floods, and earthquakes scorch, soak, and shake the range at distressingly frequent intervals.

When the warm, dry Santa Ana winds sweep this area each fall, and humidity drops below ten percent, fires are inevitable and living in these mountains is a calculated risk. In the past 40 years, 37 major fires have blackened 400,000 acres of the Santa Monicas. It is as if the entire range had been burned almost twice over. As an example of how disastrous these fires can be, the September 1970 Bel Aire-Brentwood fire was stopped only after it had razed buildings worth $25 million. "It is not a matter of *will* the Santa Monica Mountains burn, but *when*," said one official of the Department of the Interior, which recently completed a land-use study of the range.

Winter rains come to the Santa Monicas only a couple of months after the brushfires of fall, and the steep slopes that fire has stripped of vegetation become torrents of mud. The most spectacular flood conditions occur in the Malibu Creek area north of the beach community of Malibu. The average annual runoff of the creek is 67,000 acre-feet, and during a record deluge in 1969, runoff soared to an astonishing 33,760 cubic feet per second.

And of course there are the earthquakes. The damage caused by the disastrous Sylmar tremor of February 9, 1971—which occurred in another range near the Santa Monicas—underscores the constant danger of the ragged-branching fault lines that bisect all the mountains of this region, including the Santa Monicas. Hundreds of quakes have occurred in this range over the years, many of them along the Malibu Fault, a close cousin to the one that rattled Sylmar two years ago.

But in the Santa Monicas, nature can also be benevolent. Because of clean, prevailing winds blowing off the Pacific Ocean, the mountain range serves as a valuable airshed, diluting the already critically polluted air over the Los Angeles basin. Development of these mountains would not only add new smog as more and more two- and three-car families commute to work, school, and store from their split-level hillside perches, but would also remove the giant natural air cleaner that keeps pollutants in the metropolitan basin from becoming worse than they are.

Development also would obviously place great pressure on the mountain ecosystems, drastically altering their ability to support native plants and animals. Natural landforms, geological formations, and archaeological sites would be invariably altered or obliterated.

Finally, development of any area—especially an area like the Santa Monicas where topsy-turvy terrain carries such a high price tag—is almost certainly irrevocable. As the Interior Department study observed in what was perhaps the understatement of the year: "After huge sums of money are invested in development, a site is for practical purposes permanently altered and prohibitively expensive to buy and convert back to such a use as recreation or open space."

Yet despite the hazards and the costs, the bulldozer is ever on the move in these mountains.

Although the Santa Monicas once supported some of the densest populations in aboriginal North America—Chumash, Fernandeno, Gabrielino, and Tongua Indians, for example—these pre-Hispanic communities lived simply and left no lasting scars on the land. Even after 1848, when California was ceded to the United States, the area's ability to replenish itself kept ahead of man's ability to destroy. The gap narrowed with the opening of the transcontinental railroad in 1876. First, the immigrants filled the central Los Angeles basin, but as more were lured west to bask in a Mediterranean-like climate, they began spilling into adjoining valleys and nibbling at the foothills. Dissolution of the huge Rancho Malibu and opening of the coastal highway in the 1930's spurred growth along the coast. The population of the San Fernando Valley just north of the Santa Monicas increased rapidly in the forties and fifties, and suburbs began creeping up the canyons and gentler slopes of the nearby range.

With increasing development, open space throughout the Los Angeles area rapidly dwindled so that today, pressures on remaining lands are acute. Development continues apace in this already congested region, and existing recreational facilities are insufficient for the huge population. "Beaches are continually crowded and camping sites for hundreds of miles around often require reservations and turn thousands away on popular weekends," Senator Tunney reminds us. "Los Angeles residents are equally discouraged by the teeming crowds at the few local recreational areas, and by the crowded highways leading to facilities in outlying areas." As a case in point, Tunney cites what happened at a county park in the Santa Monica Mountains. "Its facilities were so consistently overused that officials were forced to close the area to overnight campers."

Los Angeles conservationists, long alarmed over this trend, began years ago to protect the diminishing, precious natural resource of the Santa Monicas and the adjoining seashore. Considering the enormous opposition from developers, who are abetted by a tangle of tax dollar-hungry local governmental jurisdictions, even the conservationists' smallest victories today loom as milestone achievements. In 1968, for example, they managed to block plans to "upgrade" Mulholland Drive to what is deceptively called a "scenic drive"—as if it weren't already. Their argument was devastatingly simple: how "scenic" can any road be when it is converted to a mini-freeway. They also convinced the state to remove the proposed Malibu and Pacific Coast freeways from future maps, and their outspoken concern for the Santa Monica Mountains was given heavy credit for passage of the state's 1964 park bond act. (Though that still appears something less than a full-blown victory, for only a portion of the promised park has materialized.)

The idea of utilizing the Santa Monica mountain range for some kind of urban park, preserving its open space for future generations, was kindled in the late 1960's and caught fire at the start of the present decade. At a conference at UCLA in 1970, those interested in preserving this urban resource proposed such a plan, and much of the community has rallied behind the idea. About the same time, Interior Secretary Walter Hickel announced that his department was laying groundwork for a national system of urban parks—14 altogether, one of them the Santa Monica Mountains and seashore. Exhaustive, three-phase studies of each proposed park was assigned to Interior's Bureau of Outdoor Recreation, which issued its preliminary Santa Monica report last August.

The report recognized that Los Angeles open space was diminishing at a time when it was needed most, but recommended acquisition of only 35,500 acres. Furthermore, the report proposed acquisition not by the federal government, but by state and local agencies, on the grounds that the Santa Monicas are good for "high quality but not high quantity use," and therefore do not qualify under existing statutes. The Santa Monica Mountains received greater priority under Hickel than they do today, even though badly needed open-space lands are now becoming increasingly developed, yet ever more expensive to acquire. But as disappointing as this decline in priority may be, the coalition of urban park supporters, hailed the bureau's recommendation for regional controls of the area, especially significant because the bureau suggested no other alternative.

Regional controls for the Santa Monicas are indicated because the range straddles two counties (Los Angeles and Ventura), and five cities (Los Angeles, West Hollywood, Beverly Hills, Thousand Oaks, Camarillo). Jurisdiction over recreational activities alone is divided between seven government agencies. Finally, we must add other existing and anticipated forms of regional government, such as the six-county, 106-city Southern California Association of Governments (SCAG).

As Interior's study points out, local governing bodies continually seeking new tax sources are most susceptible to pressure from developers, and fiscal considerations rather than environmental or human needs usually determine who gets what. The State Environmental Quality Control Council made this point following a hearing in Malibu in 1969. After listening for two days to a dozen local officials who gave a dozen different opinions of how Malibu should grow, the council concluded: "Each agency pursues its own narrow objectives, as required by law, which, as we have seen, generally fails to consider environmental quality."

At the same Malibu meeting, noted systems ecologist Kenneth Watt effectively punctured the one notion that most local agencies *do* manage to agree on—that only progressive development, by supposedly spreading the tax load among more people, can keep taxes down. Taxes not only do not go down when this happens, Professor Watt argued, they often go up because the additional population requires additional government services, which more than offset additional tax revenues. One study shows that in costly-to-build mountain areas like the Santa Monicas, each new dwelling costs the taxpayer between $5,000 and $10,000 for such services as roads, sanitation, and fire and police protection.

Although the Interior study endorsed the regional concept, the Ventura-Los Angeles Mountain and Coastal Study Commission, which first proposed it, did not survive long enough to see it implemented. In its final report issued last March, commissioners asked the state legislature for a two-year extension and $700,000 to complete their work, but the bill to implement this request died in the 1972 session.

Still very much alive, however, are organizations to promote development in the Santa Monicas, such as Advocates for Better Coastal Development (ABCD) and its spinoff, Concerned Citizens for Local Government (CCLC), which hastily came into existence in an effort to counter the Ventura-Los Angeles commission's recommendations. ABCD and CCLC argued that existing land-use controls are adequate for proper development of the Santa Monico Mountains and adjacent coastal zone, a ludicrous view in light of the

area's past history of haphazard development.

The organizations were supported in their position by Commissioner Merritt Adamson who, in an outraged minority report, sputtered that the commission's proposals—which included a moratorium on building during a further study period—would have a "devastating effect" and result in "enormous economic loss to any developer."

Tunney's bill, which would place "substantial reliance" for land-use planning on the cooperation of federal, state and local governmental agencies, nevertheless would direct the Interior Department to give serious consideration to the Ventura-Los Angeles commission's recommendations, which include, of course, the regional-control concept.

The $30 million Tunney seeks to implement his mountain-beach urban park legislation won't do that whole job; at today's prices it will buy only a small slice of the 100,000 acres envisioned for the long-sought desperately needed mountain-seashore greenbelt. Although property in remote, less accessible sections of the Santa Monicas can be purchased today for as little as $300 per acre, the beachfront pricetag at Malibu sizzles up to $3,000 per front foot. Using the Bureau of Outdoor Recreation's modest $3,000-per-acre figure, acquisition of 100,000 mountain and seashore acres today would cost $300 million, and the longer action is postponed, the higher the price will be.

Therefore, Tunney has proposed a system of acquisition priorities, considering first those sites that have unique "scenic, recreational or openspace value." These include the Mugu-Pacific View-Boney Mountain-Hidden Valley complex; Zuma, Trancas and North Ramerez canyons; Malibu Canyon and Century Ranch; Cold, Tuna and Santa Maria canyons; areas north and west of Will Rogers State Park; Caballero Creek; the 55-mile, winding Muholland Highway (for development as a scenic corridor the length of the range); and seashores and associated canyons.

The $300-million pricetag for the proposed 100,000-acre urban park is staggering to be sure, but the cost of preserving the Santa Monica Mountains to the ten million residents of the Los Angeles area and eight million annual visitors is only about $17 per person. Few could deny they would be getting one of the world's great bargains.

THE CONSUMER PROTECTION AGENCY

Mr. DOMINICK. Mr. President, I ask unanimous consent that two letters sent to me by Mr. Gilbert Simonetti, Jr., vice president, government relations, of the American Institute of Certified Public Accountants be printed in the RECORD.

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

AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS,
Washington, D.C., July 22, 1974.

Hon. PETER H. DOMINICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMINICK: As you know, S. 707, legislation to create a "Consumer Protection Agency," is now being debated in the Senate. I am writing to you at this time on behalf of the more than 100,000 CPAs who are members of the American Institute of Certified Public Accountants to express our strong concern regarding the title proposed for the new agency.

"Consumer Protection Agency" when abbreviated, "CPA," is identical to the description which has come to be recognized universally as a respected, professional attainment in accounting. All 50 states restrict the use of the "CPA" designation only to those who have met the requirements to be licensed as a certified public accountant.

Senator Pete C. Domenici shares our concern in this matter and intends to seek an amendment which would merely make an editorial change in the name of the proposed consumer group, such as, "Agency for Consumer Protection" instead of "Consumer Protection Agency." This name change accords with the view expressed in the report of the Government Operations Committee (Report No. 93-883, p. 14). Because of the urgency of this matter, we would sincerely appreciate your support for such an amendment, and request that your office contact Senator Domenici's office indicating such support.

The Institute is not attempting to sway the substance of the legislation one way or the other. Our only concern in this matter stems from the confusion which will result in the use of the initials "CPA" to identify the proposed consumer protection agency and the identification of those initials with a certified public accountant.

On behalf of all CPAs, and, in particular, the CPAs in Colorado, your support of Senator Domenici's action in this matter is earnestly requested.

I hope we can count on your assistance.

Sincerely,

GILBERT SIMONETTI, Jr.,
Vice President, Government Relations.

AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS,
Washington, D.C., July 29, 1974.

Hon. PETER H. DOMINICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMINICK: On behalf of the more than 100,000 members of the American Institute of Certified Public Accountants let me express our sincere appreciation for your vote on July 23 in favor of the title change in the consumer protection bill (S. 707).

Your recognition of our concern over the confusion which would have resulted from the use of the initials "CPA" for the proposed consumer agency is greatly appreciated by certified public accounts throughout the country.

Let me also add that we would welcome the opportunity to provide your office with assistance in areas in which we have an expertise. Please feel free to contact me to discuss such matters at anytime.

Sincerely,

GILBERT SIMONETTI, Jr.,
Vice President, Government Relations.

Mr. DOMINICK. Mr. President, these letters pertain to S. 707, legislation designed to create a Consumer Protection Agency, now being debated in the Senate. When abbreviated, the name Consumer Protection Agency becomes CPA, which is identical to the description which has come to be recognized universally as a respected professional attainment in accounting. All 50 States restrict the use of the CPA designation to those who have met the requirements to be licensed as a certified public accountant.

As one of the very few Senators who employs a CPA on his staff, I am fully aware of the significance attached to the initials CPA. It was this awareness that led me to support the changing of the proposed agency's name from Consumer Protection Agency to Agency for Consumer Advocacy.

This may be viewed by some as a small and unimportant change, but to the men and women in the accounting profession who are charged with the responsibility of providing opinions on the fairness and accuracy of the presentation of the financial statements of our Nation's businesses, the preservation of the uniqueness of the initials CPA is a matter of professional pride. I am pleased to have been associated with the effort to maintain the special designation accorded to the certified public accountants and to those who aspire to that title.

THE NATIONAL ENDOWMENT FOR THE HUMANITIES

Mr. PELL. Mr. President, as chairman of the Senate Subcommittee on Arts and Humanities, I am very pleased to bring to the attention of my colleagues a recent article published in the Washington Star-News on Dr. Ronald Berman, Chairman of the National Endowment for the Humanities.

This article by Anne Crutcher demonstrates the excellent work being done by this Endowment in bringing the humanities into the mainstream of our national life.

I have stated my own convictions that the humanities serve to translate knowledge into wisdom, and I am pleased to apply this concept to Dr. Berman's leadership.

He has brought great wisdom to his work, and in so doing has increased the contribution this Endowment is making to the well-being and the enrichment of our people.

In days when we are considering appropriations for this Endowment and its sister, the National Endowment for the Arts, it is well to reflect on the sound investment in the future they represent. As I have on other occasions, I would urge full funding for these Endowments at levels we in the Congress authorized, levels greater than those recommended by the present administration.

Mr. President, I ask unanimous consent that the text of the article to which I have referred be printed in the RECORD following these remarks.

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

RONALD BERMAN: BRINGING THE HUMANITIES OUT OF THE CLOISTER

(By Anne Crutcher)

If Washington ever takes over from New York and the Cambridge-New Haven axis to become the cultural as well as the political capital of the United States, the National Endowment for the Humanities will be partly responsible. Specifically, the Endowment as led by Dr. Ronald Berman, the Shakespeare scholar, has been its chairman since 1972.

While its twin, the Endowment for the Arts, has the more familiar name, the Endowment for the Humanities probably has had a greater impact in the last few years. One Endowment project, the Humanities Film Forum, made television-watching respectable and more—the nine-week public television dramatization of "War and Peace" last winter was an event Ph.D.'s planned dinner parties around. It was homework high school kids could hardly hate.

Endowment projects have also had Americans going to museums in stampede numbers. French and British Impressionist paintings from the Soviet Union exhibited here under Endowment auspices had spectators

lining up at the door, and "by turnstile count," Dr. Berman said, " 'The Masterpieces of Tapestry' exhibit, which the Endowment sponsored, drew the biggest crowds in the history of New York's Metropolitan Museum."

Ten to 15,000 people daily thronged to see the greatest French tapestries of the 14th, 15th, and 16th centuries. These had been brought together in a once-in-a-lifetime display that underscored the universality and pluralism of appeal such works had in the days when art was mass communication.

The smallest children looking at the Unicorn series had a good time pointing out birds and dogs and rabbits among the leaves and flowers of the pre fleurie. Meanwhile, sophisticated intellectuals could look and be awed by patterns of sensibility complex beyond modern ways of reconciling imagination and outward reality.

"You'd have to fill Kennedy Stadium 20 nights running to equal the number of people who saw those tapestries," said Dr. Berman, "I'd like to see a football game match that."

Furthermore, he expects the next item on the endowment's museum agenda to draw even greater crowds. This will be the recently unearthed Chinese tomb treasures, which are scheduled to be shown in Washington in November.

With Dr. Berman in charge, there's no danger that this enthusiasm for numbers will mean a leveling down of quality in what's presented. A totally unabashed advocate of excellence, Dr. Berman started his tenure with the Endowment under fire as an elitist because he wanted to veto grants for studies more notable for counterculture zeal than for intellectual rigor or a classic perspective on the humanities.

His own career and outlook are marked by purist ardors—the symbolism of his Harvard scholarship as a distance runner is quite in line with the character of the man. He is a striver and an individualist.

When universities were full of professors ready to say it was they who should be learning from the student revolutionaries in their classes, Dr. Berman, sharing a campus with Herbert Marcuse at the University of California-San Diego, was having none of the spirit of the times. He wrote a masterful book called "America in the Sixties: An Intellectual History," which analyzed the ideas in the forefront of public attention during the last decade, measuring them against values distilled through history in the humanities. Such values as reason, order, and justice. Hope made rational by the weighing of experience.

But Dr. Berman's intellectual and moral fastidiousnes never gets in the way of a desire to disseminate the insights of the humanities as widely as possible. As he once put it, with typically epigrammatic precision, "You can be accused of elitism if you confine education to the elite, but you can't be accused of elitism for bringing the best to the most."

To him, this means popularization, as opposed to vulgarization, of the disciplines falling between the fine arts and the sciences. History, literature, philosophy, ethics, and the idea end of the arts fall within the province of the humanities and so do the softer social sciences. What they have most importantly in common is a way of knowing that uses intuition as well as reason and objective evidence as well as imagination.

Popularizing of this kind is what the Endowment is already doing, and expecting to do more of, in connection with the Bicentennial.

Ten years ago, history was bunk to young and old alike at many a prestigious university, just the way old Henry Ford used to say it was. Now, however, either the approach of the Bicentennial or a simple swing of the pendulum is bringing history back into favor.

Dr. Berman and John Schonleber, his assistant coordinating Bicentennial-related projects, find the proposals submitted for Endowment funding to be increasingly concerned with appraisal of American institutions and their origins.

The mood has very little in it of the easy self-congratulation that used to go with Fourth of July patriotism. On the other hand, neither is it a mood that says we ought to give up in despair because of Watergate. We seem to have outgrown the need for Parson Weems and George Washington's inability to tell a lie, and, at the same time, to be getting past the likes of Gore Vidal, who insist that all Founding Fathers were particularly cheap and sleazy scoundrels.

A third of the Endowment's funds—if proposed legislation goes through, Dr. Berman's office will be passing out more money than any private foundations except Ford and the National Science Foundation—are in American studies. And these days much of the money is going into local and regional history.

One of the major Endowment projects for the Bicentennial is the development of state histories. Endowment money is helping each state get its archives in order so historians can see the records they need to interpret each area's story. And a comprehensive history is under way for each state.

Some of the Endowment-sponsored delving into America's past is focused on people. A 13-part TV series, "The Adams Chronicles," which will cover four generations of John and Abigail Adams' descendants, is a prime example.

Another project will focus on issues. The problems of unity in diversity posed by a people of multi-national and multi-racial origins . . . liberty and the demands of order. A national planning group will arrange a calendar of such discussion topics for the Bicentennial year. For this "American Issues Forum," there will be efforts to bring them so vividly before the public that everybody will be talking about them as well as reading and watching and listening to others debate them in the media.

The humanities, as Dr. Berman says, have come out of the cloister.

PAN AMERICAN DEVELOPMENT FOUNDATION

Mr. KENNEDY. Mr. President, the campesinos of Latin America generally have to borrow money from moneylenders at usurious rates to grow their crops. The lack of a rural commercial banking system in most Latin American countries thus adds to the marginal status of the rural poor.

The Pan American Development Foundation, an affiliate of the Organization of American States, has recently drawn attention to this unfortunate situation. The World Bank has called for the creation of intermediate institutions to channel private and public credit to farm cooperatives. Other international lending agencies are trying to use various nonprofit, private national development foundations in Latin America to bridge the gap between the existing credit institutions and the bypassed peasant.

The situation calls not only for our intensified attention to potential causes of instability in Latin American countries but also for our increased support of international agencies which are attempting to alleviate that situation.

We have supported the Pan American Development Foundation and have attempted to evaluate the possibility of duplicating its performance in the Community Development Loan Guarantee Program now housed with the Overseas Private Investment Corporation. I hope that we will continue to support both of these bilateral and international efforts to spur rural community development activities in Latin America.

I ask unanimous consent that a news item concerning this matter be printed in the RECORD.

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

[From the Times of the Americas, June 12, 1974]

BACKLAND BANKERS ARE USURERS

(By Winthrop P. Carty)

Usurers are the unquestioned "Bankers of the backlands" in Latin America. A vast majority of peasants have never seen the inside of a commerical bank. They are totally accustomed to borrowing money where they can and without any thought to the interest rate.

"Even the poorest farmer in the furthest rural area," reports the Pan American Development Foundation, an OAS affiliate, is receiving credit, but generally on terms that make us uncomfortable—crops that are mortgaged before they are planted."

There is no possible way of measuring the "unofficial money market" in Latin America. A startling clue emerged a couple of years ago, however, when the Honduran government demanded that all money-lenders report their outstanding loans. Within the first two months of the law, roughly 350 usurers gave some kind of accounting. Their combined portfolios were the equal of 10 percent of the agrarian nation's banking system. Furthermore, the money-lenders had double the resources of the entire Honduran cooperative credit system.

Many economists argue that, in the absence of a rural banking system, usury is not only inevitable but necessary. Often subsistence farmers need a fast loan for survival. And the lenders are friends or relatives who merely charge the going rate.

Making reasonable credit available to the rural poor is an acknowledged world-wide problem. The U.S. Foreign Assistance Act specifically directs AID to encourage the "maximum feasible participation" of private resources in Latin American social development. The Act permits U.S. investment guarantees to back Latin American bank loans to people outside of the money economy.

"Unfortunately," ruefully notes OAS Secretary General Galo Plaza, "these well motivated measures have been seriously hampered in execution by technical and operational limitations."

Most commercial banks, investment guarantees notwithstanding, find the cost of processing a small loan is prohibitive. Credit institutions have far more solid loan applications than they can possibly fulfill. The medium and large loan requests from old clients are accompanied by gilt-edged collateral, a sharp contrast to the small petition of the scratch farmer who doesn't even have clear title to his land.

Ironically, the peasant is demonstrably a good financial bet. Surveys of small commercial loans to Latin American peasants are amazingly uniform: 95 percent of the loans are paid back faithfully, and only a tiny percentage have to be written off. Peasants work at such a primitive level that a small investment in a modern tool, improved seed, fertilizer and irrigation swiftly multiplies crop yields.

Public agrarian banks haven't established an effective "delivery system" to put credit in the hands of the rural needy. Instead, the tendency is to take the politically expedient

measure of simply lowering the interest rate The peasant, observes World Bank president Robert McNamara, "would be much better off if he had to pay a realistic rate of interest but could actually get the money."

McNamara calls for the "creation of intermediate institutions" to channel private and public credit to farm cooperatives. The international lending agencies are placing special attention on Latin America's 19 non-profit, private national development foundations, which, with uneven success, try to bridge the gap between the existing credit institutions and the bypassed peasant.

The Dominican Development Foundation is the best capitalized and most effective of the national development foundations. Its field representatives aid peasants form cooperatives, identify bankable projects, and assist local banks process loan applications.

The Chase-Manhattan Bank, for example, has lent nearly $500,000 to Dominican peasants.

In the Dominican Republic, which has the highest ratio in Latin America, out of every $300 that is loaned by commercial banks, only $1 is earmarked for peasants.

The amounts of money are piddling compared to the need. But at least the usurer is beginning to get a run for his money in one Latin American nation.

A REPORT ON A VISIT TO BRITAIN, GERMANY, AND FRANCE

Mr. JAVITS. Mr. President, during the period of June 28 to July 8, I visited Britain, Germany, and France, as well as Israel. I reported to the Senate on July 16 concerning my visit to Israel. Today, I report on my inquiries in London, Bonn, and Paris. In Britain I talked with Prime Minister Wilson, Chancellor of the Exchequer Healy, Home Minister Jenkins, and Minister without Portfolio Lever. In the Federal Republic of Germany I met with President Scheel, Chancellor Schmidt, Foreign Minister Genscher, Defense Minister Leber, as well as Dr. Kurt Birrenbach, a longtime CDU member of the Bundestag and Chairman of German Council on Foreign Relations, U.S. Ambassador Hillenbrand and U.S. Consul General in Frankfurt Harlan. During my stay in Paris, President Giscard D'Estaing and the senior ministers of his cabinet were in Bonn for the semiannual Franco-German summit meeting with Chancellor Schmidt and his cabinet colleagues. Thus, while in Paris, I met with the Secretary General of the Elysee M. Claude Pierre Brossolette, and with the Acting Foreign Minister M. Bernard Destremau.

The overriding concern of the new governments in Britain, Germany, and France is the critical international economic situation. There is a great anxiety over the vulnerability of the international economic system, which in turn threatens the viability of each national economy, none of which is conceived of as being capable of standing against a collapse of the international system. The revolution in oil prices has ignited virulent inflationary forces throughout Western Europe, as it has in the United States. One major member nation of the European Economic Community—Italy—is seen to be on the brink of economic insolvency because of inflation and severe balance of payments deficits. Moreover, the dire situation of Italy is not seen as necessarily a special case. Rather, Italy is seen to be suffering in acute form from maladies which are also clearly discernible in the British economy and also, though perhaps less acutely, in the French economy. The economic situation of the Federal Republic of Germany, viewed in isolation is one of robust health. But no one is more acutely aware than the leadership of Germany of the interdependence of the West German economy with its EEC partners, as well as the U.S. economy and other constituent economies of the Western trading system.

I found broad agreement that the most immediate problem facing the international economic system is the crisis confronting the international banking system—both public and private—arising from the massive transfer of foreign exchange credits to the Middle Eastern oil-producing states; most acutely to low-consumption states such as Saudi Arabia, Kuwait, and Abu Dhabi. Such sums, now in the $70 billion range, are often held as short-term demand deposits in private banks. In this form, these holdings pose a grave, almost unbearable liquidity strain on the private, international banking system in pursuit of its traditional banking function of relending its deposits for longer terms at higher rates of interest. The capacity to absorb imports or to make major investments of Saudi Arabia, Kuwait, and Abu Dhabi is very limited and grossly disproportionate to the extreme rate at which these nations are accumulating foreign currency—generally in the form of "Eurodollars."

The longer term problem is the seemingly unstoppable inflation eroding confidence in the instrument of credit including money.

While I found virtual unanimity of diagnosis concerning the banking crisis growing out of Western oil payments, and confidence and general agreement on the urgency of a concerted plan to meet the crisis, there is as yet no clear consensus of the steps needed to effect a solution. I found marked differences of emphasis—no doubt reflecting their individual national situations—in Britain, Germany, and France. The position of Germany is closest to that of the United States on most of the key factors under debate. The most urgent problem is that of "recycling" the massive foreign exchange of the Arab oil-producing states, now being held in short-term, demand deposit account. Concerted action by the central banks of "The Ten," to monitor, regulate and reinsure the private international banks is an urgent necessity. But, differences of view exist respecting timing, the degree and the nature of the concerted actions to be taken, the proper international forum in which to organize multilateral activities, and the degree to which the Arab governments must be associated with the steps proposed to be taken within the Western banking system.

The task is complicated by a universal recognition that one cannot proceed very far in devising measures to insulate the international banking system from the dangers of collapse without raising the most profound and politically difficult issues of national and international economic policy.

Nonetheless, despite the difficulties I feel that concerted action will be taken this year to meet the crisis. For there is a clear-sighted recognition of the urgency and the dangers of the situation. And, there is the most realistic awareness of the complete interdependence respecting monetary matters of all the major participants in the international monetary system. This awareness—that we must all hang together, or hang separately—is the essential precondition for effective international action, and is accordingly, in my judgment, the most hopeful aspect of a very grave and dangerous situation.

The immediacy of the monetary crisis, precipitated by the revolution in oil prices/Arab foreign exchange holdings has also brought about a sober reassessment of some of the divisions which came to the surface between the United States and its European allies during and after the Yom Kippur war and the Arab oil embargo. The leaders of Europe regret those divisions, genuinely seek to prevent a repetition of them and have a clear-sighted appreciation of the danger to the common security inherent in such divisions, and this was evident over the past 6 months, respecting energy policy, Mideast political developments and most markedly the Cyprus crisis. There seemed to be a general recognition that Europe "tilted" too far in favor of the Arab position during the Yom Kippur war and its immediate aftermath, albeit under the pressure of the oil embargo. Sympathy for Israel remains high in Europe, particularly as regards public opinion. And, the new governments of Britain, France, and Germany all are expected to improve or strengthen their relations with Israel.

At a minimum, the monetary crisis has brought a new awareness of the need for close cooperation between the nations of the EEC and the United States with respect to Mideast policy. For Europe this means essentially active partnership in forging a solution to the monetary issues as well as a joint aproach to longer run energy policy. While Europe feels unequipped and ill-disposed to play an active role in the political and security aspects of United States-Mideast diplomacy, there is a greater appreciation of the interrelatedness of economic and energy questions with the fundamental issues of security and political alinements.

In this connection, I found a broad appreciation for the diplomatic accomplishments of Dr. Kissinger, and equally broad approval of the reestablishment of American diplomatic and other links with principal Arab nations.

While in Europe, I also discussed the principal issues facing the North Atlantic Alliance, in the context of followup to the Report of the Committee of Nine. The adverse impact of the oil embargo and price revolution on the economies of Europe has tended to produce feelings of weakness, vulnerability and isolation within Europe—which in turn have led to a greater appreciation of the impor-

tance of the NATO alliance and strong, across-the-board relations with the United States.

One of the key issues in Britain, and of Western Europe, is Britain's future relationship to the EEC. The labor government of Prime Minister Wilson has pledged to seek to renegotiate the terms of Britain's adherence to the Treaty of Rome and some elements in the Labor Party and elsewhere advocate Britain's withdrawal from the EEC.

Altogether on the basis of my conversations, I feel that Britain will remain in the EEC, while pressing hard for concessions—like the regional funds—to ease Britain's economic difficulties.

I believe that the labor government has come to perceive that Britain's future must be as a member of the EEC and a united Europe. Certainly, Britain has a great deal to contribute to the process of building a European political entity, as is outspokenly recognized by the continental members of the EEC.

What is being challenged by some elements in Britain is the economic advantages for Britain to be derived from EEC membership. Unfortunately, the short period of Britain's EEC membership has coincided largely with a period of very rapid inflation, the oil price crunch, and balance-of-payments difficulties. These difficulties are recognized by many, however, as resulting from factors other than Britain's entry into the EEC, and they are maladies now generally affecting all the EEC nations, and indeed all the industrial economies of the world.

I believe that Britain's leadership is determined to take action to reduce inflation and increase productivity. Such measures are essential if Britain is to regain economic health and are indispensable to assure the longer term viability of the nation. Fortunately for this thesis, Britain expects to be able to achieve self-sufficiency in oil by the end of the decade from development of the large oil reserves proven to exist in the North Sea bases off the shores of Scotland.

My conversations in Paris and elsewhere in Europe lead me to believe that the prime external relations note of the new Government of France is the desire to improve the tenor and the tone of relations with the United States. In my judgment, a restoration of close cooperation between Paris and Washington is one of the most important developments which could occur in the weeks and months ahead, and could contribute historically to the successful management of the acute crisis threatening the Atlantic Alliance nations. The essential concommitant of a new look in French diplomacy, of course, will be full reciprocity in Washington. The United States must shed the habit of expecting a lack of cooperation from France and cultivate a new habit of seeking and expecting effective partnership from the Government of France. This will require perhaps a greater willingness to accommodate particularly French attitudes and interests, but the benefits would far outweigh the inconveniences.

The new government of Chancellor

Schmidt is notably alliance minded. In separate discussions with the Chancellor, his Foreign Minister and his Defense Minister it was apparent that the emphasis in German foreign policy has shifted away from new initiatives to the East, toward a strengthening and consolidation of the Federal Republic's ties to NATO and the European Economic Community. Such a shift was probably inevitable, given the completion of the process of ratification of the Ostpolitick treaties with the U.S.S.R. and the East European Communist states and had been foreshadowed by Chancellor Brandt himself. Nonetheless, the primacy of economic issues has perhaps accelerated the shift in emphasis in Germany policy—which also appears to be more congenial to the talents and temperament of Chancellor Schmidt, whom I found to be a leader of great drive and competence.

Nor has the priority given to economic issues by the Schmidt government, in my judgment, marked any change in the priority which Germany accords to NATO as compared with the EEC. Indeed, the shift in emphasis from Ostpolitick to Westpolitick has, if anything, reinforced the primacy of security considerations in German policy; and Chancellor Schmidt is outspokenly proud of his own accomplishment in helping to negotiate the "offset" agreement with the United States, which has helped to defuse the issue of U.S. forces in Germany.

Quite naturally, the leaders of Germany and of the other NATO governments in Europe are highly gratified by the decision of the Senate to defeat the Mansfield amendment which had become a symbol—rightly or wrongly—in Europe, and particularly in Germany, of American steadfastness respecting the collective security of Western Europe.

As the nation geographically closest to the full weight of Soviet power, throughout the postwar period the FRG has been among the wariest of Soviet intentions, as well as capability. Moreover, I detected in my conversations in Bonn a feeling that the Federal Republic's experiences in negotiating the Ostpolitick treaties and the basic agreement with East Germany, have confirmed earlier attitudes respecting the long term objectives of the Soviet Union in relation to Germany and Western Europe. Accordingly, the Federal Republic seeks its security and prosperity within the framework of a uniting Europe closely alined to the United States in security and economic matters. Within the EEC, Germany proposes consistently to dispose of its influence in this direction as it does also within the framework of NATO.

Moreover, within the limits in which it must operate, I believe that the German outlook on global affairs—outside defined area of NATO concern—is among the most congenial in Europe to American policy. In this respect, I feel it was significant that I encountered no lingering indications of previously expressed anxieties that bilateral agreements might be reached by the United States with the Soviet Union over the head of Western Europe and at Western Europe's expense.

One of my purposes in meeting the leaders of the new governments of Britain, France, and Germany was to request official reactions to the report of the Committee of Nine, along the lines of the extension, paragraph by paragraph, commentary issues by the Department of State. I am pleased to be able to report that this request is now receiving sympathetic consideration by the leaders of the British, French, and German Governments.

The Cyprus crisis, occurring several weeks after my conversations in Europe, indicates that the need of U.S.-EEC cooperation in foreign policy has been well understood on both sides of the Atlantic. The cease-fire, which averted a wider crisis and prevented war between two members of NATO, was an accomplishment based on superb coordination of policy between Secretary Kissinger and the Foreign Ministers of the EEC nations, who also constitute our principal NATO allies in Europe.

The world press has taken prominent note of this feature of the Cyprus crisis, and has suggested that it is the beginning of a major new development in the recent history of United States-European relations.

In addition to the testimony of the press in this respect, the major participants have themselves confirmed, not only the event itself, but also its far-reaching significance. Dr. Kissinger has been making this very point currently and on his current visit to the United States the Foreign Minister of the Federal Republic of Germany, Herr Genscher, was most forthcoming and positive in his description of the coordination which enabled Dr. Kissinger and the EEC Foreign Ministers to work together rapidly, harmoniously—and most importantly, successfully—in bringing about the cease-fire on Cyprus.

I believe that we have reason to feel that a new leaf has been turned which is of great benefit to the Atlantic Alliance. I hope that the Senate will do its part in encouraging and fostering an atmosphere in which the same mode of swift, effective foreign policy coordination among the Atlantic allies can be applied to the great problems we face respecting monetary questions and energy policy.

In conclusion, I returned from Europe with a feeling that the awareness of the grave dangers—indeed, the crisis in monetary matters—which jointly confront the United States and our Western European allies has served to heighten awareness of the absolute need to find joint solutions achieved through concerted action. Moreover, in contrast to the experience of recent years, I find a new awareness of the close interrelatedness of the major issues confronting the Alliance nations, requiring cooperation on broad fronts. In this awareness of the interrelatedness of interests, I believe that the self-defeating compartmentalization of issues will give way to a new pattern of joint action and in this context, a high order of U.S. statesmanship is required, as well as a brand of skillful but unobtrusive leadership.

THE EDUCATION PROVISIONS OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. PELL. Mr. President, the conference report on H.R. 69 is a rather voluminous document ably setting forth the differences and the agreements of the conferees, but does not give a simple explanation as to what is in the bill. Therefore, I ask unanimous consent for printing in the RECORD a factsheet on the education provisions only.

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

FACTSHEET ON THE EDUCATION PROVISIONS OF H.R. 69 AS REPORTED BY THE COMMITTEE ON CONFERENCE

The conference report on H.R. 69 extends the Elementary and Secondary Education Act, the impact aid laws, the Adult Education Act, the Bilingual Education Act, and the Indian Education Act through fiscal year 1978. It also extends the Education of the Handicapped Act through fiscal year 1977 and the Emergency School Aid Act through fiscal year 1976.

TITLE I, E.S.E.A.

The Title I formula is amended to allocate funds on the basis of more current data. State agency programs for handicapped, migrant, and neglected and delinquent children will receive funds in accordance with the new formula and will continue to receive funds "off the top" in accordance with established practice. No State agency will receive less than its fiscal 1974 allocation. Each local education agency will receive at least 85% of its previous year's allocation. The 1975 authorization is estimated at $3.1 billion for LEA grants.

Part B of Title I, incentive grants to States with a high tax effort for education, is continued with a maximum appropriation of $50 million.

Part C, grants to areas with high concentrations of low income children, is extended through 1975.

Authority is contained in the bill for a separate authorization which permits the Commissioner in special circumstances to make grants to school districts which are receiving less than 90% of their previous year's allocation.

A by-pass for non-public school children is included.

OTHER TITLES

Titles II, III, and VIII of ESEA are extended through 1978 and Title III of NDEA is extended through fiscal year 1977. These programs may not be funded in any year in which there is a consolidation of programs as described below.

CONSOLIDATION

State operated programs are combined into the following divisions:

(a) "Libraries and Learning Resources" included ESEA I, NDEA III, and the guidance and counseling portion of ESEA III.

(b) "Support and Innovation" includes the balance of ESEA III, Nutrition and Health and Dropout Prevention from Title VIII, and ESEA V.

Consolidation must be forward funded and during the first year there will be a 50% hold-harmless for each program.

A by-pass for non-public school children is included.

Total discretion is given to local educational agencies on spending under Libraries and Learning Resources. States distribute funds under Support and Innovation on a project grant basis.

Also adopted is a provision for a simplified State application for ESEA I, II, III, NDEA III, Adult Education, Vocational Education, and Education of the Handicapped.

The Special Projects Act is included which provided an "incubator for new categorical programs. Under this concept new programs will be protected for a period and then will compete for funding without the protection of set-asides. These new programs include Women's Educational Equity, Career Education, Consumer's Education, Gifted and Talented, Community Schools, Metric Education, and Arts in Education.

IMPACT AID

Effective in fiscal 1976, amendments are accepted which will include guaranteed funding for public housing children of 25% of entitlement, equal to about $53 million in 1976. Entitlements for military children remain as in current law. Entitlement rates for civilian children are reduced slightly for those who live within the same county (from 50% to 45%) and for those who live within a different county in the same State (50% to 40%). Entitlements for those who live in a different State are eliminated except that those payments will be reduced over a number of years as the result of hold-harmless provisions.

School districts with 25% or more of their enrollments "a" children will be guaranteed the full amounts of their entitlements for these children.

No school district which receives more than 10% of its budget from impact aid will have its payments reduced less than 10% each year. Districts which receive less are guaranteed 80% of their previous year's payments. Also every district is guaranteed that it will not lose any regular impact aid funds due to the inclusion of public housing children.

Handicapped children of military personnel will be entitled to a payment of 1½ times that of other children. These funds must be used for the purposes of providing special education for these children.

Funds which a district receives as the result of public housing children must be used for programs of compensatory education.

ADULT EDUCATION

The Commissioner's 20% set-aside is deleted and all funds are to be allocated to the States. Up to 20% of a State's funds may be used for high school equivalency programs.

The program of adult education for Indians is continued through 1978.

HANDICAPPED

All existing programs for the handicapped are extended through fiscal year 1977. For fiscal 1975, $630 million is authorized to be allocated among the States on the basis of total population ages 3–21. These funds will be particularly helpful in meeting requirements for the education of all handicapped children facing many States as the result of court decisions.

States are required to show how they will meet the needs of those children.

BILINGUAL EDUCATION

Authorizations are increased and special emphasis is placed on the training of personnel. Funds are also provided to States to assist them in developing their capacities to develop programs of bilingual education.

A national assessment of the need for bilingual education is to be conducted in 1975 and 1977 and sent to the Congress.

Also included is a program of fellowships for students who will enter the field of training teachers in bilingual education.

READING

A new program of reading improvement is included. Funds are authorized for grants to local educational agencies and States for comprehensive programs of reading improvement and projects which show promise of overcoming reading deficiencies. Also included are funds for special emphasis projects in reading, for the training of reading teachers on public television, and for reading academies.

VOCATIONAL EDUCATION

Included are two new programs which provide funds in fiscal 1975 for bilingual vocational training and bilingual vocational education.

INDIAN EDUCATION

The Indian Elementary and Secondary School Assistance Act is extended through 1978. Up to 10% of the funds are to be made available to Indian controlled schools.

An annual authorization of $2 million for special training programs for training teachers of Indian children is included and a program of fellowships for Indian students is also included.

OTHER PROGRAMS

The Emergency School Aid Act is continued through 1976. The authority to fund educational parks and the set-aside for metropolitan areas programs are repealed.

An amendment to authorize the CLEO program to assist disadvantaged students to prepare for and attend law schools is accepted.

The Ethnic Studies program is extended through 1978.

A program of grants to States to assist them in planning State equalization programs is included. Grants range from $100,000 to $1,000,000 per State depending upon population.

MISCELLANEOUS FEATURES

An upgraded National Center for Education Statistics within the Office of the Assistant Secretary for Education is created.

Regionalization of the Office of Education without an act of Congress authorizing such regionalization is forbidden.

Congress is afforded the opportunity to disapprove regulations for any Federal aid program for education.

Parents of students and students attending post-secondary institutions are afforded the right to inspect their school files and the release of documents in those files is restricted.

COMMENTS ON THE FINAL REPORT OF THE SENATE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

Mr. ERVIN. Mr. President, the Senate Select Committee on Presidential Campaign Activities, which was created by the unanimous adoption of Senate Resolution 60 on February 7, 1973, and which will cease to exist upon the completion of 90 days after June 28, 1974, has made its final report to the Senate.

Such report summarizes the evidence taken by the committee and makes recommendations that the Congress adopt certain legislative proposals to safeguard the integrity of the process by which the President of the United States is nominated and elected.

As chairman of the Senate Select Committee, I wish to commend the patriotic services rendered by the other members of the Select Committee, which was composed of Senator BAKER, of Tennessee, vice-chairman; Senator TALMADGE, of Georgia; Senator INOUYE, of Hawaii; Senator MONTOYA, of New Mexico; Senator GURNEY, of Florida; and Senator WEICKER, of Connecticut.

The Senate and the American people owe a deep debt of gratitude to these Senators. I shall forever treasure in my heart the recollection of their great aid to me in my capacity as chairman of the Select Committee.

The Select Committee was aided in its labors by an extremely able staff consist-

ing of Chief Counsel and Staff Director Samuel Dash, Deputy Chief Counsel Rufus L. Edmisten, Minority Counsel Fred D. Thompson, Deputy Minority Counsel Donald G. Sanders, David M. Dorsen, James Hamilton and Terry F. Lenzner, who served as Assistant Chief Counsel.

Their work, as well as that of the members of the Select Committee, enjoyed the benefit of the services of other members of the staff, some of whom served throughout the period of the committee's labors, and some of whom served for short periods of time. These members of the staff were as follows:

1. Mark J. Biros, Eugene Boyce, Donald Burris, H. Phillip Haire, Mark Lackritz, Robert McNamara, William Mayton, James Moore, Robert Muse, Ronald D. Rotunda, Barry Schochet, W. Dennis Summers, and Alan S. Weitz, who served as Assistant Counsel;

2. Howard S. Liebengood, Michael Madigan, Richard Schultz, H. William Shure, and Robert Silverstein, who served as Assistant Minority Counsel;

3. Carmine S. Bellino, Wayne Bishop and Harold Lipsett, who served respectively as Chief Investigator, Chief Field Investigator, and Assistant Chief Investigator;

4. R. Scott Armstrong, Andy Chinni, John Dale, Mary DeOreo, Michael Hershman, Kenneth Jernigan, Al Keema, William McCafferty, Robert O'Hanlon, Scott Parr, and Lee E. Sheehy, who served as Investigators;

5. Orville Ausen, Robert J. Costa, James Elder, Benjamin Plotkin, and Emily Sheketoff, who served as Minority Investigators;

6. Arthur Miller, who served as Chief Consultant, and Herbert Alexander, Jerome Barron, Sherman Cohen, Eugene Gressman, Jed Johnson, Charles Rogovin, Richard Stewart and Carl Rizer, who served as Consultants;

7. Carolyn M. Andrade and Laura Matz, who served as Administrative Assistant; Carolyn E. Cohen, who served as Office Manager; Madelyn Harvey, who served as Financial Clerk; and, Shelley Walker, who served as Assistant Financial Clerk;

8. Deborah Actenberg, Phyllis Balan, Marianne Brazer, Phyllis Britt, Marie Geneau, Jeanne Havasy, Barbara Kennedy, Shirley McAlhaney, Elizabeth McCulley, Carol Mullins, Gloria Proctor, Virginia Simmons, Julie Smith, Bernita Sloan, Susan Myers, Earline Ching, Elizabeth Ching, Margrethe Ravnholt, Barbara Friedman and Florence Thoben, who served as Secretaries;

9. Joan C. Cole, Secretary to the Minority, and Barbara Chesnik, Sally Montgomery, Gail Oliver, Carol Anderson, Karleen Milnick, and Linda Beversluis, who served as Secretaries for Minority Staff;

10. Carol Anne Wilk and Vicki Movold, who served as Security Clerks; Collette Elliott, Boyd Gregory, Sharon Kirby, Dorilda Roberge, Elaine Gibbs and Chris Rogan, who served as IBM Magnetic Tape Selectric Typewriter Operators; Deborah Ferguson, Shirley Strong and Donna Schober, who served as National Cash Register Key Punch Operators; and Alberta Thomas, who served as Microfilm Clerk;

11. Pauline Dement, John Elmore, Dave Erdman, John Etridge, Louise Garland, Roy Ginsberg, Grayson Fowler, Deborah Herbst, Joel Klineman, Michael Kopetski, Lacy Presnell, Brenda Robeson, James Rowe, Paul Summit, William Taylor, Richard Simmons, Bruce Quan, Martha Talley and Gail Waller, who served as Research Assistants;

12. Mark Adams, Roger Cohen, Karen Cole, Carolyn Dorais, Peter Drymalski, Robert Dughi, James Dunlap, Michael Frisch, Gary Gerson, Harry Gurkin, Herbert Hoell, James Holtkamp, July Moreland, Patrick O'Leary, John Peterson, Paul Kamenar, Linda Satterfield, Nancy Story, Joseph Tasker, Donn Walters, Joseph Gazzoli, and Richard Miller, who served as Computer Research Assistants;

13. Sally Auman, Jonathan Blackmer, Gregory Church, James Copeland, John Dolan, Don Sanford, Gordon Freeman, John Dondey, John Greer, Daniel Higgins, Joseph Kelley, Thomas Ritter and Barbara Shatten, who served as Staff Assistants;

14. John Brightman, Alan Crosby, Tony Harvey, Gloria Lancaster, Noel Peterson, Susan Thomas, Gerald Reid, and Dennis Crossland, Members of the Library of Congress Computer Staff, who were of material assistance to the committee in computerizing the information assembled by it;

15. John Walz, Publications Clerk, Michael Flanagan, Assistant Publications Clerk, Raymond St. Armand, Assistant Publications Clerk, William Fair, Ralph Binkley, Charles Hitchens, Leonard Mogavero and Arnold Simko, their assistants on the Government Printing Office Staff, who furnished material aid to the Select Committee in connection with its various publications;

16. Walker F. Nolan, Jr., Counsel, J. L. Pecore, Assistant Counsel, J. Michael Carpenter, Brent McKnight, Judy Dash, Suzanne Williams, Research Assistants, and Rachel Dash, Staff Assistant, members of the Staff of the Subcommittee on Separation of Powers who were loaned temporarily to the Select Committee and furnished it substantial assistance; and

17. Stephen Leopold, Linda Cole and Ronald Riggs, who aided the Select Committee as Volunteers.

Many of the news media have commented upon the final report which the Senate Select Committee has filed with the Senate.

I ask unanimous consent that the following of these comments be printed in the body of the RECORD:

First, the comments entitled "Final Report of Senate Watergate Committee" which appeared in the U.S. News & World Report for July 22, 1974;

Second, the comments entitled "Sam Ervin's Last Harrumph" which appeared in Newsweek for July 22, 1974;

Third, the comments entitled "The Ervin Committee's Last Hurrah" which appeared in Time for July 22, 1974;

Fourth, the comments entitled "Watergate Reforms" which appeared in the New York Times for July 25, 1974; and

Fifth, the comments entitled "A Job Well Done" which appeared in the Washington Star-News on July 3, 1974.

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

[From U.S. News and World Report, July 22, 1974]

"TRAGIC HAPPENINGS"—FINAL REPORT OF SENATE WATERGATE COMMITTEE

NOTE.—From the official text of the final report of the Senate Select Committee on Presidential Campaign Activities—the Senate Watergate Committee—which was released on July 14, 1974.

"Watergate is one of America's most tragic happenings.

"This characterization of Watergate is not merely based on the fact that the Democratic National Committee headquarters at the Watergate was burglarized in the early morning hours of June 17, 1972. Rather, it is also an appraisal of the events that led to that burglary and its sordid aftermath, an aftermath characterized by corruption, fraud and abuse of official power.

"The Select Committee is acutely conscious that, at the time it presents this report, the issue of impeachment of the President on Watergate-related evidence is pending in the Judiciary Committee of the House of Representatives. The Select Committee also recognizes that there are pending indictments against numerous defendants, most of whom were witnesses before the Committee, which charge crimes that, directly or indirectly, relate to its inquiry.

"It thus must be stressed that the Committee's hearings were not conducted, and this report not prepared, to determine the legal guilt or innocence of any person or whether the President should be impeached. In this regard, it is important to note that the Committee, during its short life span, has not obtained all the information it sought or desired, and thus certain of its findings are tentative, subject to re-evaluation when the full facts emerge.

"Moreover, the Committee, in stating the facts as it sees them, has not applied the standard of proof applicable to a criminal proceeding—proof beyond a reasonable doubt. Its conclusions, therefore, must not be interpreted as a final legal judgment that any individual has violated the criminal laws.

"The Committee, however, to be true to its mandate from the Senate and its constitutional responsibilities, must present its view of the facts. . . . Thus the factual statements contained in this report perform two basic legislative tasks:

"First, they serve as a basis for the remedial legislation recommended herein which the Committee believes will assist in preserving the integrity of the electoral process not only for present-day citizens but also for future generations of Americans.

"Second, they fulfill the historic function of the Congress to oversee the administration of executive agencies of Government and to inform the public of any wrongdoing or abuses it uncovers. . . .

"Certain general observations based on the evidence before the Committee are appropriate. The Watergate affair reflects an alarming indifference displayed by some in high public office or position to concepts of morality and public responsibility and trust. Indeed, the conduct of many Watergate participants seems grounded on the belief that the ends justified the means, that the laws could be flaunted to maintain the present Administration in office.

"Unfortunately, the attitude that the law can be bent where expediency dictates was not confined to a few Government and campaign officials. The testimony respecting the campaign-funding practices of some of the nation's largest and most respectable corporations furnishes clear examples of the subjugation of legal and ethical standards to pragmatic considerations.

"Hopefully, after the flood of Watergate revelations the country has witnessed, the public can now expect, at least for some years to come, a higher standard of conduct from its public officials and its business and professional leaders. Also, it is helpful that the Watergate exposures have created what former Vice President Agnew has called a 'post-Watergate morality' where respect for law and morality is paramount. . . .

"Surely one of the most penetrating lessons of Watergate is that campaign practices must be effectively supervised and enforcement of the criminal laws vigorously pursued against all offenders—even those of high estate—if our free institutions are to survive."

CAMPAIGN PRACTICES

"The 1972 presidential campaign was replete with abuses of positions, power and prerogatives, particularly by White House personnel. The political advantages held by an incumbent President are immense, and they were constantly used and abused by this Administration.

"A corollary to the abuse of presidential incumbency for political gain is the considerable extent to which objectionable campaign practices were conceived, encouraged and controlled by high-level presidential aides. This was true from the early days of the first

term, when there was no campaign organization, and it continued to be so through the 1972 election.

"Another important theme is the misuses of large amounts of money, especially difficult-to-trace cash that was held in secret places in the White House and elsewhere."

The basic "attack strategy" of the 1972 Nixon campaign, the Committee reports, "was ultimately converted by others into gross abuses and unethical manipulations of the electoral process by persons who had little political experience and by persons, including some with considerable political experience, who had little respect for fair play in elections."

As for the Democrats, the Committee says:

"The staff did uncover some instances of improper activity directed at President Nixon's re-election campaign. The results of these investigations, however, show no pattern of illegal, improper or unethical activities carried out or condoned by any Democratic aspirant or Democratic campaign organization."

Further, the Committee says it "wishes to note that it has received no evidence suggesting any complicity in wrong-doing on the part of the Republican National Committee or the Democratic National Committee or its principal officers during the presidential campaign of 1972."

During the time covered by the investigation, Senator Robert Dole, of Kansas, was the Republican Chairman and Lawrence F. O'Brien was the Democratic Chairman.

To help prevent future excesses, the Committee recommends setting up an independent, nonpartisan Federal Elections Commissions to supervise enforcement of all election laws. It calls this "probably the most significant reform that could emerge from the Watergate scandal."

The Committee also recommends four largely technical laws that would deal primarily with "dirty tricks" such as infiltration into a campaign and that would hold persons in control of campaign funds criminally liable for funds spent for illegal purposes.

CAMPAIGN FINANCING

The Committee offers 10 specific recommendations on financing federal political campaigns.

1. Contributions and expenditures in cash by anyone above $100 should be prohibited.

2. Each presidential and vice-presidential candidate would have to designate one central campaign committee with one or more banks as his campaign depositories.

3. Over-all expenditures by presidential candidates should be limited. The Committee proposes a limit equal to 12 cents times the voting-age population during a general election.

4. Total contributions—cash or otherwise—should be limited to a maximum of $3,000 by any individual "to the campaign of each presidential candidate during the prenomination period, and a separate $3,000 limitation during the post nomination period."

5. Tax credits "in a substantial amount" should be allowed to help finance campaign contributions.

6. Any form of public financing of candidates should be prohibited. Says the Committee: "We find inherent dangers in authorizing the federal bureaucracy to fund and excessively regulate political campaigns.

7. Campaign contributions by foreigners, now forbidden in part, should be banned.

8. High Administration officials who leave office to enter a campaign should be barred from engaging in all fund-raising activities for a period of one year.

9. Stringent limitations should be imposed on the right of organizations—whether they be composed of individuals, corporations or unions—to contribute to presidential campaigns. The Committee suggests a limit of $6,000.

10. Violations of the major provisions of the campaign-financing law, such as participating in a corporate or union contribution in excess of the limit, should constitute a felony. Some are now classed as misdemeanors.

"POLITICIZING" ADMINISTRATION DECISIONS

"A White House-devised plan, known as the Responsiveness Program, was an organized endeavor "to politicize" the executive branch to insure that the Administration remained in power.

"The scope of this effort was broad and its potential impact considerable. It included, for example, plans to redirect federal monies to specific Administration supporters and to target groups and geographic areas to benefit the campaign. It entailed instructions to shape legal and regulatory action to enhance campaign goals. It comprised plans to utilize Government employment procedures for election benefit.

"Not only were such plans laid; they were, in part, consummated, although departmental and agency resistance to campaign pressures limited the success of these endeavors. Particularly in regard to the expenditures of federal monies concerning certain minority and constituent groups were there flagrant abuses of proper governmental procedures. Some of these abuses appear to stem from the improper involvement of campaign officials in governmental decision making. . . .

"A question exists whether the planning and implementation of the Responsiveness plan rises to the level of a conspiracy to interfere with the lawful functioning of Government—conduct prosecutable . . . as a conspiracy to defraud the United States.

"The Committee rejects the proposition that much of the conduct described . . . should be viewed as acceptable political practice. The Responsiveness concept involved the diverting of taxpayers' dollars from the primary goal of serving all the people to the political goal of re-electing the President.

"To condone such activity would display a limited understanding of the basic notion that the only acceptable governmental responsiveness is a responsiveness to the legitimate needs of the American people."

To cope with such problems the Committee recommends:

Establishment of a permanent Public Attorney to prosecute criminal cases in which there is a real or apparent conflict of interest within the executive branch. The Public Attorney is envisioned as an "ombudsman" with power "to inquire into the administration of justice in the executive [illegible]nch." He would be appointed for a fixed [illegible]m—say, five years—and would be chosen by [illegible]e judiciary, subject to Senate confirmation.

A general overhaul of existing laws governing conduct of federal officials in elections.

Placing all Justice Department officials, including the Attorney General, under the Hatch Act, which bars certain federal employees from engaging in political activities.

SPYING AND PERSONAL PRIVACY

The Committee makes three recommendations for congressional action in connection with intelligence-gathering activities:

1. Make it unlawful for an employe in the Executive Office of the President to authorize or engage in any investigative or intelligence-gathering activity concerning national or domestic security that is not authorized by Congress.

2. Supervise more closely the operations of the intelligence and law-enforcement "community," especially in its relations with the White House, and "promptly determine" if any changes in the laws relating to these agencies need to be made.

3. Study laws covering electronic surveillance to see if they should be tightened. Says the Committee: "A thorough re-evaluation of this legislation, including a factual investigation of federal wiretapping practices, is necessary."

USING THE INTERNAL REVENUE SERVICE

"There were numerous efforts by the White House to use the IRS for political purposes between 1969 and 1972. Particularly striking examples, such as attempts to use the IRS to harass persons perceived as 'enemies,' have already been exposed and discussed at great length by the Select Committee and other groups. In addition, there was misuse of the IRS by the White House regarding the IRS investigation of Rebozo, the President's brothers and people connected with the Hughes operation. Because of the close relationship of several of the parties to the President, questions of improper White House influence in this case are particularly acute."

As a result, the Committee says, communications between the White House and the IRS should be more strictly regulated. Four specific recommendations are made:

"1. Any requests, direct or indirect, for information or action made to the IRS by anyone in the Executive Office of the President, up to and including the President, should be recorded by the person making the request and by the IRS. Requests and responses by the IRS (i.e., whether information was provided) should be disclosed at least once a year to appropriate congressional oversight committees.

"2. On 'sensitive-case reports,' which cover special cases, the IRS should be permitted to disclose to persons in the Executive Office of the President, up to and including the President, *only* the name of the person or group in the report and the general nature of the investigation.

"3. All persons in the Executive Office of the President, up to and including the President, should be prohibited from receiving indirectly or directly any income-tax return.

"4. All requests for information or action and all IRS responses should be disclosed periodically to the appropriate congressional oversight committees."

The Committee also recommends that the President and Vice President annually make full public disclosure of their finances, including tax returns. It said this would "help protect the office of the President, insuring that no individual occupying the office would be the object of any speculation, innuendo or suggestion of impropriety regarding income, gifts and expenditures."

ON THE ROLE OF "BEBE" REBOZO—

In a report issued on July 10, the staff of the Senate Watergate Committee asserted there is evidence that $50,000 spent for President Nixon's personal benefit included cash secretly channeled from campaign contributions.

The 350-page report said the expenditures were made from a fund set up by the President's close friend, Charles G. ("Bebe") Rebozo, in Key Biscayne, Fla.

The report added:

"There is evidence that the fund which Rebozo maintained in Florida consisted of campaign funds."

One payment listed as having been made through the Rebozo fund was $4,562 toward the $5,650 cost of platinum-and-diamond earrings given by Mr. Nixon to the First Lady as a birthday present on March 17, 1972.

Besides the payment for earrings, the report implies that Mr. Rebozo used campaign donations to pay for $45,621 worth of improvements to the President's Key Biscayne properties.

Among items listed were a swimming pool, a putting green, a billiard table, and the conversion of a garage into living quarters.

Public release of the staff report was authorized by the Committee four days ahead of its full report.

The document strongly suggested that part of a $100,000 campaign contribution from billionaire Howard Hughes was used by Mr. Rebozzo for outlays benefiting Mr. Nixon.

This conflicted with Mr. Rebozo's sworn statements that the Hughes money had been returned to the donor untouched.

The Committee staff said that records and testimony indicate that the cash available to Mr. Rebozo during the period in question was from the $100,000 Hughes contribution and a $50,000 campaign donation by A.D. Davis, a Florida supermarket executive.

According to the report, a complex series of transactions involving transfers of funds into four bank trust accounts concealed the sources of cash used by Mr. Rebozo.

The Committee staff also declared it had additional information to support a charge that Mr. Rebozo gave or lent part of the Hughes contribution to Rose Mary Woods, the President's personal secretary, and the Chief Executive's brothers, Donald and Edward. This has been denied by Mr. Rebozo, Miss Woods and the Nixon brothers.

In advance of the report's release, White House special counsel James D. St. Clair told the Senate Committee by letter that the President "never instructed C. G. Rebozo to raise and maintain funds to be expended on the President's personal behalf, nor, so far as he knows, was this ever done."

On July 11, White House Press Secretary Ronald L. Ziegler characterized the report as "surmise, suggestion and conjecture, with little supporting facts."

The report does not allege that Mr. Nixon knew the source of funds being spent by Mr. Rebozo or that the President ever asked Mr. Rebozo to foot his bills.

Despite all the evidence, the staff said it could not reach a precise conclusion on alleged improper expenditures on the President's behalf because Mr. Rebozo "persisted in his refusal to make records controlled by him or his bank" available to the Committee and "placed himself beyond the reach of the Committee by traveling to Europe" just before the Committee was to be officially disbanded.

The federal campaign law contains no specific prohibition against the use of campaign contributions for personal expenses.

The staff report made no specific suggestion of criminal activity.

[From Newsweek magazine, July 22, 1974]

SAM ERVIN'S LAST HARRUMPH

It has been a year and a half since the Senate Watergate committee began its task, and just over a year since the nation watched transfixed as former White House counsel John W. Dean III delivered his *j'accuse* to the wary senators. The committee has been reduced to somnolent murmuring for months, and not even a torrent of leaks about its long-overdue final report could rouse much interest in this section of impeachment. But when the three-volume, 2,299-page report finally emerged last week, it showed that Sam Ervin and his band still had a wallop left. In an exhaustive, 350-page section, the report provided the most damaging evidence yet that Richard Nixon had secretly and possibly illegally enhanced his personal wealth with political campaign contributions—and it suggested the existence of a "slush-fund" of unknown size, managed by the President's longtime friend, C. G. (Bebe) Rebozo.

The report was otherwise a long retracing of the path that the committee had blazed a year ago in its probe of wrongdoing during the Presidential campaign of 1972. That period, the senators said, had been "characterized by corruption, fraud, and abuse of official power," but they refused to assign individual responsibility. "Some people draw a picture of a horse and then write 'horse' under it," chairman Ervin explained. "We just drew the horse." Still, the committee's conclusions showed through in its 37 specific legislative recommendations for preventing future abuses. The proposed legislation would rein in the President, subject the Justice Department to scrutiny and give Congress more authority over a runaway executive branch.

RADICAL RECOMMENDATION

The most radical recommendation was for a permanent office of public attorney, to be named by the judiciary and approved by the Senate. The attorney, the report suggests, "would not be only a 'special prosecutor' but an ombudsman," with access to executive records and a franchise to investigate any apparent misconduct by the Administration. Reflecting on the "plumbers" operation, the committee would ban intelligence gathering by the White House; it would also increase Congressional supervision of the FBI, IRS and CIA, while severely restricting all communication between the IRS and the White House. The committee offered a list of restrictions on dirty campaign tricks. And to the section on Rebozo, the committee attached a recommendation that Presidents and Vice Presidents be required to make full disclosure annually of all income and gifts.

It was in the unraveling of Rebozo's intricate financial ties to Mr. Nixon that the report covered new ground. The thrust of the charge was that, from 1968 to 1972, Rebozo had used a complex set of bank accounts in the name of his lawyer, Thomas H. Wakefield, to funnel more than $50,000 to the President's personal use—and the implication was that at least part of that sum may have come from the mysterious $100,000 cash gift of billionaire Howard Hughes. According to the report, Rebozo had deposited sizable funds—including at least $20,000 in $100 bills—in three trust accounts held by Wakefield. Out of those he had paid $45,-621.15 for improvements on Mr. Nixon's Key Biscayne properties, including a swimming pool, a fireplace and an Arnold Palmer putting green. There might have been more such expenditures, the report speculated, but Rebozo had refused to comply with subpoenas for his financial records.

Possibly the most damning single charge by committee investigators was that $4,562.38 in campaign funds had gone toward the purchase by Mr. Nixon of some platinum-and-diamond earrings for his wife's 60th birthday in 1972. Long before, money left over from the President's 1968 campaign had been deposited in the account of the Florida Nixon for President Committee, controlled by Rebozo, in Rebozo's Key Biscayne Bank & Trust Co. In 1969 Rebozo had transferred $6,000 from that account to another in his bank, the latter in Wakefield's name. There were some withdrawals that year, then none until June 28, 1972, the report charged, when Rebozo transferred the remaining balance—$4,562.23—to a trust account of Wakefield's law firm; then $5,000 was moved from there to a fourth account in First National Bank of Miami. Later that day, $5,000 was withdrawn in a cashier's check, payable to Harry Winston, the New York jeweler. Winston's records also show a $560 check from Mr. Nixon's Washington bank and a $90 check from his secretary, Rose Mary Woods, apparently to cover an unanticipated difference in the price of the earrings.

SWIMMING POOL

Rebozo conceded that the $4,562 came from campaign funds, the report said, but he maintained that the money was owed to him for his own undocumented expenditures during the campaign. But if Rebozo was making Mr. Nixon a gift totaling about $50,000, the report said, he failed to pay the necessary gift tax. While the transfer might have been a loan, the only record of reimbursement by the President noted in the report was a $13,642.52 check for the swimming pool—issued in mid-1973, when the committee was already probing the Hughes contribution. The Cooper & Lybrand audit of Mr. Nixon's finances last year reflected no such debt to Rebozo. The auditors, in fact, had not been told of the $45,621 worth of improvements on Key Biscayne, although the report said that Mr. Nixon knew that the improvements had been made and had met once with a contractor.

Even more potentially damaging was the report's suggestion that the $50,000 may have been only the tip of the iceberg. Only one month after the first Nixon Inauguration, the report disclosed, H. R. Haldeman wrote John Ehrlichman: "Bebe Rebozo has been asked by the President to contact J. Paul Getty in London regarding major contributions . . . The funds should go to some operating entity other than the [Republican] National Committee so that we retain full control of their use." That plan was later abandoned, but two months later Rebozo wrote to Herbert Kalmbach, the President's lawyer and fund raiser, about a fund he would maintain in Florida to "take care of frequent administration-connected costs." That fund began, Senate investigators suspect, with a relatively modest transfer of $6,000—but Wakefield and former Haldeman aide Laurence Higby have mentioned amounts between $200,000 and $400,000. Whatever the size, Newsweek's Nicholas Horrock learned, committee investigators believe that secret donations may have come from individuals seeking government favors.

The mystery surrounding Rebozo's handling of the $100,000 gift from Hughes, the probers charge, was only deepened by an IRS investigation into the matter. The agency delayed its inquiry for months after learning of the fund, and then handled Rebozo gingerly. Only days before Mr. Nixon fired special Watergate prosecutor Archibald Cox, the IRS told Rebozo that Cox was investigating him; the same day, the report said, White House chief of staff Alexander Haig tried to stop Cox's investigation.

The IRS's leniency with Rebozo was in marked contrast to its investigation of Democratic Party chairman Lawrence O'Brien. It began, the report said, when Ehrlichman learned that O'Brien's public relations firm had received a retainer from a company owned by Howard Hughes. Although the IRS had finished a routine audit of O'Brien, Ehrlichman has testified that he prodded the agency into reopening the case. "I wanted them to turn up something and send O'Brien to jail before the election," Ehrlichman told the committee. When the then Treasury Secretary George Shultz and IRS Commissioner Johnnie M. Walters telephoned Ehrlichman to report that O'Brien was clean, Walters said, Ehrlichman raged at him. It "was my first crack at [Walters]," Ehrlichman said. "George wanted to stand between me and his commissioner and this was the first time I had a chance to tell the commissioner what a crappy job he had done."

ETHICAL QUESTIONS

The committee had made other discoveries, but most had been leaked by the time that the report appeared. Investigators found evidence that the Presidential campaign committees of Democratic Sen. George McGovern were settling bills with creditors at 50 per cent of face value—while making substantial transfers of funds to McGovern's 1974 senatorial campaign. While the report presented no evidence of illegal intent, it raised a conspicuous question of ethics. And investigators charged that both Sen. Hubert Humphrey and Rep. Wilbur Mills had received thousands of dollars in illegal corporate contributions to their unsuccessful 1972 primary campaigns for the Democratic Presidential nomination.

There were also few surprises in the senators' individual reports. Most shunned the question of the President's role in the cover-up; only Sen. Edward Gurney, a Florida Re-

publican, concluded that Mr. Nixon had no advance knowledge of the break-in and first learned of the cover-up in March 1973. (Last week Gurney was charged by a grand jury with bribery and conspiracy concerning a secret fund for his benefit.)

The report also contained a letter from Presidential counsel James St. Clair, replying to some of the charges and disparaging the rest. Mr. Nixon, he concluded, "never instructed C. G. Rebozo to raise and maintain funds to be expended on the President's personnel behalf, nor, so far as he knows, was this ever done." Presidential spokesman Ron Ziegler added that the Rebozo charges were so much "warmed-over baloney"—a phrase that led the jovial Ervin to brandish an 11-pound sausage at the committee's final session in the Senate Caucus Room. But the White House response begged the question of whether campaign money had actually been diverted to Mr. Nixon's private use—and the charge promised to be yet another factor in the growing case for the impeachment of Richard Nixon.

[From Time magazine, July 22, 1974]

THE ERVIN COMMITTEE'S LAST HURRAH

The Senate Watergate committee passed quietly into history last week—and with it an extraordinary episode in congressional annals. Having accomplished its primary objective—to inform the U.S. public about the facts and dimensions of the Watergate case—the committee bequeathed the continuing investigation to a host of other legislative and judicial bodies. But before it expired, it issued one last broadside: a 350-page staff report alleging, among other things, that leftover campaign funds had been used by President Nixon's good friend C. G. ("Bebe") Rebozo to pay for various major improvements to the Nixon properties at Key Biscayne and for a pair of platinum-set diamond earrings that the President gave to Pat in 1972 for her 60th birthday.

Then, finally, on a warm summer day, the committee assembled for a closing ceremony in the marbled Old Senate Caucus Room. At the long table sat the Senators and key staff members, like a senior class on graduation day. Only four of the committee's seven members were present: Chairman Sam Ervin, Lowell P. Weicker Jr., Joseph M. Montoya and Daniel K. Inouye. Vice Chairman Howard H. Baker Jr. was home in Tennessee; Herman E. Talmadge was busy elsewhere; and Edward J. Gurney was beset by troubles of his own.

Attention focused naturally on Sam Ervin, now serving the last of his 20 years in the Senate. Through some ten weeks of televised hearings last summer, he had become, at the end of his career, a folk hero, a landmark of integrity. As Time Correspondent Stanley Cloud observed last week: "Sam Ervin hadn't been discovered as a result of Watergate; he had simply been there waiting, as though his entire life had been a preparation for this final service."

After paying tribute to his colleagues and to the committee staff, Ervin was presented with a 10-lb. sausage by Committee Counsel Samuel Dash, in recognition of White House Press Secretary Ronald Ziegler's denunciation of the committee's special report on Rebozo as "warmed-over baloney." Then Sam Ervin delivered a short speech, quoting right and left from his favorite writings, and it was over.

WITHOUT DEMAGOGUERY

Whatever its weaknesses—excessive leaking and petty rivalries—the committee accomplished its basic task. After a year and a half of existence, it had spent about $2 million of the public's money, produced 13 volumes and 5,858 pages of testimony and exhibits, and written a three-volume 2,217-page final report. Without engaging in demagoguery and without acting as prosecutor or persecutor, the committee had laid out the basic story of Watergate as clearly and fully as it could. Moreover, it had largely carried out this task in public, so that the American people would be able to make their own decisions about who was telling the truth and who was not.

The committee's special report on Bebe Rebozo's expenditures was not particularly important for the amounts of money involved. Compared with the abuses of power already documented in the Watergate affair, for example, the allegation that Rebozo spent $4,562.38 in leftover campaign funds for earrings for Pat Nixon would not ordinarily have been of much consequence. But it was perceived as a vivid symbol, calling immediately to mind a much younger Richard Nixon who bragged on television that his wife wore only a "respectable Republican cloth coat." Strategically, the allegation was also important to investigators because it helped them trace the means by which much of Nixon's campaign funds had apparently been "laundered."

The report alleges that the $4,562.38 portion of the $5,650 spent on the earrings was originally derived from campaign funds and that Bebe Rebozzo attempted to disguise the money's source by transferring it in and out of four separate Florida bank accounts. The $4,562.38, the report charges, was part of $6,000 that Rebozo withdrew on April 15, 1969, from the Florida Nixon for President Committee account in the Key Biscayne Bank and Trust Company—which he heads—and immediately deposited in a trust account in the name of his lawyer, Thomas H. Wakefield.

NICE DISCOUNT

Then, on June 28, 1972, the report continues, Rebozo (or his lawyer) transferred $4,562.38 to another Wakefield trust account in the Key Biscayne bank, immediately transferred $5,000 from this account to still another Wakefield trust account in the First National Bank of Miami, and finally bought a $5,000 cashier's check payable to New York Jeweler Harry Winston—all in the same day.

The rest of the cost of the $5,650 earrings was covered by two personal checks—one from Richard Nixon (for $560), the other from his personal secretary, Rose Mary Woods (for $90). The sale was apparently made by Winston's man in Washington, the late Don Carnavale, who was a close friend of Miss Woods. The earrings, containing 20 diamonds, were delivered to a presidential aide, Lieut. Commander Alex Larzelere, and the bill was marked "Please send to Rose Mary Woods." The earrings were subsequently appraised by Carnavale at $9,000—indicating that Winston gave Nixon a nice discount.

Rebozo admitted to the committee that the $4,562.38 had originated from campaign funds, but maintained that it was a proper reimbursement to him of money he had spent on campaign costs. The Ervin committee saw the transaction differently. "This complex fourstage process of payment for this gift," declared its report, "concealed the fact that the funds originated from contributions to the 1968 campaign and were ultimately used by Rebozo on behalf of President Nixon."

The report also charges that Rebozo used various trust accounts (again in the name of Thomas Wakefield or his law firm) for the deposit and transfer of at least $20,000 in $100 bills, and that these funds were subsequently used to pay for part of the $45,-621.15 in improvements to the Nixon's Key Biscayne properties. These improvements included a new swimming pool and accessories, a fireplace, a putting green and a billiard table.

Whether specific laws were violated in the alleged use of campaign funds for private purposes is subject to varying legal interpretations. But certainly such funds would be taxable, and there is no record that the committee could find showing that the President paid any income tax on them. Nor, according to the committee, is there any record that Rebozo filed a required U.S. gift tax return for 1969, 1970, 1971 or 1972 on any improvements of more than $3,000 that he may have made to Nixon properties from his own funds. The committee noted that the only record of a reimbursement to Rebozo by the President had been a check for $13,642.52, issued in August 1973 at a time when Rebozo's affairs were being actively investigated by the Internal Revenue Service as well as by the Watergate committee itself.

Indeed, Rebozo seems to have conducted his business affairs with consistent vagueness. When asked by the Watergate committee earlier this year whether he had ever been reimbursed for bills that he paid for improvements to the Nixon properties, he replied: "Yes, I say, usually, I'm not going to nitpick with the President. If there's something I think he should have, I might just go ahead and do it without even him knowing about it. He just doesn't concern himself at all with financial problems, never has."

The committee failed in what had been a primary purpose of the Rebozo investigation: to establish a definite link between Rebozo's expenditures on the President's behalf and the $100,000 campaign contribution from Billionaire Howard Hughes. The report alleges but does not prove that, contrary to Rebozo's sworn testimony, he did not leave the Hughes contribution intact in a safe-deposit box for three years before returning it to a Hughes representative in June 1973. As previously reported, the President's former lawyer, Herbert Kalmbach, told the committee that Rebozo had told him that he gave part of the $100,000 to the President's brothers, Edward and F. Donald Nixon, to Miss Woods, and to "unnamed others."

SPECIAL ACCOUNT

The report contains some fascinating details about Rebozo's role as a part-time political fund raiser. In February 1969, according to a White House memorandum, Nixon asked Rebozo to solicit Billionaire J. Paul Getty in London for "major" campaign contributions—only a few months after he had completed his victorious campaign for the presidency. Getty subsequently contributed $125,000 to the 1972 Republican campaign. In early 1969, Rebozo established a special account in his Key Biscayne bank to pay for what he described as "Administration-connected costs"; this was the account from which the "earring" funds were withdrawn on June 28, 1972.

The special report on Rebozo and his friends was but one part of the complete report that the Senate Watergate committee issued. Within this exhaustive document, based on the testimony and other evidence, are 35 suggestions for government reform.

SPENDING CEILING

Among these would be the establishment of an office of "public attorney"—a sort of permanent version of the Special Watergate Prosecutor—who would prosecute criminal cases involving conflicts of interest within the Executive Branch. The committee favored setting up a nonpartisan elections commission to enforce statutes governing campaign contributions and expenditures. It proposed that cash contributions by an individual be limited to $100, that total contributions by any person to a presidential candidate be limited to $6,000; and that the overall spending in any presidential campaign be limited to an amount equal to 12c for every citizen of voting age. (This would hold the 1976 campaign funds to approximately $17 million.)

At the closing ceremony last week, a reporter asked Sam Ervin why the committee

had failed to state in its report any conclusions about the responsibility for the Watergate scandal. Ervin replied that it was possible to draw a picture of a horse in two ways. You could draw the picture of a horse, with a very good likeness. Or you could draw the picture and write under it, "This is a horse." Well, said Sam Ervin, "we just drew the picture."

[From the New York Times, July 25, 1974]

WATERGATE REFORMS

Under the leadership of Senator Ervin of North Carolina, the Senate Watergate committee has concluded a year and a half of admirable work by agreeing upon a set of bipartisan recommendations for strengthening Federal law and creating new institutions of the Federal Government to lessen the risk of future scandals. In the present agony of impeachment the need for reform is obvious, and the means are now at hand.

The committee's most important proposal is for a permanent special prosecutor who would be chosen by a panel of three judges and serve a fixed five-year term. As the committee points out, the appointment of a special prosecutor proved necessary to cope with the present scandals and with the Teapot Dome scandal of fifty years ago because, in both instances, the Justice Department was too deeply compromised for the public to be certain that it would conduct a thorough inquiry.

President Nixon's dismissal of Archibald Cox and his attempt to abolish the office of special prosecutor last October demonstrated that such an officer has to have assured independence and must not be a Presidential appointee. The committee's recommendation deserves enactment by Congress; the only questionable aspect is whether the prosecutor should also serve, as the committee suggests, as an ombudsman for administrative complaints arising against all executive departments and agencies. Such a wide-ranging assignment might tend to entangle the special prosecutor in too many small disputes and distract him from dealing with rarer but more substantive abuses.

The committee's second institutional innovation would be creation of a Federal Elections Commission, a proposal already approved by the Senate in this year's campaign reform bill. However, the House Administration committee has voted for a mockery of a commission with six of the seven seats occupied by members of Congress and Congressional appointees. The Watergate committee's report ought to reinforce pressure for a genuinely independent commission. Otherwise, it would be better to leave supervision where it now is—with the Controller-General—but shift legal enforcement from the Justice Department to the new Special Prosecutor.

In the only recommendation that divided the committee, the majority opposed public financing of Federal elections on both constitutional and practical grounds. Public financing has already been approved by the Senate and is essential to a thoroughgoing reform of the electoral system. On this issue, we believe that the committee dissenters, Senators Inouye of Hawaii and Montoya of New Mexico, have the better of the argument.

Among the laws that the committee would amend or enact are several to protect the integrity of political campaigns against various "dirty tricks." It would, for example, become a crime for anyone to obtain employment in any campaign for Federal office for the purpose of interfering with or spying upon the candidate. Those who financed such undercover agents would also become criminally liable.

In an effort to break the unhealthy practice of using the Justice Department as a political command post, the committee urges that all officials of that department, including the Attorney General, be placed under the restrictions against political activity imposed by the Hatch Act on ordinary civil servants. We think that this, too, is a practical and needed reform.

[From the Washington Star-News, July 3, 1974]

A JOB WELL DONE

It was called formally the Senate Select Committee on Presidential Campaign Activities but it forever will be known as the Senate Watergate Committee. In its heyday, it caused millions of Americans to sit glued to their television screens watching with alternating bewilderment, anger and sadness as the almost daily bombshells rocked the nation.

Yet not many mourned the committee's passing last Sunday; most probably didn't even notice, for it had been eclipsed in the rushing Watergate tide that had moved on to impeachment and given another congressional panel, the House Judiciary Committee, its time in the sun.

There were criticisms of the Senate Watergate Committee, to be sure, and some of them had validity. There were times when members used the spotlight for personal posturing. There were times when the proceedings seemed unfair, when men were skewered publicly without a chance to defend themselves, when reputations and defendants' rights were damaged in the glare of publicity and the onrush of events. Some observers thought, too, that the committee unduly prolonged its existence, having managed to stretch its life five months beyond the year which the Senate originally allotted.

Despite its faults, the committee performed commendably overall, and its work was in the national interest. It did the initial work in baring the awful truth of Watergate and it laid the groundwork for calling those responsible to account for their legal and moral transgressions. There was an imposing need for the nation to cleanse itself of Watergate but before that could be done, the people had to be made aware of what Watergate was all about. The Senate committee did that, and if there were some excesses in the handling of its business, that was a price worth paying.

The ultimate objective of the committee was to suggest legislation to prevent future Watergates, and such recommendations will be made shortly. Many of the forthcoming proposals already have been revealed through committee leaks. Some of them, such as proposals to tighten campaign financing laws, should be enacted without delay. Some others, such as a recommendation to create a permanent special prosecutor's office to provide a continuing probe of allegations of wrongdoing in the executive branch, will bear close scrutiny and thoughtful consideration before rushing to implement them.

But from the beginning, Chairman Sam Ervin saw the main purpose of the committee's task as investigative and educational rather than legislative. He thought it more important to get the truth to the people and to convince them that the system could expose and correct its own ills. Toward that end, Ervin and his colleagues did their job well.

IMPEACHMENT

Mr. BUCKLEY. Mr. President, I have been very disturbed by reports I have received from friends in the House of Representatives with respect to pressures being brought to bear on them from constituents and public groups to vote one way or another on the question of impeachment. I have, accordingly, issued a statement describing my own understanding of a Senator's unique responsibilities in the event the House should vote articles of impeachment.

Mr. President, I ask unanimous consent that a copy of my statement be printed in the RECORD.

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

STATEMENT BY SENATOR JAMES L. BUCKLEY ON IMPEACHMENT

It appears reasonable at this juncture to prepare for the possibility that the House of Representatives may soon approve a bill of impeachment. It is with this possibility in mind that the Senate leadership is now moving to study procedures that might be followed should we be confronted with an impeachment trial in the Senate.

The media is also preparing for the possibility of impeachment. In fact, there are already those who are predicting how I and other members of the Senate might vote at the conclusion of such a trial.

Such predictions strike me as both risky and presumptuous, especially in light of the nature of the principle Articles of Impeachment formulated by the House Judiciary Committee. For these consist not merely of charges that the President committed specific acts that are individually impeachable. They also appear to allege that the President has been guilty of acts of commission and omission that taken together constitute "high crimes and misdemeanors" within the meaning of Section 4 of Article II of the Constitution. By basing its charges in substantial part on patterns of conduct, the Judiciary Committee is not only casting judgment as to the weight of the evidence before it; it is asserting an interpretation of what constitutes an impeachable offense within the meaning of the Constitution as to which honest men can and do disagree. Thus, if a majority of the House of Representatives ratifies the action of the House Judiciary Committee, members of the Senate will be called upon not only to sit as jurors at a trial, but as judges of the legal sufficiency of the charges.

In my own case, I have made no judgment as to either the Constitutional sufficiency of the Articles of Impeachment recommended by the House Judiciary Committee or of the evidence offered in their support. Furthermore, I do not intend to address myself to these important and time-consuming matters unless and until it is my constitutional duty to do so.

In the meantime, I shall proceed on the understanding that judges and jurors are supposed to decide a case on the basis of an objective assessment of the law and of the evidence presented at trial rather than on the basis of personal prejudice, public pressure or extraneous influences that have little if anything to do with the facts of the case or with the demands of due process.

The perfect judge or juror may not exist, and all of us have our personal feelings about the events of the past eighteen months. But we can and should strive for objectivity.

I have, therefore, instructed my staff to withhold from me all mail urging either an affirmative or negative vote on the question of the President's guilt or innocence. The President deserves an objective hearing based on the evidence and should be neither convicted nor acquitted because of public pressure.

INFLATION, THE PLIGHT OF THE INDEPENDENTS AND THE NEED TO EXTEND THE PETROLEUM ALLOCATION ACT

Mr. HUMPHREY. Mr. President, as author of S. 3717, a bill to extend the

Emergency Petroleum Allocation Act from February 28, 1975, to June 30, 1976, I testified this morning before the Senate Committee on Interior and Insular Affairs to urge support for an extension of the allocation program.

Expiration of the Allocation Act would have a devastating impact upon our raging inflation, it would do great damage to our independent oil dealers, and it would disrupt our distribution and supply of petroleum products during the upcoming winter months. The Federal Energy Administration would like to see the act expire. The FEA is continuing with its plans to decontrol residual fuel oil, butane, gasoline, and other petroleum products in the near future. Now that the first break in the energy storm clouds has appeared, it is not time to throw away our authority for dealing with a problem that will be with us for a long time.

Mr. President, we are currently in a two-digit inflationary cycle, and the increasing price of petroleum products is adding to that inflation. If we allow the Emergency Petroleum Allocation Act to expire, domestic oil prices will shoot up to the price of world oil. Retail prices will go up and so will oil company profits. Decontrol of oil products right now would be like throwing gasoline on the raging fire of inflation.

Gasoline and motor oil costs are up 38.9 percent to the consumer this year. The price of heating oil and the price of electricity which is produced from plants burning residual fuel oil keep going higher and higher. How long will the American public put up with this situation? I do know that the public will not condone congressional inaction that will result in another huge windfall for the oil industry.

Mr. President, for the sake of the consumer, the independent oil marketers and refiners and for our economy, I urge support of my bill. I ask unanimous consent that the text of my remarks this morning before the Senate Interior and Insular Affairs Committee be printed in the RECORD.

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

STATEMENT BY SENATOR HUBERT H. HUMPHREY, SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, EXTENDING THE EMERGENCY PETROLEUM ALLOCATION ACT, JULY 31, 1974

Mr. Chairman: I have come this morning to urge the Committee to recommend that the Senate extend the Emergency Petroleum Allocation Act, as proposed in legislation I have introduced, S. 3717. My bill will extend the allocation act from February 28, 1975 to June 30, 1976. The Emergency Act has served the Nation well. It has permitted the Federal Energy Administration and its State counterparts to step into situations where fuel supplies were inadequate to make sure that essential activities, such as food production and essential public services, were not disrupted. It has permitted the FEA to moderate the inflationary impact of higher world oil prices on the U.S. economy by preventing the price of some already flowing domestic crude oil from adjusting upward to the world level. It also permits the FEA to direct the major oil companies to continue supplying the independent oil refiners and distributors. Although the administration of this part of the Act up to now has not been adequate to save the independent sector from being severely squeezed, it has saved the independents from complete extinction.

MAINTAINING ESSENTIAL ACTIVITIES

No one needs to be reminded of the dire fears and forecasts that existed last fall concerning the adequacy of heating fuel in certain parts of the country. Some disruption of transportation and production did occur, but a great deal was avoided through the efforts of the FEA and collaborating State officials. No one needs to be reminded of the drastic shortage of gasoline that prevailed intermittently from last Thanksgiving through the beginning of April. Bad as it was, it was greatly mitigated by the FEA acting under the authority of the Emergency Petroleum Allocation Act.

Mr. Chairman, supplies since that time have been adequate in the main largely because of our good fortune with last winter's very mild weather. Meanwhile we have foolishly returned to business as usual. Our consumption is growing again but increases in domestic crude production and refinery capacity are still some years away. No one guarantees that shortages will not return if, for instance, next winter is not so merciful as last. They could well be worse than anything we have seen yet.

The allocation machinery is just getting oiled up. The first break in the storm clouds is no time to throw away our authority for dealing with a problem that all agree is a long-term matter.

CONTROLLING INFLATION AND OIL PROFITS

As for oil prices, Mr. Chairman, I think we do not realize how much the Emergency Petroleum Allocation Act has permitted FEA to soften the blow to the U.S. economy. Despite the fact that crude price increases were granted which profited domestic producers about $10 billion, the price controls have held the price of 60 to 70 percent of U.S. domestic crude production at about one-half of the level to which it would have gone without controls. As a result, the *increases* in oil prices were shaved by about one-third.

If the Emergency Act is allowed to expire, the prices of all crude oil and oil products will "even up" to a level commensurate with OPEC prices. This will mean that *all* regular gasoline will go up another 10 cents a gallon to about 65 cents per gallon from today's average of about 55 cents. Fuel oil will rise sharply again. And these increases will be reflected in the prices of freight rates, air fares, electricity, and all the goods that contain some fuel component.

It is estimated that last year's big jump in crude oil prices contributed about 3 percent on top of other factors to this year's alarming rate of inflation. If we decontrol oil prices next February, we can expect similar shock waves to roll through the economy again.

Mr. Chairman, I believe that the public just will not condone Congressional inaction that will result in another huge windfall for the oil industry at the expense of consumers.

There is no economic reason for permitting it to happen. Higher prices are not resulting in increases in total level of oil production. Price increases on controlled old production will not result in more drilling activity in the future. In fact higher prices and new oil corporation profits would most likely result in the feverish scramble for scarce resources in the industry and bidding up prices of rigs, piping and labor even more.

Let me remind you that absolutely no action has been taken by the Senate up to now to recover any of the oil profits bonanza in taxes, either for this year or in the future.

SAVING COMPETITION IN THE OIL INDUSTRY

It it weren't for the Emergency Petroleum Allocation Act, Mr. Chairman, there would be virtually no independent refiners or marketers left in the oil industry today. They would have been rubbed out in the short period of two years. As it is, they have suffered great attrition, and their share of the retail market, has slumped, according to a recent FEA consultant's report, from about 28 percent in 1972 to about 17 percent at present.

Various observers of oil industry have testified—several of them before the Subcommittee on Consumer Economics, which I chair—that the major oil companies in the past have taken most of their profits at the crude-oil level and have kept the profitability of refining and marketing artifically low as a means of curtailing competition there. However, now that overseas producing countries have seized control of much of the crude production and the associated profits, the major companies are turning increasing attention to tightening their grip on the downstream sectors and to increasing profits there.

Some major companies are taking over previously franchised stations for their own use, and all of them continue to build new stations, often to represent their so-called "fighting brands;" that is "gas-and-go stations" set up to compete directly with the independent gasoline marketers. This is why the independent firms, already weakened financially by two years of supply starvation are convinced that they will not be able to obtain adequate supplies from their major-company competitors now that the latter are moving in to take over the action. And we need the competitive influence of the independents more than ever.

As I indicated, Mr. Chairman, while the Emergency Petroleum Allocation Act was provided vital authority to regulate oil supplies and prices, it has not succeeded as it is administered in assuring fair pricing to the independent sector of the industry. Although the law provides for fair distribution to all segments of the industry *at fair prices*, the FEA refused for a long time to take any action to assure fair pricing. So the major companies could fulfill their supply commitments to independents largely with crude oil at the high uncontrolled price and with products based on such crude, while underselling their competitors with oil at the lower controlled price. This has meant that supply commitments to independents, in many cases, were meaningless, because at the prices offered the supplies could not be resold.

For example, Exxon is selling regular gasoline in Washington, D.C. for about 55 cents a gallon under price control, but independent stations receiving only uncontrolled oil must charge well over 60 cents. With this disparity in costs, the independents cannot sell any gas and are rapidly going out of business. I attach for the record three tables provided by the Independent Gasoline Marketers' Council, showing their increase in wholesale prices compared to that of the integrated companies and their resulting loss of market share of price.

FEA's response to this problem has been very halting and incomplete. Recently, after much footdragging, Mr. Sawhill said FEA will consider ordering the majors to supply certain quantities of lower-priced oil to a small selection of independent refiners whose costs are farthest out of line. FEA contends that this correction at the refinery level will take care of the desperate plight of inde-

pendent marketers as the savings in cost were passed through. But this action has not occurred and is a totally inadequate response to the problem and leaves many independent refiners and marketers in an untenable competitive position.

THE NEED FOR PROMPT ACTION

In closing, Mr. Chairman, I urge the Committee and the Congress to act quickly on this matter. The need to expedite the renewal legislation stems from the fact that the Administration is proceeding with its decontrol plans for this Fall and Winter. The result of this is that producers and distributors all along the line will begin to hold back production as decontrol approaches in hopes of realizing a sizeable increase in price and in the value of their inventories, including inventories in the ground. Therefore, we cannot act too soon to remove this uncertainty from the market and to convince the industry that it will profit them nothing to hold back production in anticipation of new shortages.

INDEPENDENT GASOLINE MARKETERS COUNCIL—SALES VOLUMES ANALYSIS, JUNE 28, 1974

Comparison of sales of motor gasoline by sample of nonbranded independent marketers, representing more than 2,700 retail outlets from coast to coast and, sales of motor gasoline by total industry, as reported by the Federal Energy Administration:

Time period	Base period 1972	Current 1974	Percent of base period
Sample of nonbranded sales:			
January	156,385,023	133,457,685	85.3
February	149,150,279	129,918,573	87.1
March	176,010,430	136,085,432	77.3
1st quarter	481,545,732	399,461,690	82.9
April	174,699,612	138,014,540	79.0
Total industry sales:			
January	7,226,016,000	7,563,150,000	104.7
February	6,955,998,000	6,835,584,000	98.3
March	8,348,760,000	8,190,294,000	98.1
1st quarter	22,530,774,000	22,589,028,000	100.3
April	7,905,870,000	8,058,582,000	101.9

INDEPENDENT GASOLINE MARKETERS COUNCIL—WHOLESALE PRICE MOVEMENT ANAYLSIS, JUNE 28, 1974

Comparison of the average cost of regular gasoline, excluding taxes, to nonbranded independent marketers, representing more than 2,700 retail outlets from coast to coast, and the average cost of regular gasoline, excluding taxes, to all marketers, as reported by Platt's Oilgram for 1972 (average of 55 markets) and by the Federal Energy Administration of 1974:

Time period	Base period 1972 cents per gallon	Current 1974 cents per gallon	Percent of base period
Nonbranded average costs per gallon:[1]			
January	12.7	23.3	183
February	12.7	26.9	212
March	12.7	29.7	234
1st quarter	12.7	26.6	209
April	12.8	30.2	236
All marketers average costs per gallon:[2]			
January	13.0	20.2	155
February	12.9	22.5	174
March	12.0	24.2	201
1st quarter	12.6	22.3	183
April	12.2	25.5	209

[1] Nonbranded costs do not include national brand name advertising and refiner credit card services as do branded jobber costs.

[2] Cost figures are based on "dealer tankwagon prices," less 5 cents to reflect jobber margins, but without adjustment for refiner advertising and credit card services.

INDEPENDENT GASOLINE MARKETERS COUNCIL—MARKET SHARE ANALYSIS, JUNE 28, 1974

The market share of nonbranded independent marketers during current periods of 1974, measured in each period as a percentage of the comparable period of 1972. The sample consists of sales of motor gasoline by more than 2,700 retail outlets from coast to coast.

Percent of base period market share

1974:	*Percent*
January	81.5
February	88.8
March	78.7
First quarter	82.2
April	77.7

THE HOT RIVER VALLEY

Mr. ABOUREZK. Mr. President, the Nation magazine devoted almost its entire issue of April 3, 1974, to an article by McKinley C. Olson on "The Hot River Valley," a discussion of the controversy about nuclear powerplants in York and Lancaster Counties in Pennsylvania. Thursday the Senate will vote on extension of the Price-Anderson Act. Because the article written by Mr. Olson deals entirely with the safety issue of nuclear powerplants, I urge all Members of the Senate to read it and ask unanimous consent that the text of the article be printed in the RECORD.

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

THE HOT RIVER VALLEY

(By McKinley C. Olson)

(This article examines the controversy arising from the increasing reliance on nuclear power to supply the country's energy. Although a number of potential sources of power are mentioned, it is not our purpose to offer a full-blown discussion of the nation's energy problems or its options for the future. Also, readers would do well to remember that all confrontations over nuclear power, from Vermont to California are replays, with local variations, on the same essential theme: How safe is controlled nuclear fission?—The Editors)

Lightning flashed. The emergency warning system went off and a siren began to wail. One of the foremen yelled to his men, "get the hell out of here." Workers on the night shift ran for their cars and trucks and pulled away from the construction site, racing at crazy speeds over the one-lane bridges and down the back-country roads.

This was in July 1971, about 7:00 in the evening in rural Pennsylvania. No one thought to alert the people who lived in the area. Farmers, their wives and children, watched bug-eyed from their porches as the vehicles flashed by.

It turned out to be a false alarm, touched off when lightning struck a power line, but the people around here will never forget that night. They live next door to the Peach Bottom nuclear power complex. In 1971 there was one atomic plant here; today there are three. Tomorrow there might be two more. And two more after that.

There have been other nervous moments. A year after that thunderstorm, toward the end of July people in the neighboring county across the river from Peach Bottom were startled by the sound of a loud "woosh" in the night. One woman told the press it sounded like "the world's largest teakettle was leaving off steam." The power failed; frightened people left their homes and made their way to phones to call the plant across the river. The atomic workers told the callers they had heard no noise, but the "wooshing" persisted for well over an hour. A few days later, the plant reported that lightning had struck again, hitting a transformer line and shutting down a large generator, which in turn gave off steam that made the sound.

Again, nothing of fatal consequence. But the people wonder if the plant was being evasive that night even though they were told that residents on the plant side of the river, for some reason, didn't hear the "frightening noise."

These are samplings of the stories that are told along a secluded 26-mile stretch of the Susquehanna River in the southeast corner of Pennsylvania, 35 miles north of Baltimore, which could become the largest concentrated source of nuclear power in the world.

Philadelphia Electric Company has applied for a permit to build two more nuclear reactors across the river from the three existing reactors at its Peach Bottom complex, the newest two of which are among the largest in the world. The two proposed reactor stations would compare in size and output to these giants. And the utility already talks of building two additional atomic power plants a relatively short distance downstream from these.

The electricity generated by these nuclear plants is to serve the Philadelphia area, 65 miles to the north. That is a bone of contention for the residents of York and Lancaster Counties which face each other across the Susquehanna and share this nuclear development. They sense that they are being required to assume all the risks of nuclear power while being denied any of the benefits. Quite a few people here who derisively refer to York and Lancaster as The Nuclear Capital of the World, feel that they are already living with more than their share of nuclear power plants; they strongly oppose any more such neighbors. There is also a core of angry, outspoken activists who are against nuclear power plants in any contemporary form, shape, size or number.

Together, the merely uneasy and the bitterly opposed have joined forces in a local coalition to pit their meager resources against the nuclear establishment. These contestants, the sponsors of nuclear power and those who opposite it, are participating in what could well be a historic contest. Ralph Nader predicts that it will become the biggest citizens' battle of our time.

UNCORKING THE BOTTLE

I became actively interested in nuclear power in 1959 when, as a reporter and photographer for the York (pa.) *Gazette and Daily,* I was assigned to cover the development of the first Peach Bottom plant. That was two years after the nation's first atomic plant had gone on line. Nuclear fission was already being hailed by its boosters as our coming energy source. By 1972, after years of funding and research, only thirty nuclear plants were operating in the country, producing only about 1 per cent of the power. This year, forty plants will deliver 4 per cent of the power. But this picture could change rapidly. Today, according to AEC figures, forty-four plants are licensed to operate, fifty-four are being built and orders have been placed for another 109. By the year 2000,

if current plans hold, more than 1,000 nuclear fission plants may be producing 30 to 60 per cent of the nation's energy.

Here at the start of my discussion it is important to differentiate between uranium or plutonium fission and nuclear *fusion*—still in embryo—which would combine hydrogen atoms from ordinary sea water at extremely high temperatures to produce unlimited energy in a controlled reaction. Nuclear fusion is considered safe by opponents of nuclear fission, who contend that a fusion reactor could not "run away" because it would not accumulate the dangerous radioactive wastes that characterize the fission process. The critics of nuclear power are speaking of power from fission. They contend that available sources of conventional power give us enough time to turn our backs on the atomic plants of today and the immediate tomorrow, and concentrate on developing other potential sources of power. Proponents of fission cite the alleged energy crisis as the prime reason why we must redouble our reliance on that approach to nuclear power.

Despite such fundamental disagreements, all reputable parties in the debate accept several basic premises. First, that a major fission power plant accident would be catastrophic in terms of death, disease and damage to property. Next, that the radioactive materials employed in the fission process are deadly. Plutonium-239, the most dangerous substance ever handled by man, is one of the byproducts of today's reactors and will probably be the principal fuel of tomorrow's. A spoonful of plutonium dioxide particles, if dispersed in the air, is enough to kill millions of people. It also remains active for a long time, and must be contained with no leakage for thousands of years. Thus, even a short-term commitment to fission power means that we would saddle generations to come with its dangers.

The advocates of nuclear power along the Susquehanna are much the same as those elsewhere. They include the utilities that have invested in nuclear power or will do so; giant outfits such as Bechtel, Westinghouse, Gulf Atomic and General Electric which build the plants and supply the nuclear hardware; the Congressional Joint Committee on Atomic Energy and the ubiquitous Atomic Energy Commission (AEC), which has the conflicting roles of promoting the development of nuclear power and protecting the public from its hazards.

These groups form the nation's multibillion-dollar nuclear establishment. They employ a substantial number of people—the AEC alone has some 7,000 workers, a great many of whom have invested most if not the whole of long professional careers in the service of nuclear power. Thousands of well-salaried jobs and the comfort and welfare of many families depend today on the nuclear industry. In York and Lancaster Counties, the most prominent targets of anti-nuclear attack are the Philadelphia Electric Company and the AEC.

The local foes of nuclear power include two small environmental groups (the one in York has some twenty-five members; its neighbor in Lancaster has around 100) and the Peach Bottom and Fulton Township government units which lie on either side of the river just above the Maryland line. Two other Pennsylvania environmental groups, larger and with more muscle, but with diversified interests, support the local protesters. All these in turn draw help and moral support from small but tenacious national environmental and scientific groups such as the Union of Concerned Scientists and the Committee for Nuclear Responsibility, both of which have membership lists bearing distinguished names.

The anti-nuclear people also have friends in the nation's capital, and the number there has been growing of late. Sen. Mike Gravel (D., Alas.) and Ralph Nader have been among the most outspoken critics of nuclear power in the capital. Back in Pennsylvania, former State Insurance Commissioner Herbert S. Denenberg, the consumer-orientated gadfly, entered the fray last summer with the pronouncement that "this is the most important issue ever to face the American public," and the cry that "it may be that nobody but God could write the insurance policy we need on nuclear plants." In addition, the city of Baltimore—which draws drinking water for some 2 million people from the Susquehanna River 9 miles below the Philadelphia Electric nuclear complex—the state of Maryland and the Chesapeake Bay Foundation (an environmental group) are all taking an active interest in the developments upstream.

The five nuclear plants in York County are on the west side of the river. Two are in the northern end, across the river and 5 miles south of Harrisburg, the state capital. The other three are bunched together in a nuclear power complex 26 miles downstream at Peach Bottom. Philadelphia Electric, which owns controlling interest in the three-plant complex, and operates it, has asked the AEC for a construction permit to build two more giant reactor plants—at a cost of $1.5 billion—in Lancaster County's Fulton Township, on a site directly across the river from the Peach Bottom complex. And Philadelphia Electric has notified authorities in Maryland that it thinks of building yet another pair of nuclear stations on the river in Cecil County, just below the state line (see map p. 81).

STAMP OF APPROVAL

The AEC controls the major checkpoints in the development of an atomic plant—issuing the original construction permit and later an operating permit (the AEC's final stamp of approval). The agency holds public hearings before awarding these permits. One recent study called these hearings "charades" because the AEC's "common set of interests" with the utilities and reactor manufacturers almost assures that citizen opposition to a nuclear plant will be defeated. Moreover, according to Steven Ebbin, director of the Environmental Policy Study Group at George Washington University, and Raphael Kasper, a nuclear engineer with the National Science Foundation, the issues are argued in technical and legalistic language that excludes the layman.

But the basic shortcoming of the AEC plant hearings is that they do not provide a forum for debating the issue of nuclear power as such. At most, they permit the AEC examiners to make sure the utility has lived up to the specifications established by the commission. Citizens concerned about the cumulative effects of low-level radiation discharges, the unsolved problems of storing radioactive waste for thousands of years, the danger of nuclear sabotage, theft or blackmail, are likely to derive little satisfaction from local AEC hearings, where the questions they want to raise are often dismissed as irrelevant to the purpose of that meeting.

In York, the anti-nuclear environmental group and its attorney have been trying, unsuccessfully, to keep Peach Bottom Units Two and Three—the two big new reactors—from operating. Petitions have also been filed by the York group and the Peach Bottom Township supervisors, opposing Philadelphia's application for a permit to build the two additional Fulton stations, which the environmental group and government bodies in Lancaster also oppose.

The Philadelphia Electric wants to build these plants in Fulton Township because it already has rights-of-way and power lines there. Also, these large nuclear plants use a lot of water—Peach Bottom Units Two and Three will each take and discharge a billion gallons a day—and the Susquehanna, a mile and a half wide here, is one of the largest rivers east of the Missisipi. Furthermore, the site is only 65 miles from the utility's 1.2 million customers. And only 7,000 people live within a 5-mile radius of the nuclear complex at Peach Bottom, which accords with the AEC's policy of keeping atomic plants away from urban centers. Peach Bottom, however, is small rather than remote. It is less than 60 air miles from Washington, D.C., and about 30 per cent of the nation's 200 million people live within a 250-mile radius of this nuclear complex; 5 milion of them within a 50-mile radius.

Upstream, near Harrisburg, Metropolitan Edison Company heads the consortium that is building two nuclear plants at Three Mile Island at a cost of $1 billion. Met Ed's first reactor, an 871-megawatt unit, was supposed to go on line this year, but there have been many delays. The second Met Ed unit, a 905-megawatt reactor, was scheduled to begin generating commercial power in 1976. The AEC says both plants are about 60 per cent completed.

Most of the local controversy is focused downstream, at Peach Bottom and Fulton. When I was last there, the only unit in operation was a small experimental, 40-megawatt high-temperature gas-cooled reactor, the one I began reporting on in 1959. It began to generate commercially in 1967 and has been running off and on ever since. Philadelphia Electric reports that it has been a successful prototype, but plans to retire the unit within a few years, since its output is too small to be commercially worthwhile. Its immediate neighbors dwarf their dome-shaped senior. These new twin, 1,065-megawatt General Electric boiling water reactors are as big as they come today. An AEC Peach Bottom report notes that "this total industrial complex . . . has . . . considerable visual impact . . . on the surrounding rural scene." The new reactors, turbines and generators are housed in smooth rectangular buildings. Freight cars standing next to the buildings seem borrowed from a child's toy railroad.

THE RISK-BENEFIT ARGUMENT

Thus far, Philadelphia Electric and the other utilities associated in the Peach Bottom project have spent about $750 million on the new plants. The final cost could be more than a billion dollars. Unit Two was supposed to go on line last year but has been plagued by generator and turbine trouble. It finally began generating this July. It is also possible that the utility may have to recool completely all the water it draws from the Susquehanna before returning it to the river. An initial AEC licensing board decision is asking for closed-circuit cooling for Peach Bottom Units Two and Three by January 1977. A final AEC ruling in favor of total cooling, to protect the ecology of the Susquehanna, would force Philadelphia Electric to close down its new reactors and, at the very least, build two additional cooling towers alongside the four already provided for partial cooling. Shutting down the plants and building the two towers would cost a minimum of $112 million, according to Philadelphia Electric.

Because of the AEC's current demand for closed-circuit cooling, Philadelphia Electric has incorporated this system into the design of the proposed Fulton reactor plants, which would feature two 1,160-megawatt high-temperature gas-cooled reactors—enormously larger versions of the prototype at Peach Bottom. Closed-circuit cooling, while it protects fish and other forms of marine life from the harmful effects of hot water, evaporates tremendous quantities of water, and that in turn could upset delicate ecological balances even in a body of water as large as Chesapeake Bay. Forty per cent of the bay's fresh-water input comes from the Susquehanna. The proposed Fulton reactors would evaporate some 28 million gallons of water a day. This loss and the

evaporation from the five other nuclear plants on the river would approximate one-third of the Susquehanna's low water flow.

A sharp reduction in the amount of fresh water emptying into the bay could ruin commercial fishing. Oysters, for one, thrive on the blend of fresh water and salt. Philadelphia Electric rather blithely brushes off this concern about the future of Chesapeake Bay, contending that if unexpected problems do arise, they can be handled without much trouble. The environmentalists and the anti-nuclear people are afraid that if the utility is found to be wrong it might be too late to repair the damage. This difference of opinion is typical of the nuclear controversy. The AEC and the nuclear industry display almost boundless confidence in their ability to solve all problems and contain all hazards should they arise. The anti-nuclear critics contend that the dangers inherent in the nuclear fission process are beyond the present ability of the engineers to contain. In the words of Dr. Henry W. Kendall, a high-energy physicist at M.I.T. and a leading spokesman for the Union of Concerned Scientists, the critics believe that the nuclear proponents should be required to "prove safety beyond all reasonable doubt, rather than for their opponents to prove the contrary." Legislation and suits calling for moratoriums on the operation, construction and export of nuclear-fission power plants until the safety issues have been resolved in the public interest have been introduced and filed by—among others—Ralph Nader, Sen. Mike Gravel and Friends of the Earth, an environmental group.

The pro-nuclear establishment, while conceding that there are grave dangers in the fission power cycle, argues that the ability of atomic power to provide our economy and way of life with the energy it needs to survive and prosper far outweigh the potential hazards. They also contend that it is efficient, clean and relatively cheap, once the heavy construction costs are absorbed. They cite the fact that reactors have been operated for the past seventeen years without a major mishap. Director-General Sigvard Elklund of the International Atomic Energy Agency, who says he "can't see how mankind can survive without more energy," which "nuclear power . . . only . . . [can provide] for the next ten years," contends that these seventeen years without a serious accident are the equivalent of more than 1,000 years of cumulative nuclear reactor experience.

The atomic power advocates are fond of noting that fossil fuels are exhaustible, and contend that mining and burning coal, which they consider the only feasible alternative to nuclear power, are processes too damaging to the environment to be continued. Spokesmen for fission are quick to dismiss alternative sources of power such as solar and geothermal energy, which are free of the risks associated with atomic energy, on the grounds that they are impractical, prohibitively expensive, or beyond immediate reach. All these premises lead the pro-nuclear people to conclude that fission power is the only realistic means to bridge the immediate short-term energy gap and meet the increasing demands for power in the future.

Dr. Ralph E. Lapp, a physicist, nuclear consultant and author, is one of the best known publicists for this point of view. Writing a few months back in *The New York Times Magazine*, Dr. Lapp argued that society must weigh the risks of fission against the demands for more power: "We must consider the question of nuclear safety in this risk-benefit context." He concluded that *if* the highest standards are enforced in the design, construction and operation of atomic plants, nuclear power is "not only an acceptable risk" but the "only practicable energy source in sight adequate to sustain our way of life and to promote our economy."

In its pristine form, the anti-nuclear objection is that fission power demands human and technical infallibility, not just for today and tomorrow but for thousands of years. Dr. Alvin Weinberg, former director of the AEC's Oak Ridge National Laboratory, admits that "once man has opted for nuclear power, he has committed himself to essentially perpetual surveillance of the apparatus of nuclear power."

Although most nuclear critics believe that it is impossible to build a "safe" nuclear power plant, they contend that even if it were, the whole nuclear cycle—power plants, fuel reprocessing centers, transportation, waste-storage facilities—is extremely vulnerable to the threat of accident, war, nuclear blackmail, sabotage and theft. Newspaper headlines and the everyday stuff of the six o'clock news testify to turbulent times. Russell W. Peterson, the former governor of Delaware and chairman of the President's Council on Environmental Quality, said recently that we should move our atomic plants out to sea, that being the only way he could imagine to guard them and population centers from "the potential of sabotage" in an age of growing terrorism.

The critics also believe that radioactive releases from normally functioning nuclear plants are much greater than the AEC and the nuclear industry admit; and that even the most minute emissions of radioactive materials, which all nuclear plants release, will in time increase the number of cancer, leukemia and heart disease victims by the thousands if not millions. The anti-nuclear crowd also contends that, some time, some place, a major reactor accident is bound to occur, and that when it does, enough radioactive poison will be released to kill and cripple many thousands of people, devastate cities and lay waste thousands of square miles of countryside. And, finally, that if we were to abandon atomic fission power and put all the time and research and development funds that it now commands into the development of other sources of energy, we could rather quickly provide society with safe alternatives.

ATOMIC RECEPTACLE

Raymond L. Hovis, boyish-looking at 40, with mod glasses and long, neat, pale red hair, is an attorney in York who has been representing the York opponents of the Peach Bottom reactors, members of the York Committee for a Safe Environment, which is supported by the Central Pennsylvania Committee on Nuclear Power, and the Committee for Responsible Energy Sources of Philadelphia. A former member of the Pennsylvania House, a liberal Democrat and the nephew of former state Gov. George Leader, Hovis is determined to proceed cautiously and keep an open mind.

"I'm not totally opposed to atomic power," he said to me, "but I'm afraid we're going to become a receptacle of nuclear power plants, now that they're talking about nine potential reactors within a 50-mile radius of the city of York (the county seat), if you include the two below the Maryland line in Cecil County." Within nine years, Hovis notes, Pennsylvania is supposed to have fourteen nuclear power plants in operation, most of them along the lower Susquehanna River. Only Illinois, slated for fifteen, would have more. "And no one has ever been asked to license five reactors 2 miles apart," Hovis said, referring to Philadelphia Electric's request to build the two Fulton plants in Lancaster County across the river from Peach Bottom. "As far as Peach Bottom goes, the only thing we can fight for now when it comes to the AEC and Philadelphia Electric is to try to force them to make the plants as safe as they can be under the circumstances."

Hovis said he was unsuccessful last summer when he appeared before a hearing of the AEC Safety and Licensing Board in York to protest the issuance of an operating permit for the new Peach Bottom plants. He tried to argue that atomic plants were proliferating in the York area at an alarming rate; that the AEC had refused to consider the cumulative effects of low-level radiation from the three Peach Bottom plants; that the agency had ignored the risks involved in transporting radioactive fuel and waste materials to and from the nuclear complex, and that the AEC had failed to compel Philadelphia Electric to produce a workable emergency evacuation plan in the event of a nuclear accident.

"The licensing board dismissed all these objections as irrelevant," Hovis said, and granted a conditional operating permit. He has appealed the decision to an AEC appeals board, and is prepared to take his case to court if the board rules against him.

Hovis shook his head ruefully as he thought of the time and work it takes to ready a case for the AEC. Pointing to a row of thick volumes pertaining to Peach Bottom alone, he said, "I had to go through 6 to 8 feet of reading material which the AEC handed me just to get started. I have at least $12,000 down in my time book, and I'm not finished yet." He knows that the chance of getting paid for his work, especially in full, is slight, but he has no intention of dropping the case. "I find it fascinating and very educational, in every way," Hovis said. Another anti-nuclear critic in York put it this way: "The problem is so immense that you go from antitrust laws to windmills and hit everything in between."

All the winding paths of inquiry lead back to a beginning: How dangerous is nuclear power? And how much trust can we place in the hands of its champions?

From the very first, in the immediate post-war era, such people as Albert Einstein and David E. Lilienthal, the former head of the AEC, questioned the safety of atomic power. And, in 1946, an AEC safeguards panel told Lewis Strauss, then chairman of the AEC, that "the committee believes there is insufficient information available at this time to give assurance that the . . . reactor can be operated at this site without public hazard."

The reactor in question was the Fermi fast-breeder plant (a breeder reactor produces more fissionable fuel than it consumes) on Lake Erie not far from Detroit and Toledo. The critics charge that Strauss suppressed the go-slow recommendation, and a few months later the AEC allowed Fermi to build. Protests were lodged and the case went to the Supreme Court which decided for the AEC. The Fermi plant was built but its performance was marked by accidents and long breakdowns and it has since been shut down for good. The Fermi controversy aroused suspicions about atomic safety and the credibility of the AEC which persist to this day.

The next milestone in the nuclear power controversy came in 1953 when President Eisenhower unveiled his Atoms for Peace Program, implemented a year later by an amendment to the original Atomic Energy Act of 1946, an amendment which in essence invited private industry to share in the economic rewards of atomic power, which has been developed with public funds and workers. [See *The Nation* special issue, "The Great giveaway," October 2, 1954.] The 1954 amendment also made the AEC responsible both for promoting the development of nuclear power and protecting the public from it.

The private sector hesitated; it thought nuclear power would be too expensive to produce and sell. And nuclear power plant safety was an unknown factor: insurance companies were refusing to write policies.

INSURING AGAINST CHAOS

The AEC's reply was a veiled warning that if industry refused to go nuclear, the government might set up its own atomic utility. Then the threat was sweetened: government subsidies would be available; the taxpayers would build demonstration reactors, and fuel would be supplied at attractive prices. The AEC also thought of a way to get around the insurance hurdle. The Brookhaven Labora-

tories were commissioned to delve into the hypothetical consequences of a nuclear plant accident. Its findings were presented to Congress in 1957 and they were staggering. A small runaway or exploding reactor could kill 3,400 people within 15 miles of the site; 43,000 people within a 45-mile radius could be injured. Property damage could reach the $7 billion mark, and radioactivity could contaminate an area the size of Maryland. Private insurance companies were unwilling to assume risks of this magnitude. But Congress, more daring, passed the Price-Anderson Act, a law which limited total liability in the event of a nuclear accident to $560 million, of which a utility would be liable for only $60 million. Taxpayers' money would cover the rest.

The critics were quick to point out that the gap between $7 billion in potential damages and $560 million in coverage meant that victims of such an accident might collect 8 cents on the dollar. But the American Nuclear Society hailed the measure as a "real vote of confidence" in atomic power, since even the limited risk that the insurance industry was willing to assume was the "greatest commitment they have ever made for a single hazard."

The AEC felt the Brookhaven report had served its purpose—to demonstrate that the government would have to underwrite the major portion of the nuclear insurance policy—and proposed that it be shelved and forgotten. But it continues to pop up at every debate on the basic premises of nuclear power. To compound the controversy surrounding the Price-Anderson Act, the AEC had its 1957 Brookhaven report updated in 1965. Using the larger reactors that had been developed since the first report, the second Brookhaven findings were indeed awesome; 45,000 deaths, 100,000 injuries, $18 billion to $280 billion in property damages, with fallout from this theoretical accident—equivalent to the release from several thousand Hiroshima-sized bombs—blanketing an area the size of Pennsylvania.

The AEC managed to keep this report secret until 1973, when Friends of the Earth got wind of it and filed a freedom-of-information suit. Reluctantly, the AEC made the report public.

That created another tempest. The findings were terrifying; even worse, the AEC had tried to conceal them. The commission replied that the Brookhaven reports of 1957 and 1965 were based on the "worst" that could happen, and the agency now awaits a new report from a study group headed by Dr. Norman Rasmussen, a nuclear physicist at M.I.T., which is avoiding the "worst case" approach and concentrating instead on the probability of a nuclear accident occurring and the likely consequences if one does. One finding which the Rasmussen report is supposed to make public is the prediction that the chance of an accident occurring for every 100 reactors is one in 10,000 per year or, one in a million a year for a community near any given atomic plant.

Ann Roosevelt, the legislative director and an energy specialist for Friends of the Earth, considers the forced disclosures of the 1965 report a major achievement. "The Price-Anderson Act was up in 1967," she told me in her Washington, D.C. office. "Hearings to renew the law were starting in 1965, the year the second Brookhaven report was completed. The utilities took one look at it and were horrified. They persuaded the AEC that its disclosure would cripple, perhaps even kill, the nuclear power business. So the AEC buried it, and kept it hidden, until we dug it up." Noting that Price-Anderson will be up for renewal again in 1977, Ms. Roosevelt said her group is preparing a determined challenge to the Act. The House has already voted for a ten-year extension. The matter is expected to come up soon in the Senate.

Some nuclear critics feel that even the catastrophic predictions of the Brookhaven reports understate the possible results of a major reactor accident. Dr. John W. Gofman claims that a runaway reactor could kill 5 million people and injure as many more. Gofman, a physician with a Ph.D. in nuclear-physical chemistry, does research work and teaches on the West Coast. He is the co-author with biophysicist Dr. Arthur R. Tamplin of the anti-nuclear book, *Poisoned Power*.

Dr. Gofman is a spokesman for the Committee for Nuclear Responsibility, whose board includes the Nobel Laureates Linus Pauling, chemistry; Harold Urey, chemistry; James D. Watson, biology; George Wald, chemistry; as well as David R. Inglis, a nuclear physicist who was a member of the team that developed the first atom bomb, and the former senior physicist at the AEC's Argonne National Laboratory in Illinois, and Paul R. Ehrlich, the biologist from Stanford. Nevertheless, the champions of atomic power dismiss Dr. Gofman as a crank. The critics charge that the AEC's suppression of the updated Brookhaven report is a good example of why the agency cannot be trusted.

THE TRUE BELIEVERS

Another fear is that the AEC, in the manner of government regulatory agencies, may be identifying more with the industry it is supposed to supervise than with the public it is supposed to serve. Some people also feel the AEC has fallen prey to conceit. Ray Hovis, the York lawyer, put it this way: "People who work for the AEC and the utilities are the victims of their backgrounds. They've been working with nuclear power for so long, and have so much of their lives invested in it, that they have been sold on their own promotion. Nuclear power has been in existence for only thirty years, and these people . . . feel they know a hell of a lot more about it than anyone else."

Raymond Powell, a nuclear core physicist and the AEC licensing project manager for the Peach Bottom reactors, has spent his entire career in the atomic power field—a background "that is common for 75 per cent of the senior AEC people." Before joining the AEC, Powell worked in the private sector for AMF's Atomic Division in York.

Most of the people I've met in the nuclear establishment seem dedicated, capable and professional. Powell, whom I met with at AEC headquarters in Bethesda, Md., is that kind of man. He cultivates a deliberate, self-contained manner, but underneath has a deep faith in atomic power—seeming closer to certainty than mere confidence—that is characteristic of the nuclear industry. "This is the most regulated industry in the nation," Powell said. "If everyone met the kind of standards we impose, you'd hear no more about consumer complaints.

"We're very strict and rigid when it comes to basic specifications. And the whole nuclear process is one of continuous review—to upgrade all phases in the field as we go along. We have an environmental monitoring program. We're very conservative. You have to be," Powell insisted, "when you're talking about public safety." He pointed out that AEC staff recommendations at Peach Bottom "could cost Philadelphia Electric $2 million to $3 million if they have to shut down" to reduce the radioactive emissions from the new plants and build more cooling towers.

Powell readily conceded that "a lack of coolant is the most crucial point" of concern at a nuclear power plant, but insisted that every imaginable safeguard is employed to guard against it. He also said that radioactive emissions at Peach Bottom would be "as low *as practical*, using the current state of the art." (*Emphasis added.*) This would be only a fraction of the amount of natural background radiation in the area, Powell said, explaining that the AEC monitors radioactive discharges "at a point where the [smoke] stack ends, where it leaves the plant, where the plant loses control." This means that each plant is monitored individually. (Soil and milk tests are made to measure cumulative effects.) The anti-nuclear forces in York call this a meaningless standard saying that the total amount of radioactivity released by all three nuclear plants at Peach Bottom is the relevant index. I tried to pin Powell down on this. He smiled politely, shrugged his shoulders, but declined to tell me what he thought would be the most valid yardstick. I later read an AEC instruction sheet which cautions its employees "never to disagree with established policy" at AEC safety policy hearings.

This attitude prompts people like Hovis to complain that "the whole trouble with the AEC—and the utilities—is that they say 'we'll meet whatever regulations exist.' But the AEC establishes the regulations. And you can't pin them down. It's like wrestling with an octopus waving arms of rules and regulations all around and in and out. When we talk about low-level radiation discharges, they tell us the emissions fall below the federal threshold for each plant. But this ignores the accumulated or total amount of radiation at Peach Bottom. It also ducks the validity of these federal standards. Whenever we raise the issue of future problems, we're assured that when the time comes they'll be taken care of. But what do you do, for instance, with a 'hot' nuclear plant? They're licensed for forty years. We've been told they'll get 'leaky' by then. They've never decommissioned a hot nuclear plant—and there's going to be hundreds of them around if this keeps up." Hovis showed me a thick AEC booklet on Peach Bottom which proposed an estimated $100 million figure to decontaminate completely a 1,100-megawatt nuclear plant.

Chauncey R. Kepford of York, who has a Ph.D. in chemistry, is one of the most active members of the local anti-nuclear group. He has channeled all his time and energy into his fight against nuclear fission, creating a whole new life style for himself in the process. He is very critical of the AEC public hearings: "We're strapped to the AEC's quasi-legal format, which means we can't stop these plants because the AEC in general is in the crazy position of being advocates of nuclear power, who assume it will be the normal means of power generation in the future. At most, all these guys are interested in is getting what they call 'proper technical regulation.' "

Kepford, 35, is tall, lanky and bearded. He moved to York several years ago to teach chemistry at the local Penn State extension campus. Before that he had worked as a radiation research chemist for a New England laboratory. While he was still teaching, Kepford came across a story in one of the local newspapers reporting that Met Ed Company had applied for a U.S. Corps of Army Engineers' permit to dump 50,000 picocuries of tritium (radioactive hydrogen) per liter of water into the Susquehanna River from the Three Mile Island atomic plants. Kepford thought this excessive, and he publicly questioned the Corps of Engineers and the utility about the proposed discharge. The amount was lowered from 50,000 to 500 picocuries. Curious, Kepford decided to look into the nuclear power issue.

"I started off by reading popular paperbacks on nuclear power," Kepford said. "But I was still kinda casual about it. Being a reference freak, I started checking up on the AEC and all the other government stuff. And what I found just blew my mind."

Kepford evolved into a full-time opponent of nuclear power. He lost his college teaching job, his wife and three children. Kepford claims pressure from the nuclear establishment was applied to have him fired from Penn State. Protesting his dismissal, Kepford hired a lawyer, and a settlement was reached

out of court. He said he has "enough money to keep going" while he pursues his fight against nuclear fission power. His wife left, taking their three young children with her. "My wife was against nuclear power too, but not that committed"—waving a hand at the voluminous library he has put together on atomic power. "I have to keep fighting," Kepford said. "It has to do with self-respect."

"The only real hope at Peach Bottom," Kepford contends, "is the courts. If the AEC appeals board turns us down, the next step is the Circuit Court of Appeals." He thinks the anti-nuclear position will receive a fair hearing in court. Justice William O. Douglas and the late Hugo Black, in their dissenting opinion in the Fermi atomic plant case, called the AEC's attitude "a light-hearted approach to the most awesome, the most deadly, the most dangerous process that man has ever conceived."

Dr. Gofman, discussing the AEC public hearing process, charges that "concerned citizens have been led, like lambs to the slaughter, into the promoters' arena. . . . But [this] is no technical controversy that can be resolved by a debate on the merits of specific gadgets in the nuclear power industry. What is really at issue is a moral question—the right of one generation of humans to take upon itself the arrogance of possibly compromising the earth as a habitable place for this and essentially all future generations."

I've attended AEC hearings. The utilities' representatives and the government people sit apart, but even so, I think it is difficult for a layman to distinguish between them—they all seem to be on the same pro-nuclear team. But those who work in the industry do not feel that way. I went to Philadelphia to talk to the key personnel in Philadelphia Electric Company's nuclear division. Jack L. Allen, a likeable witty man, is the chief assistant mechanical engineer. He told me about Philadelphia Electric's four-year attempt to obtain an AEC construction permit for its proposed Limerick nuclear plant on the Schuylkill River near Pottstown. "We filed for a construction permit in February 1970 and haven't gotten it yet. It's the longest delay in AEC history." In its most recent annual report, the utility attributed the delay to "susbtantial changes in AEC regulations and prolonged public hearings." One after another, industry spokesmen, appearing at recent hearings on reactor safety conducted by the Joint Committee on Atomic Energy, complained that the new AEC standards for emergency core cooling systems are unnecessary, time-consuming and expensive.

"It's costing us $5 million a month to do nothing at Limerick," Allen said. "In the long run, the ratepayers will probably wind up paying for the delay. It's been two years since the AEC Advisory Committee on Reactor Safeguards hearing. We've satisfied every requirement, written and unwritten. We've asked the AEC five times for a variance to get moving at Limerick, because we can't turn a spadeful of dirt without a construction permit. But we've been having a real problem getting the AEC to schedule hearings for us." The solution, Allen says, "is to speed up the whole licensing procedure."

The Joint Committee would like to do that, too, but there are people even within the AEC, such as Oak Ridge safety director William B. Cottrell, who opposes shortening the procedure. It now takes seven-to-ten years from the time initial plans have been drawn to get an atomic plant operating. Allen showed me seven thick volumes on Peach Bottom, a project they have been working on for years. "We've answered 1,500 questions from the AEC on Peach Bottom alone," he said. Philadelphia Electric, the sixth largest private utility in the nation, is nevertheless determined to go nuclear. It has large interests in seven reactor plants. "We are planning for 70 per cent of our electric generation to come from nuclear plants by the mid-1980s," the utility said. This means "expenditures of $3.2 billion over the next five years, compared with $1.5 billion during the past five years." This is "more than a lot of money," Philadelphia Electric said. "It's an *enormous* (utility's emphasis) amount of money . . . that has to be raised in the financial market—at high rates of interest." Recently, in order to keep moving toward the nuclear future, Philadelphia Electric issued another mortgage bond issue, this one for $125 million.

A utility's profit is based on invested capital, and private utilities enjoy one of the highest industrial rates of return in the country. But even a mighty utility like Philadelphia Electric—with more than $95 million in profits for 1973, the last year for which complete figures were available—could take a back seat to those largely invisible sources of *"enormous* amount[s] of money . . . at high rates of interest." Some of the anti-nuclear critics believe that the real attraction of atomic power lies not in its ability to produce energy but in its ability to generate financial rewards for those who invest in it.

Trying to give me an idea of some of the costs involved, Philadelphia Electric engineer Robert Logue told me that Peach Bottom's $750 million figure included $40 million each for the two reactor cores, $180 million to fuel each of the two units for a year, and $15 million per reactor just to put in fresh uranium fuel rods each year and take out the spent fuel and waste. "We're spending $1.5 million to $2 million a year just to monitor the temperature in the Susquehanna River."

Money. The nuclear industry has money on its side. Private money and government money. Money for attorneys, for consultants, for expert testimony. Money for laboratories, for salaries. There are no financial rewards worth mentioning, at least yet, in bucking the nuclear establishment. Experts who present anti-nuclear testimony at hearings consider themselves lucky if their expenses are paid. Sometimes they pick up a $50 fee. They labor out of conviction and are often stimulated by harassment, which at times has given the anti-nuclear crowd an air of martyrdom. Leo Goodman, who was the AFL-CIO's top energy expert and science adviser to the late Walter Reuther of the Auto Workers union before he was forced to retire, showed me a list he's compiled of "forty-three top scientists who," Goodman alleged, "have been fired or harassed because they either spoke out against nuclear power or questioned it."

I mention Goodman, and Chauncey Kepford in York because, right or wrong, they have the kind of intense passion that money can't buy, the kind of save-the-world religion that is said to move mountains. But money is also essential. "You'd have to have at least $50,000 to make a proper case against a utility in a nuclear power hearing," says Ray Hovis. "For studies and expert testimony—to really know what you're doing." He thinks the government should provide "seed money" for the opponents of nuclear power, to stimulate a debate which he feels would be in the public interest. Legal fees are no problem for Philadelphia Electric—its customers will pay them.

"CHINA SYNDROME"

Hovis interrupted his discourse on legal expenses to exclaim, "God, it would be just unbelievable if these nuclear reactors ever blew up." There is no danger that an atomic power plant could ever explode like an atom bomb. Hovis was referring to the possibility of a loss-of-coolant accident.

Conventional steam-driven electric plants burn fossil fuels—sometimes as much as 100 tons an hour—to heat water in a boiler. In an atomic plant, the reactor takes the place of a boiler. The reactor core is a thick cylindrical steel containment vessel into which long, slender rods containing uranium fuel pellets are inserted and withdrawn to create and control the nuclear reaction. Reactors are also equipped with control rods, usually made of a special silver alloy, which can be inserted into the fuel core to modify or stop the reaction. Vast quantities of water are poured into a water-moderated reactor such as the giants at Peach Bottom, to promote the fission process as well as to cool it.

The reactor core is encased within walls of concrete and steel designed to withstand earthquake, flood or plane crashes.

The radioactive materials within the reactor must be covered at all times by water or cooled by gas to prevent the core from overheating and melting into a large radioactive mass that could not be cooled or contained.

The important word in the much discussed loss-of-coolant issue is "if"—*if* there's a sudden failure in the complex plumbing or steam supply piping systems; *if* all the many backup safety devices and systems prove inadequate or fail to function. What then?

Within an hour or so, a cloud of radioactivity would burst from the rent containment vessel, to be caught up and dispersed by the wind. Then, since nothing could contain this overheated radioactive fuel, it would melt together into a molten mass weighing several hundred thousand pounds and eat its way down through the reactor core and into the primary containment core and from there down into the earth. This is called the "China Syndrome," and no one is willing to guess exactly how far the molten mass would sink. In any case, a huge radioactive mass a couple of hundred feet down in the earth would take years to cool.

The barrier standing between us and such an accident is the emergency core cooling system, designed to pour emergency coolant into the core should the primary systems fail. This emergency system has never really been tested. According to the American Nuclear Society, a full-scale test would cost around $250 million—"prohibitively expensive" and "impractical," the society says—because a large part of the system would have to be destroyed for each test. Six out of six mini-scale tests of emergency core cooling systems sponsored by the AEC have failed. So all we have to go on is an earnest assurance from the AEC and the nuclear industry that the emergency system *will* work if and when the time comes.

Radioactive releases from a nuclear power plant are also of major concern. In the case of Peach Bottom the AEC staff contends that there will be "significant" releases of radioactive iodine from the new plants and wants Philadelphia Electric to reduce them. The AEC licensing board, overruling the AEC staff, gave the utility a conditional operating permit for a specified time, during which the utility must monitor its radioactive discharges into the atmosphere, along with the effects of pouring heated water into the Susquehanna. If the AEC continues to find the iodine discharges excessive, it will probably recommend the installation of charcoal filters on the vent stacks. The agency will also require the utility to shut down the new plants and build more cooling towers if the ecology of the river appears to suffer under the present cooling system.

The AEC has reduced by 97 per cent its estimate of the number of millirems of iodine-131 that might injure a 2-year-old child. The thyroid gland has a special affinity for iodine, and a child's thyroid is considered especially vulnerable. Children are milk drinkers; thus a cow grazing on radioactive grass could pass the contamination on to a child. The nuclear critics contend that plants and animals consumed by man can concentrate massive quantities of radioactive substances.

ENERGY AND CANCER

Opinions in the scientific community vary on the question of how much radiation is harmful. In 1955, in a paper banned by the AEC, Dr. Hermann J. Muller, a Nobel Prize-winning scientist, said "there is no amount of radiation so small that it cannot produce harmful effects." One thing is certain: the amount of radiation considered safe by regulatory bodies keeps dropping.

It is especially hard to assess the hazards of radiation because the signs of damage are often so long delayed. Of course, victims of high-level radiation suffer injuries that are immediately recognizable, but those exposed to harmful low radiation do not. The period between radiation and the appearance of cancer is quite long. Leukemia, often called blood cancer, does not become evident for at least four or five years; other forms of cancer may take fifteen to twenty years. It is even more difficult to relate radiation to genetic defects because the cause-effect connection may not be apparent for generations.

Dr. Linus Pauling recently told me he believes that "the radiation hazards from nuclear plants involving nuclear fission are such that no more fission power plants should be built. The problem of preventing damage from leakage of radioactive substances produced in power plants is such a serious one as to justify banning them entirely."

Pauling, who is associated with the Institute of Orthomolecular Medicine in California, said "high-energy radiation and the nature of the gene are such that genetic mutation could occur even at the smallest dose rates . . . that is, there is no threshold below which no genetic or somatic damage is done by high-energy radiation." Pauling notes, first, that the American people are exposed to 110 millirads of whole body ionizing radiation each year from background or natural sources; next, that the Federal Radiation Council in 1970 declared that the public could safely be exposed to an additional 170 millirads per year. Pauling alleges that this additional exposure would result in the following annual increases: 12,000 children born with gross physical or mental defects; 60,000 embryonic and neonatal deaths; 2,200 leukemia cases and 96,000 bone cancer deaths.

According to the AEC's 1973 final environmental report on Peach Bottom, radioactive releases from the new reactor plants—in the form of gas, particles and water—will be minuscule as compared to the natural background level around the plant. Harking back to the small prototype gas-cooled high-temperature Peach Bottom reactor, Philadelphia Electric engineer Jack Allen said "We've had extremely good experience in terms of leakage—a thousandth of what the AEC considers tolerable. The radiation dial on my watch," Allen told me in Philadelphia, "gives off more radiation than you'd get around the plant. And you'd get thirty to forty times the amount of irradiaion in an airplane ride as you'd get around Peach Bottom."

The American Nuclear Society says we get 55 millirems of radiation a year from X-rays, five from other sources including television sets, and less than a tenth of one per cent from nuclear plants.

Dr. Ernest J. Sternglass, who has a reputation for being a scourge to Philadelphia Electric and Pennsylvania's other nuclear utilities, is a professor of radiation physics at the University of Pittsburgh. He charges that 100,000 times more radiation than was anticipated has emanated from the Peach Bottom site and that as a result infant mortaliy is on the rise in York and Lancaster Counties. Displaying large statistical charts, Sternglass alleges that the number of infants with leukemia and cancer is also increasing in the vicinity because pregnant women have been exposed to radiation. (The fetus is believed to be fifty times more vulnerable to radiation than are adults.)

Philadelphia Electric has supplied a mass of expert testimony to refute Sternglass, and the American Nuclear Society claims that he cannot prove his charges, that his statistical methods have been found "erroneous" and that his conclusions have been repudiated by any number of state health departments, the Health Physics Society and the American Academy of Pediatrics. But the number of scientists who believe that his work merits further consideration seems to be growing.

They are especially worried by Sternglass' case against the Duquesne Light Company's nuclear plant at Shippingport, in western Pennsylvania. Built in 1957, Shippingport was the first atomic plant in the nation. In 1972 Duquesne Light claimed it was the "cleanest, safest nuclear plant in the world," alleging it was the first to record zero gaseous releases for a year. Yet Sternglass claims that Shippingport has contributed to marked increases in cancer, leukemia, heart disease and infant mortality along the Ohio River all the way from Pittsburgh to Cincinnati. One of his most telling allegations is that infant mortality in the town of Aliquippa, 9 miles from the Shippingport reactor and 30 miles below Pittsburgh on the Ohio, rose in 1970 to its highest peak since 1945: forty-four deaths per 1,000 births, the most reported for any town in Pennsylvania that year. The infant mortality index is considered significant because in the 1930s and 1940s improvements in health and medical care steadily reduced the number of infants who died in their first year. Then in 1951, when the atom bomb tests began, the mortality rate for infants in this country suddenly reversed itself. When the nuclear bomb tests stopped, the rate dropped. Then once again it began to pick up. The AEC and the nuclear industry said the infant mortalities cited by Sternglass were the result of natural causes such as flu epidemics or pneumonia. But some scientists began to agree with Dr. David Inglis, the physicist, who in 1972 said, "despite . . . reservations, the collection of cases that Sternglass presents would seem to suggest that there is a relationship between fallout and infant mortality of the general nature he claims."

Duquesne Light Company sent Sternglass one of the environmental reports it had prepared for the government on Shippingport. Instead of reassuring him, which he assumes was the utility's intention, Sternglass said he was shocked by what he found in the fine print of the study. He said the utility's report indicated that the presence of radioactive strontium-90, cesium-137 and iodine-131 in air, soil and milk samplings around the plant was fifty to 100 times normal.

When Duquesne Light announced it was applying for a construction permit to build two large nuclear reactor plants at Shippingport, the Mayor of Pittsburgh and many civic and environmental groups—disturbed by the Sternglass allegations—spoke out. Pennsylvania Gov. Milton Shapp appointed a special commission to investigate Sternglass' charges.

The commission's final report, released this summer, said there was insufficient information to either prove or disprove the Sternglass allegations because systems designs to monitor radioactive releases from nuclear plants have been "inadequately devised and carried out" by the AEC and the nuclear industry. The committee then asked the federal government to initiate "accurate and reliable" radiation monitoring programs and to establish health physics programs at all nuclear power plants.

In one year, a large nuclear plant produces as much long-lived radioactivity as the explosion of some 1,000 Hiroshima-size bombs—including cancer-producing products such as strontium-90, cesium-137 and plutonium-239. Dr. John Gofman presents his statistics as follows: Initially by-passing the plutonium issue, he cites the total amount of radioactivity released by all atom bomb tests through 1963. Then he cites estimates from the AEC on how much nuclear fission energy will be produced within the next thirty-to-fifty years, and with it, the yearly amount of radioactive products which will be created by these 1,000-plus nuclear plants. Next, Gofman cites the amount of radioactivity which would be released if only one one-thousandth of this material escaped. In that case, he concludes, the American public will be receiving 200 times the annual rate of radioactivity it got during the atom bomb-testing days—3,800 millirads of radioactivity yearly compared to 19 millirads from bomb fallout.

Proponents of nuclear power are disposed to scoff at Gofman's charges. Some of his credentials read as follows: professor of medical physics at Berkeley; former associate director of the AEC's Lawrence Radiation Laboratory; co-discoverer of a number of elements, including uranium-232, and the fast neutron fissionability of uranium-233; co-inventor of the uranyl acetate and columbium oxide processes for plutonium separation. Gofman has also been a pioneer in the field of medical research for the past twenty years, especially in the area of coronary heart disease.

Dr. Gofman and Dr. Arthur T. Tamplin, the biophysicist, have already led a successful fight to lower the radiation threshold. They were working at the Lawrence laboratories in 1963 when the AEC assigned them to evaluate the hazards of atomic radiation. The two men released their findings in 1969, concluding that if everyone were to receive more than the 170 millirads of radiation which federal standards claimed the public could be exposed to without harm (in addition, that is, to natural or background radiation), "there would, in time, be an excess of 32,000 cases of fatal cancer plus leukemia per year, and this would occur year after year."

Gofman and Tamplin expected the AEC to "welcome our report on cancer plus leukemia risk—especially since the findings were being made available before a massive burgeoning of the nuclear electricity industry." Instead, their report touched off a furious, bitter controversy that is still raging within the AEC and the nuclear industry. The American Nuclear Society derided their claims, contending their conclusions were "false" because based on "improper use of existing data" and aggravated by "impossibility." Besides, the society added not long ago, "their charges have lost all revelance" since the AEC revised its standards downward on the amount of radioactivity a nuclear plant is allowed to release. This—in line with the suggestions of Gofman and Tamplin themselves, and as finally recommended by the National Academy of Sciences—is now 100 times lower than the old AEC threshold.

Dr. Tamplin is back in the headlines again, this time spearheading a National Resources Defense Council drive for a dramatic reduction of the level for radioactive plutonium. Measured in curies, it is already very low, but Tamplin and the public-interest law group, in petitions to the AEC and the Federal Environmental Protection Agency, are now asking the AEC to make its standards on plutonium 115,000 times more stringent to protect the public from this man-made element.

THE BURDEN OF PLUTONIUM

A large, 1,100-megawatt nuclear plant—like those at Peach Bottom and the proposed Fulton reactors—produces some 200 pounds of plutonium per year. Plutonium has a half-life of 24,000 years and is one of the most poisonous elements handled by man. Dr. Donald Geesaman, an authority on plutonium hazards at the Lawrence Radiation Laboratories in California, estimates that a pound of finely dispersed plutonium-239 dioxide is sufficient to cause some 9 billion cases of lung cancer. And the 8,820 pounds of plutonium the AEC says we'll produce in

fission reactors this year is expected to increase to an annual 600,000 pounds by the year 2000.

Today's water-moderated reactors use uranium-235 fuel elements, but uranium-235 is only 1 per cent of natural uranium, and is expected to last only another thirty years or so. That is why the nuclear industry is pushing the development of the "breeder" reactor, which would operate at very high temperatures, be cooled by liquid sodium, and produce more fissionable materials in the form of plutonium than it consumes. Plutonium, then, would replace uranium as the basic nuclear fuel.

This would mean, according to critics such as Dr. Gofman, that we would be producing around 15,000 tons of plutonium-239 a year forty or more years from now. If we contain 99.9999 per cent of this future annual total, says Gofman, the "amount escaping confinement would be one part per 1 million. . . . If we assume only one particle out of every million is inhaled annually thereafter, we would still be creating 27 million cases of cancer each year thereafter.

"Plutonium particles, once dispersed into the environment, can settle to the ground and be borne aloft by winds for centuries and still be essentially fully capable of producing lung cancer. In human time-scales, plutominum dispersed into the environment will be a hazard for at least 100,000 years." But other scientists, such as Dr. Glenn A. Seaborg, former AEC chairman and a co-discoverer of plutonium, while conceding its toxic nature, believe it can be contained and safely employed in nuclear plants as one of our major energy sources.

The AEC is spending an estimated $366 million out of its fiscal 1974 budget of $517 million to develop the breeder—a joint TVA-private utility-AEC project—which the agency is expected to finance with an additional $4 billion or more by the time the project is completed in the 1980s. However, if the standards on plutonium are drastically revised downward, as Dr. Tamplin and others are now asking, the cost of building and operating these proposed plutonium-breeding reactor plants would become much more expensive. The cost of transporting radioactive materials around the country and storing radioactive waste would also increase. And many critics of nuclear fission believe that the dangers of a reactor accident or "routine" radioactive emissions from nuclear power plants might be less in the long run than the hazards they site in other links of the nuclear chain. These dangers, they say, include transportation accidents or mishaps at fuel reprocessing plants, the threat of nuclear blackmail, the danger that weapons-grade nuclear material will be stolen and made into clandestine atomic bombs, and the necessity to contain long-lived radioactive waste materials for thousands of years.

The last of these problems is not just an alarming possibility; it is a certainty. When enriched uranium completes its year or more of duty inside a reactor the spent fuel is highly radioactive. This waste is held at the site of the plant which produced it until some of the radiactivity decays. Then it is all shipped to a reprocessing plant where the hot material is removed from the steel or graphite fuel rods and chopped up and dissolved. Some of the spent nuclear fuel can be processed for reuse; the rest is sent to storage sites.

Former AEC chairman David Lilienthal warned that this process involved "a risk of error at every step." Dr. Hannes Alfven, the Nobel Laureate in physics from Sweden, alleged that "in a full-scale fission program, the radioactive waste will soon become so enormous that a total poisoning of our planet is possible." The AEC position was recently expressed by Dr. Frank K. Pittman, director of the agency's division of waste management and transportation: "The problem of waste storage is the least of any nuclear problem, but the problem is that you have to do it forever."

The AEC has not been able to come up with a fool-proof solution. One proposal is to store the waste in salt mines. Here is Alfven's reaction to that notion.

"It is claimed by some that these [salt mines] are geologically so stable that there is no risk of leakage from the repository into the biosphere. This is questioned by a number of geologists. There is no doubt that the salt mines could be considered safe for any normal waste products. But because of the very large quantities of extremely poisonous substances, it is required that the repository should be absolutely free of leakage for a period of hundreds of thousands of years. No responsible geologist can guarantee this, simply because the problem is one of which we have no experience."

There have been spills at the AEC's 560-square-mile waste-storage facility at Hanford, Wash., where eleven of 151 containers developed leaks between 1944 and 1970. One of the most recent, and largest, according to an AEC announcement in June 1973, was the escape of 115,000 gallons of radioactive waste, which seeped from a corroded steel tank into the soil under Hanford. The leak had gone undetected for six weeks because a supervisor at Hanford failed to read a report showing that levels in the tank had been dropping. This spillage occurred a year after the American Nuclear Society said that "nuclear wastes have been successfully stored since the very beginning" of the atomic energy program, and that "massive tank failures resulting in large flows . . . have never occurred and are not expected."

The AEC tried to minimize the seriousness of the Hanford spillage, contending that radioactivity had not escaped to the atmosphere and that there was no way it could reach ground water. Critics in the state of Washington charge that the ground water beneath Hanford has already been heavily contaminated by radioactive leaks, and that this spillage might work its way underground to the Columbia River, 10 miles away.

The AEC's position was that radioactive wastes could not and would not pass through the ground into underground water tables and from there into a community's drinking supply. But that did happen last summer to the Colorado town of Broomfield, midway between Boulder and Denver. The presence of tritium—heavy hydrogen—in the Broomfield reservoir was found to be ten times higher than normal. The normal background level in Colorado is about 1,200 picocuries per liter of water; the highest reading in the Broomfield reservoir was 23,000 picocuries of tritium per liter. Colorado's governor called the discovery "alarming but not dangerous" for the town's 13,000 residents. The tritium contamination was traced to waste dumps at the AEC's nuclear weapons factory at Rocky Flats, 5 miles from the reservoir. Colorado health officials found tritium concentrated at 3 million picocuries per liter in a creek a mile from the weapons site. Colorado standards hold that 1 million picocuries of tritium per liter of water is the upper safety limit.

BLACK MARKET BOMB

Transportation is another vital link in the nuclear power cycle. Philadelphia Electric engineer Robert Logue estimates that there will be around 600 pounds of spent fuel per year from each of the two big nuclear reactors at Peach Bottom. This means that about 200 truckloads or sixteen railroad cars of radioactive material (in very bulky containers) will leave Peach Bottom each year. "This material would range from zero to very hot in terms of radioactivity," Logue said. "Five to 15 pounds in every 200 would fall within the 'hot' radioactive category."

Philadelphia Electric plans to truck the spent fuel south on Route 1 to Baltimore, around the city beltway, down to Washington, D.C., and around the D.C. beltway south to a nuclear reprocessing plant in Barnwell, N.C. If the spent fuel goes by train it will move from Peach Bottom to the city of York, which has a population of 50,000 centered in a metropolitan area of 180,000.

"This means it'll have to be transferred here from one railroad company car to another," Ray Hovis said in York. "The utility says it will ship it as fast as possible—but you know the railroads. And the utility's 'bad weather' truck route is through the small (York County) towns of Dallastown and Red Lion. What happens if there's an accident in these communities? What happens if someone grabs one of these trucks, runs it up to the White House from the beltway and tries to blow it up?"

Raymond Powell of the AEC feels the probability of a serious accident or theft in the transportation of nuclear fuel and waste materials is minimal. "You can't transport nuclear fuel any old way," Powell said. "And we're in the process of rewriting our regulations as to what standards must be met. Every truck will be required to have at least one armed guard with it, and they'll have to phone in to a checkpoint every two hours. And the design of the casks used in this shipping is such that there would be no radiation leakage in the event of an accident."

These nuclear shipping casks are designed to withstand a 30-foot free fall, exposure to a blazing fire for a half hour and submersion under water for at least eight hours. There have been relatively few accidents in the transportation of nuclear materials, and when they have occurred, the thick lead and steel casks have apparently contained all radioactive material. How well the record will hold up is problematical. Highway safety figures average out to one accident every million miles. More nuclear plants in the future will mean more nuclear shipments, and the probability of nuclear road accidents will rise. When asked about the likelihood of sabotage and theft, Powell of the AEC and Allen and Logue of Philadelphia Electric contend that such fears are the ingredients of James Bond movies. "While it theoretically might be possible to steal enough plutonium for a bomb, it is believed to be impractical," according to the American Nuclear Society. "Throughout its processing the plutonium is very carefully controlled, and strict accountability is maintained for economic, safety and munitions reasons."

But a report prepared for the AEC, and recently released by the Senate Subcommittee on Executive Reorganization, used the words "entirely inadequate to meet the threat" in describing the steps taken to prevent sabotage and theft. And Theodore B. Taylor, once a nuclear bomb maker, claims it would be "comparatively easy" to steal nuclear material and make atom bombs from it. While he was working for the AEC at Los Alamos, Taylor designed one of our smallest and lightest fission bombs (less than 50 pounds) and the largest-yield hydrogen bomb ever exploded. Taylor, a theoretical physicist, is no longer designing nuclear weapons. He is now active in the nuclear safeguards field, urgently warning the public about the dangers connected with nuclear fission—dangers which Taylor alleges are increasing because each new atomic plant means more weapons-grade nuclear material.

According to Taylor, all the information necessary to make a bomb in a basement is readily available. Little Boy, the bomb that killed 100,000 people at Hiroshima, was a 15-kiloton weapon containing 60 kilograms of weapons-grade nuclear material. The AEC has said we will produce 4,000 kilograms of plutonium in the United States this year.

It is now buried as waste or stored for the time when it may be valuable as nuclear fuel. A thousand or more nuclear plants by the turn of the century means the United States would be producing more than 250,000 kilograms of plutonium a year.

Taylor was the subject, a few months back, of a disturbing series of *New Yorker* articles (now expanded into a book, *The Curve of Binding Energy*, Farrar, Straus & Giroux), in which the physicist told author John McPhee that a sliver of uranium-232 about three-quarters of an inch square, if fissioned, "would be enough to knock down the World Trade Center" in New York. A "crude" bomb, with a yield of only a kiloton and its related "weapons effects," Taylor told McPhee, could wipe out New York's financial district and kill 100,000 people. A tenth of a kiloton exploded outside a nuclear plant would be sufficient to destroy the reactor and release from its shattered remains enough radioactivity to match the fallout from a 100-megaton bomb.

The AEC said that a person would need the special skills and experience of a Theodore Taylor to make a clandestine atom bomb. Taylor disagrees, insisting that anyone with a rudimentary knowledge of reactor theory and engineering could do the job. All the necessary information is available, he says, in public print.

Taylor took McPhee on a tour of key nuclear installations. They visited atomic power plants, fuel reprocessing centers, waste-storage facilities, nuclear weapons sites, shipping points. Taylor kept pointing out how inadequate were the safeguards. Gates were open, doors unlocked, fences were low, accounting procedures were casual, some guards were absent, others hadn't officially qualified with the pistols they carried. But safeguards cost money. We spend billions yearly on nuclear weapons, and only $4 million to $6 million a year to protect nuclear materials. Nor is money the only consideration; the nuclear industry is also concerned for its image. It is said that every nuclear shipment in the Soviet Union is accompanied by a Red Army guard, but the idea of employing U.S. Army troops to accompany nuclear shipments is repugnant to an industry that is spending millions to assure the public that nuclear power is safe.

The AEC claims to have updated its security standards and that measures are now taken to guard against nuclear theft, sabotage, blackmail or any other illegality "short of significant armed attack." Theodore Taylor says this is not enough to stop a *significant* attack. Money is better protected than uranium or plutonium, Taylor said, at a time when uranium-233 sells for around $25,000 a kilogram and an ounce of plutonium-239 is worth ten times more than an ounce of gold. Critics believe that a nuclear black market will spring up to supply nonnuclear nations, guerrillas, terrorists and criminals with weapons-grade material. They point out that 2 per cent of everything shipped in this country is pilfered. They also repeat allegations that organized crime has made deep inroads into the transportation industry. Taylor seems to say that the only effective protection against nuclear theft and clandestine bomb-making is to abandon nuclear fission power. Besides, Taylor is among those who believe that there are a number of other solutions to the energy problem.

A VARIETY OF ENERGY SOURCES

Nuclear fission receives the largest percentage of the tax money spent on energy research and development. But a growing body of literature promotes solar and geothermal energy, nuclear fusion, the production of clean oil and methane gas from animal waste and urban garbage, power from the wind and tides, the large-scale cultivation of algae plants which can be converted by fermentation to methane gas, and the conversion of coal into clean energy. Combinations of these potential energy sources can be brought into play, the opponents of nuclear power claim, to supply the nation with the energy it requires. This would avoid the eggs-in-one-basket approach that has dominated the nuclear establishment.

According to federal figures, energy research and development money will be spent in fiscal 1974, as follows, $517 million will go for nuclear fission—$366 million of it for the breeder reactor; $98 million for nuclear fusion; $18 million for solar energy; $11 million for geothermal power; and $167 million to convert coal into oil and gas—triple the amount of research money coal received last year.

The United States derives two-thirds of its energy from fast-depleting sources of natural gas and petroleum. Coal accounts for 88 per cent of its fossil energy reserves, and most of the nuclear proponents contend that coal is the only alternative to nuclear fission in the immediate future. However, they deplore the large-scale exploitation of coal on the grounds that strip mining will brutally assault the landscape and that burning large quantities of coal will poison the atmosphere. Some of their opponents believe that methods are available or can be developed to mine coal without despoiling the environment, but most of them contend that a debate over the merits and disadvantages of fission and coal is misleading because there are other alternatives to both fuels.

Nuclear fusion, for example, might be available and practical within the next twenty years, and perhaps much sooner, if the process receives more support and money. A nuclear fusion power plant would create energy by combining deuterium—heavy hydrogen—atoms at sensationally high temperatures. Scientists have not yet been able to sustain a continuous fusion reaction, but studies employing high-powered lasers are under way in an effort to heat frozen pellets of hydrogen to temperatures of hundreds of millions of degrees in a billionth of a second. And no material nor technology now available will contain a continuous fusion reaction in a reactor because of the tremendous temperatures and pressures involved. But fusion offers the promise of unlimited commercial power, if and when, because fuel comes from ordinary sea water. And nuclear fusion has thus far been considered "clean" because it does not produce radioactive waste products; that also cancels out the possibility of a nuclear explosion at a fusion power plant.

There is also solar power, which Linus Pauling told me is "especially attractive and promising." It is available today, but converting, storing and routing this sunshine power, given present technology and facilities, would be prohibitively expensive. In 1970, the late Dr. Farrington Daniels, one of the world's leading chemists, was saying that "solar energy is amply adequate for all the conceivable energy needs of the world. It is harmless and sure to work. . . . Surely solar energy will be important within twenty years, and if enough financial support should become available, the time could be considerably less."

More than thirty homes in the United States are heated and cooled by converting sunshine into electricity. And there have been a number of proposals to collect, store and transmit commercial solar energy on a large scale. But the nuclear critics contend that the AEC has consistently played down solar energy in order to boost public reliance on the breeder reactor. The Scientists' Institute for Public Information, an organization of more than 900 scientists and laymen, recently criticized an AEC draft assessment of the hazards involved in the development of the breeder reactor as "frivolous and shallow." Dr. Barry Commoner, chairman of the group, and David Inglis, the eminent physicist, charged that the AEC's statement failed to acknowledge in full the dangers of plutonium explosion and radiation, while trying to "cover up" the commercial feasibility of solar energy.

William E. Heronemus, a professor of civil engineering from Massachusetts, contends that we are "out of touch with the reality of the world in which we live" as long as we "cavalierly ignore" solar power—"the first energy used by man" which, Heronemus says, "will be the last." He also advocates wind power, believing "that the entire electricity demand of the six-state New England region could be satisfied by wind power alone by the year 2000 at a cost which "even now would be competitive." He adds that wind power could supply two-thirds of our current energy demands and about a fourth of our future needs. Heronemus also urges that "tidal power possibilities, discarded by the United States in the past but carefully set aside by the more canny Canadians, should be re-examined at once."

Another alternative to nuclear fission is geothermal energy, which is tapped by drilling 5 to 10 miles down into the earth for hot water and steam. Some people feel the electric power potential from steam and hot water under California's Imperial Valley alone could have generated between 30 to 90 per cent of the energy we consumed three years ago. Geothermal power, now being explored in this country, particularly in California, is operating today in Russia, Japan, New Zealand, Mexico, Italy and Iceland.

Methane gas could be another immediate source of commercial energy. County farm agents in Pennsylvania working with Penn State extension campuses, have been demonstrating the workability of homemade manure gas generating kits. A farmer with fifteen head of cattle would have enough animal waste on hand to produce clean methane gas for all his farm equipment, his trucks and car, and to heat and cool his home. The remaining sludge retains its high nitrogen content and can be returned to the soil as fertilizer. Some urban home owners, instead of throwing their garbage away, have been turning it into methane to heat their city homes. Manure and garbage can also be turned into low-sulfur oil—enough perhaps for more than 2½ billion gallons a year. (See "Garbage: A Neglected Resource," by Sen. John V. Tunney, *The Nation*, May 18.) Plans have been proposed to "farm" instantaneous methane from large crops of algae.

In the context of alternative sources of energy, the nuclear critics point out that the private utilities in this country spend more on promotion and advertising than they do on research and development. Figures compiled by Sen. Lee Metcalf's office (D., Mont.) for 1972, the latest year for which complete figures are available, show that private utilities spent some $314 million on advertising and promotion, compared to $94 million on energy research and development.

SOMETHING LESS THAN INFALLIBLE

The petitions opposing the operation of the Peach Bottom nuclear reactors in York County and Philadelphia Electric Company's application for an AEC construction permit to build two more large nuclear reactors in Fulton Township contain all the general objections to nuclear fission. The petitions allege that Philadelphia Electric has failed to explore potential alternatives and that the utility has either understimated or ignored the possibility of reactor accidents, radiation dangers, an enemy attack on a nuclear power complex, thermal pollution of the Susquehanna River and the surrounding atmosphere, earthquakes (a utility continued construction work on an atomic plant in Virginia after being notified of a geological fault under the site), transportation mishaps, waste-storage leaks (in March, the AEC reported another large leak at its huge

Hanford depository) and the occurrence of accidents up and down the nuclear chain.

There have been a number of such accidents. The Fermi fast-breeder reactor plant closed down for four years after its fuel rods melted; now it has been shut for good. The Vermont Yankee plant was recently closed down because of a fear that key devices for controlling the nuclear reaction might have been installed upside down. That was the seventeenth major shutdown in the nineteen months the plant has been operating. A spokesman for the utility told *The New York Times*, "we are not as bad as some, but we're not as good as others." Consolidated Edison, the nation's largest private utility, was supposed to begin generating commercial nuclear fission power for the New York City area more than two years ago from its reactors on the Hudson River, about 21 miles north of the city. A Con Ed spokesman recently told the press that the plants are still in the "testing stage." They have been plagued by accidents, breakdowns and delays.

Commonwealth Edison's 600-megawatt Dresden nuclear plant in Illinois had to shut down for repairs when a reactor went out of control for a couple of hours. Workers at the nuclear plant (which Commonwealth Edison operates) at Cordova, Ill., found the auxiliary power system and backup coolant pumps under 15 feet of water because of a leaking pipe joint. The Oyster Creek nuclear plant in New Jersey had to shut down when an operator's mistake dumped 50,000 gallons of radioactive water into the basement of the reactor building. The Shippingport plant recently suffered a cooling system explosion. Philadelphia Electric has experienced months of delay in trying to put its Peach Bottom Unit Two on line. There was a $6 million accident last October at the AEC's experimental uranium enrichment laboratory at Oak Ridge, Tenn. And three armed men once hijacked a jet airliner and threatened to crash it into Oak Ridge unless their demand for $10 million ransom was met. Walter H. Jordon, a member of the AEC's Atomic Safety and Licensing Board, said "there are no measures we can take that will eliminate the possibility of a major nuclear accident."

The petitions opposing Philadelphia Electric's petition to build the two Fulton plants all cite the fact that the utility does not own the amount of land it is required by law to possess around a nuclear plant site, and that the owners of the land it needs do not want to sell. For that reason, the intervenors at Fulton Township have asked the AEC to cancel its building permit hearings. The utility would then have to seek a court order forcing the owners to sell the land, and the anti-nuclear people in York and Lancaster Counties would be happy to confront Philadelphia Electric in court. That would give them a long-awaited opportunity to air their many objections to fission power before a judge or jury.

George L. Boomsma, who lives with his family on the fringes of the proposed Fulton reactor plant site, thinks "our chances are very good in court. Which they wouldn't be if we had to present our case in front of the AEC." Boomsma is president of the Save Southern Lancaster County Environmental Conservation Fund. A salesman, Boomsma moved his family from the New York City area several years ago to a restored stone farmhouse in the wooded hills along the east bank of the Susquehanna. He and his wife are convinced that the presence of a nuclear plant in their back yard would endanger their growing children and the lives and health of all the people who live in the area.

I walked along the river with Boomsma not long ago. The Peach Bottom nuclear power complex, imposing if not overwhelming at close range, looked demure a mile and a half away on the opposite bank. Boomsma showed me a couple of radiation monitoring stations and told me about the fight against nuclear power in Fulton Township.

The Lancaster opponents are much better organized than those in York County. They have more members—farmers, housewives, professional men and women, including members of the faculty at nearby Franklin and Marshall College in the city of Lancaster—and more money. "We collected petitions at the local county fairs last summer," Boomsma said, "and we found sentiment running 10 to 1 against more reactors here."

Across the river, in York County's Peach Bottom Township, a farmer's wife sighs as she says, "It was too big for us to fight here. When we made a ripple, the Philadelphia Electric public relations people just came in and snowed us. So 95 per cent of the people around here thought atomic power was O.K. Their public relations people did a wonderful job. We all got invited to the plant. They fed us homemade pie and ice cream—and spent all their time telling us there was nothing to worry about."

Now the people who live near the Peach Bottom nuclear power plants aren't so sure. They mention five or six women within a 5-mile radius of the nuclear complex who have cancer and argue back and forth as to whether or not the atomic plants might to some degree be responsible.

Boomsma, across the river, is concerned about the danger of earthquakes. "Last year we had an earth tremor here from the Delaware River Valley. We have walls an inch and a half thick, but our house was shaking." The proposed Fulton reactor site lies near the Peach Bottom geologic fault, which Boomsma said is "supposedly" inert.

Mrs. Boomsma, working in the kitchen where we were talking, said, "We were brought up in an era in which science was God. We were taught to have total faith in technology. But the more we go along, the more we learn that science in this nuclear business doesn't have all the answers."

"You know," her husband mused, "these nuclear plants might turn out to be the dinosaurs of the energy age. In addition to being dangerous, they're also very impractical." Boomsma showed me figures to indicate that nuclear plants "are very inefficient—they have an operating dependability factor of less than 60 percent. Peach Bottom One and the reactor at Shippingport have operated only 40 percent of the time." Look at Peach Bottom Two across the river. The plant's been shut down for months and months because of turbine and generator troubles. Turbines and generators! They've been making them for over a hundred years. And they still have problems with them. And now they're talking about operating these huge nuclear reactors which are much, much larger than anything they've had any real experience with. And it's very expensive," Boomsma said, "to shut down a nuclear plant. Repairs cost a lot of money and a utility has to keep paying interest of 12 percent or more on them whether they're working or not.

"In the long run," Boomsma contends, "economics and what is practical will determine the future of nuclear power. Nuclear power is not only dangerous, but it's going to prove way too expensive in the long run for the public to put up with."

INGENUITY AND SKILLS

"Nobody who has visited a reactor station can avoid being deeply impressed by the ingenuity and skill which are manifest in the safety precautions," writes Nobel Prize-winning physicist Hannes Alfven. "But the fission reactor represents only one part in a complicated series of operations for fission energy. . . . The reactor constructors claim that they have devoted more effort to safety problems than any other technologists have. This is true . . . but it is not relevant. If a problem is too difficult to solve, one cannot claim that it is solved by pointing to all the efforts made to solve it. . . . The real question is whether their blueprints will work in the real world and not only in a 'technological paradise' . . . [because] . . . the consequences of nuclear catastrophes are so terrible that risks which usually are considered to be normal are unacceptable in this field."

I spent hours tourning the nuclear power complex at Peach Bottom, and I too was impressed by the care and ingenuity that has gone into it. Richard Fleishman, the assistant plant superintendent who escorted me around and answered my questions, has an academic background in chemistry and almost a decade of experience with atomic power. He is young and sturdy, a good leader with a great deal of team spirit. He seems extremely conscientious and hard-working. And he loves his work. "Look," he says, "I'm selfish like everyone else when it comes to safety. I've got a wife and kids, too, you know. And we live only 3 miles away from the plants. Do you think I'd be working here and we would be living here if there's anything to worry about?"

But Charles Bacas, who lives with his wife and two sons in the city of York 35 miles from Peach Bottom, is worried. Bacas, a former reporter for the *Gazette and Daily*, serves now as the executive assistant to the secretary of Pennsylvania's Department of Community Affairs in Harrisburg. Thoughtful and intense, he feels that the sponsors of nuclear fission power have tried to deprive citizens of their inalienable right to life, liberty and the pursuit of happiness.

"The process of assessing technologies has got to become part of the democratic process, or, in the coming decades, our liberties are going to decline as drastically as technological complexity is expected to rise," Bacas said. "At the present time, our votes at the polls and our dollar votes in the marketplace have a minimal effect on what are essentially elitist 'planning' decisions, whether by government or business.

"A number of risk-taking technological programs have been implemented, with the result that the democratic process has been particularly ill-served by the governmental and corporate proponents of these technologies, because potential dangers have been cloaked behind the man-in-the-white-coat certainties of deterministic science. This science no longer exists, and its certainties are no more available to us than the once seemingly limitless American frontier. Yet scientists and corporate and governmental executives continue to make particular decisions affecting the well-being of us all without even having the vaguest general consent from the public to do so."

The nuclear industry is engaged in a determined public relations effort to convince the American public that nuclear fission is safe. Standard Rate and Data shows that it costs about $40,000 to put a full-page four-color ad in *Time*—and the media have been laced with such nuclear promotion. The utilities have also been enclosing pronuclear material with their bills, a practice which it would cost the nuclear critics many thousands of dollars to duplicate. "We just about broke our treasury," says Ann Roosevelt of Friends of the Earth, "to run one full-page, black and white ad in the *San Francisco Chronicle*" at a cost of around $7,300. This ad has been quite effective. Reprinted as posters, it has found its way to doors and bulletin boards around the country.

Yet Ms. Roosevelt is confident that the foes of nuclear fission will win their fight. "We're doing something that has never been done before " she said, "in taking on a fully developed industry that's been protected by a mission-oriented Congress. Until a year ago, we could hardly get an anti-nuclear story in the newspapers because they were

convinced that nuclear power was safe. We think it's a tremendous victory because the press is beginning to notice us." She showed me a much-quoted *New York Times* editorial of last year which said, in part, "Once so promising in the first enthusiasm of the atomic era, nuclear power generation is becoming something of a monster, with dangers to people and the environment so awesome as to raise serious doubts that this is indeed the best energy source of the future."

"Just look around," Ms. Roosevelt said. "Even the AEC banned the proposed reactors at Newbold Island, near Philadelphia and Trenton because there were 'too many people' in the area. A RAND report in California called for a slowdown on nuclear fission. The Federation of American Scientists did too. Ralph Nader is against it. The Sierra Club reconsidered its policy on nuclear power and recently came out against it. "Even Congress," Ms. Roosevelt said, "is beginning to wake up. It wasn't their fault. The Joint Committee on Atomic Power monopolized the field and Congress depended upon the committee for its information about nuclear power. This committee acts more like an executive committee than a legislative one. It has tremendous power. But no matter how much the Joint Committee says nuclear power is safe, the grass roots are growing. Congress is becoming aware of the problem. And I'm confident we're going to win."

Ms. Roosevelt is a level-headed woman; I think she may well be right.

SATELLITE TRANSMITTAL OF "VILLA ALEGRE"

Mr. MONDALE. Mr. President, this week thousands of children of diverse cultural backgrounds in isolated rural areas of this country will view a television program that is educationally sound, culturally enriching, and humanistically positive. Because public television signals cannot reach many of our rural areas, this seemingly ordinary occurrence required a major breakthrough in the use of advanced telecommunications techniques.

On May 30, an ATS–6 satellite was launched by NASA from Cape Kennedy and positioned on the equator in a stationary orbit. From its orbit 22,300 miles above the Galapagos Islands, the satellite can transmit educational programs between a Denver Earth station and a number of rural sites that would otherwise be isolated from public television transmission.

With funding under the Emergency School Assistance Act, Bilingual Children's Television produced "Villa Alegre"—an educational program coupling vigorous research and advanced educational techniques with the most sophisticated audio and visual innovations of the television media.

This educational television program represents a celebration of this country's multiculturalism. It is a program for all children, using a bilingual—Spanish and English—approach to presenting our country's many cultural strengths.

The individuals and organizations who have collaborated to create "Villa Alegre" and to permit its satellite transmission deserve our thanks and our congratulations. I ask unanimous consent that a copy of the announcement of this transmittal be printed in the RECORD.

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

"VILLA ALEGRE" TO BE RETRANSMITTED TO EIGHT STATES VIA NEW SATELLITE

DENVER, July 26.—A satellite 22,300 miles above the Galapagos Islands will begin retransmitting bilingual educational television programming to the western United States next Monday. The program, a Bilingual Children's Television (BC/TV) production called "Villa Alegre," will be transmitted from an earth station at Denver and relayed by satellite to 56 receiver sites in eight of the Rocky Mountain States.

The receivers are in schools in isolated rural areas. Twelve additional receivers, to become operational this fall, are located in Public Broadcasting Service (PBS) stations in the region. Monday's effort is designed to demonstrate the feasibility of a satellite-based media distribution system for isolated rural populations.

The satellite project is designed and managed by the Federation of Rocky Mountain States. Project director is Dr. Gordon Law of Denver. Participating states are Idaho, Montana, Wyoming, Utah, Colorado, New Mexico, Nevada and Arizona. Funding is primarily through the National Institute of Education of the U.S. Department of Health, Education, and Welfare.

(The Rocky Mountain states have a unique communications problem, explained Dr. Luis Bransford, the director of utilization for the satellite program: the area contains 35 percent of the land in the United States but only 4 percent of the population. Most of the population the area does have is concentrated around several major cities. Reaching the rural areas has proved financially infeasible and technically difficult for the public television stations," Dr. Bransford said, and this has left isolated portions of the state at an educational disadvantage. The satellite program is seen as a way of overcoming this disadvantage.)

Daily school program transmission will begin Sept. 9. Educational material will then be broadcast via the satellite to all the school receivers and the PBS stations.

Six of "Villa Alegre's" half-hour segments will be transmitted during the demonstration. This bilingual (Spanish and English) and bicultural educational television program will be aired nationwide by conventional means on PBS stations this fall.

Dr. René Cárdenas, director of BC/TV, said he sees the airing of "Villa Alegre" by the satellite as a national breakthrough in the utilization of space technology to disseminate educational programs to those areas lacking PBS facilities. "The implications for international dissemination of educational programming and technological information to developing countries are monumental," he said.

"Our staff is delighted by the fact that the first satellite transmission of an educational program in the world utilized concepts developed by BC/TV," Cárdenas noted.

The satellite, an ATS–6 (Applications Technology Satellite "6") was launched by NASA from Cape Kennedy, May 30. It is positioned on the equator in a synchronous, or stationary, orbit. It can provide two-way audio and visual communication between the Denver earth station and 24 of the rural schools, designated Intensive Sites. The other 44 locations are receiver sites only.

When fully operational the system will represent, according to Dr. Bransford, the first widespread use of a satellite-based telecommunication system in a direct educational application.

ALEX MANOOGIAN HONORED

Mr. GRIFFIN. Mr. President, on behalf of the people of Michigan, Gov. William G. Milliken recently awarded a Certificate of Appreciation to one of our State's most distinguished citizens, Alex Manoogian, international president of the Armenian General Benevolent Union.

The life of Alex Manoogian is an outstanding example of the success that can be achieved in America. Even more important is the fact that Alex Manoogian has never taken the freedom and opportunities of America for granted. Instead he has generously demonstrated his gratitude by helping others to realize the best of their individual abilities and talents.

That is the American way; and that has been the way of Alex Manoogian, a fine American.

Mr. President, I ask unanimous consent that a biography of Alex Manoogian indicating his wide-ranging interests and accomplishments be printed in the RECORD.

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

ALEX MANOOGIAN

Mr. Alex Manoogian, considered by many to be the chief Armenian community leader in Detroit, the United States and throughout the diaspora, was born in the region of Smyrna (Izmir), a well-known seaport on the coast of Asia Minor, in 1901. Under the supervision of his parents, Tacvor and Tacoohie Manoogian, Alex received his primary and secondary education in local Armenian schools.

World War I left economic chaos, political confusion and personal insecurity for the Armenians in Turkey, so the young Alex decided to leave his father's business in 1920 to come to America—just two years before the destruction of Smyrna by the Turks.

After living in several cities, he made Detroit his home in 1924. First working in an auto parts manufacturing plant to gain experience, he then founded his own company in 1928 which was to grow into the huge Masco Corporation. Although the depression years were hard, by 1936 Mr. Manoogian's company was large enough to be listed on the stock exchange.

In 1931 he married Marie Tatian in New York, and soon their union was blessed with two children—Louise (now Mrs. Arman Simone) and Richard. The Manoogians now have six grandchildren. Mrs. Marie Manoogian has been a constant companion and help mate to her active and industrious husband.

Mr. Manoogian had joined the Armenian General Benevolent Union (AGBU) and the Knights of Vartan in 1930. By 1940 he was elected Avak Sbarabed (National Commander) of the Knights; and in 1943 he was elected to the Central Board of Directors of the AGBU.

In 1953 Alex Manoogian was elected International President of the AGBU, a post which he has occupied with honor for 20 years. After 17 years of successful leadership, during which time AGBU capital funds were raised from eight million to over twenty million dollars, there was a tremendous expansion of its world-wide activities. Mr. Manoogian was voted life President in 1970 by a grateful General Assembly.

In 1968 the AGBU Alex Manoogian Cultural Fund was established with an initial endowment of one million dollars; since then the endowment has been doubled by its generous benefactor. The Fund has supported the publication of many scholarly and literary works, cultural activities, and has provided assistance to needy Armenian intellectuals and educators throughout the world.

As a grateful citizen of the United States, Mr. Manoogian has contributed generously to American hospitals, museums, libraries, universities, schools and other charitable and cultural organizations. He donated his former

mansion to the City of Detroit as an official residence for the Mayor.

Space does not permit an enumeration of even his major contributions in cities all over the world, but we must mention his building of the AGBU Alex Manoogian School, the Tacvor and Tacoohie Manoogian Manor for the Aged, and his substantial donation of time, interest and money to the building of St. John's Armenian Church of Greater Detroit and the Armenian Cultural Building.

To date, Mr. and Mrs. Manoogian has contributed seven million dollars to charitable, religious, cultural and educational causes. In recognition of his international philanthropy, Mr. Manoogian was awarded the Cross of St. Gregory the Illuminator First Degree by His Holiness Vasken I, the Catholicos of All Armenians; the First Degree Order of the Cedars by the President of Lebanon; the Cross of St. James by His Beatitude the Patriarch of Jerusalem; and the 50th Anniversary Medal by the Prime Minister of Armenia.

IN MEMORIAM: EARL WARREN

Mr. CRANSTON. Mr. President, on July 10 I addressed the Senate on the impact of Earl Warren upon our history and upon our future. I spoke of his vision, of his decency and compassion, and of his concern with the ideal of equal rights under the law. That special quality which Earl Warren demonstrated in his illustrious years of service to our Nation have been eloquently summarized in an elegy by the poet laureate of the State of California, Charles B. Garrigus.

I would like to share with my colleagues here in the Senate these lines of verse. I ask for unanimous consent that the poem by Charles B. Garrigus, "In Memoriam: Earl Warren," be printed in the RECORD:

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

IN MEMORIAM: EARL WARREN

There is a special grief that people feel about
the death of certain men.
It is a sorrow rooted in awareness that such
men have loved and served the interests of mankind.
There will be no black shroud of gloom about
Earl Warren's passing.
Instead there will be sadness born of gladness
and deep gratitude
That in her hour of need, America this man
could find.
His life throughout was preparation for the
work he had to do.
Through the translucent windows of slow
time,
His figure will grow larger, looming clearly as
a greater man.
Than those who stood beside him ever knew.
He never had that close concern with all the
obvious, petty kind
That might obscure the greater thoughts
behind.
His field of action was those principles which
mold the mighty matters of the mind.
With the key of justice he unlocked the gates
of knowledge for the underprivileged
and poor.
We know in every schoolhouse of the land
His was the hand which opened wide the
door.
Now California's Favorite Son has gone;
His niche in life is deep, his fame deserved.
His tribute is the faith which every man has
in the law;
His monument is every life that has a richer
hope because he served.

CHARLES B. GARRIGUS.

TWENTY-FIFTH ANNIVERSARY OF GSA

Mr. JAVITS. Mr. President, 25 years ago this month President Truman signed the Federal Property and Administrative Services Act of 1949 which created the General Services Administration. This independent agency was formed to consolidated government procurement policy and bring greater efficiency and savings to the Federal Governmnet. In the intervening years, broader, and additional responsibilities were assigned to it until today, in a very real sense, it is the marketing and business arm of the Federal Government.

During the past 25 years GSA has accepted its challenge of doing the Government's business with vitality and dedication. While GSA has been involved in controversy, because of its efforts, respect in this agency has grown over the years with its size and responsibility. I extend my congratulations to the past and present GSA employees who have contributed to the fine reputation which GSA so rightfully deserves.

On this commemorative occasion I ask unanimous consent to print in the RECORD the following speech delivered by Arthur F. Sampson, the very able Administrator of General Services Administration .

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

ADDRESS BY MR. SAMPSON

This month GSA observes its 25th anniversary, an occasion marked by celebration and social events. But our anniversary must be something more than a celebration; it must be a time when we examine our progress and set our goals for the future.

How far have we come? GSA, today, is vastly different from the GSA of 25 years ago. In 1949, the General Services Administration was created to fulfill the administrative needs of the Federal agencies. For years, we have operated behind the scenes, concerned with getting the job done. We have succeeded in centralizing and consolidating many managerial functions of the Federal Government. And have succeeded in serving the Federal agencies effectively and efficiently.

Today we are contributing to the quality of life through our pioneer efforts in energy conservation and firesafety. We are bringing the Federal Government closer to the American people with our business service centers and the Federal information centers. We are a leader in the construction industry—the biggest industry in America. We're providing sophisticated teleprocessing services, we save millions in procurement, we've brought the Nation's history to its people through the archives, and, we are assuming a new role in the Federal Government with the addition of Federal management policy and emergency preparedness operations.

That mission hasn't always been glamorous and our successes haven't always been visible.

In fact our service mission may have affected our outlook in the past. We called the agency the "housekeeper" for the Federal Government—a title that belies the important management functions of the agency and the millions of dollars in its programs.

That image and the attitude it created have been changing in recent years.

GSA has built on its basic mission and has changed dramatically in the past few years.

Today we can look at our operations, our record, with pride. And we can look at GSA in a new light—an agency with as much talent, as much challenge, and ultimately, as much importance to Americans as any other agency in Government.

Our 25th anniversary should give us all a chance to share in that pride and to understand that new vision of GSA.

But our celebration should also be a time to face further challenge.

First, the process of building on our mission and finding better ways to do our job must continue. In fact, the two go hand-in-hand to the extent that we are efficient and enterprising on a day-to-day basis, we will be given new responsibilities and accorded new respect as an agency.

A second challenge is this: We must do our jobs better in the context of material and energy shortages. Not only must we conserve in our operations. We have to demonstrate ways for others to conserve.

Next, we must economize. We should be spending our money in the most productive way we know how.

The President has set this theme. But keeping down the cost of government is a fundamental part of public service—no matter what administration or what the state of the economy. Every one of us should keep that duty in mind.

Finally, we all face a special challenge in the years ahead.

We are going through a period when all our institutions are viewed with skepticism.

That's true of marriage, the family, our churches and our educational system.

But it's especially true of government.

Just because we do work for the Federal Government, people today are going to question our honesty and our ability. That's true for me in Washington and it's true for you in the field.

It's up to us to change that. On the job and off, everyone of us should be showing the people we meet that we're working, we're working well and we're working for them.

Getting that word out may be the toughest task we face in the next few years.

That challenge, then, and the others I mentioned, face us all as individuals in GSA.

John Kenneth Galbraith once said, "People are the common denominator of progress. So no improvement is possible with unimproved people."

At a typist's desk, a loading platform, on a midnight security patrol or in a big office like mine—it's all the same.

The success we've had so far at GSA has been your success, your reward.

And the success we will have in meeting challenges is up to you—each of you.

EXTENDED BENEFITS PROGRAM

Mr. JAVITS. Mr. President, I wish to thank and commend the conferees on H.R. 8217 which contains a vital provision to continue unemployment payments for those who have exhausted their regular benefits without being able to find work again. At a time when the rate of unemployment is still intolerably high, we must be able to provide our unemployed workers with the means of sustaining themselves and their families for longer periods than when our economy is at or near full employment.

In 1970, along with several amendments to the unemployment insurance program, we enacted the Federal-State extended unemployment compensation program. That program soon proved to be unworkable, and since the fall of 1972 I have proposed a series of amendments designed to make this program effective by relaxing the statutory trigger require-

ments for extended benefits. On four separate occasions we have temporarily waived the 120 percent trigger requirement from the extended benefits program. The latest of these amendments was attached by the Senate to this bill, H.R. 8217.

Without this amendment, the trigger requirement operates so that in order to be eligible to participate in the extended benefits program, a State must not only have a high rate of insured unemployment, but must also have an insured unemployment rate which is 120 percent higher than its rate for the previous 2 years. The effect of this requirement has been that States with chronic unemployment problems were not eligible for the program even though their insured unemployment rates might be 6, 7 or even 8 percent.

The conferees on this legislation have brought back a report which will extend the relaxation of the 120 percent trigger requirement through next April. The potential effect of this legislation will be to allow over a million unemployed workers to become eligible for extended unemployment benefit that they would not otherwise have received.

This amendment will also allow ample time for the Senate Finance Committee and the House Ways and Means Committee to study the problems in the extended unemployment benefits program, and to work out a permanent solution to those problems without the threat of cutting off thousands of potential beneficiaries because they are facing a short deadline on reporting reform legislation.

I know that I am joined by many Members, both here and in the House, who are dissatisfied with the way in which this and other aspects of our entire unemployment compensation system are functioning. We may not have a consensus on an appropriate solution to this problem, but we are agreed that it is a serious problem. This extension of the trigger modification will allow the committees to hear all points of view and to report to their respective bodies appropriate reform measures.

I am pleased to note that we can expect the full cooperation of the Department of Labor. As Secretary Brennan stated in a letter to Chairman LONG concerning this matter:

> A full study of duration issues, including the adequacy of the existing trigger mechanism, is clearly necessary and such a study is now underway in the Department of Labor.

I wish particularly to thank my colleague, Senator RUSSELL LONG, Chairman of the Senate Finance Committee and the distinguished chairman of the House Ways and Means Committee, Mr. MILLS, for their cooperation in working out this extension. I would also like to thank my colleague from Connecticut, Senator RIBICOFF for presenting and fighting for this extension and for his longstanding and dedicated commitment to finding a solution to this problem.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

MESSAGES FROM THE PRESIDENT

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

REPORT OF COMMODITY CREDIT CORPORATION—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the annual report of the Commodity Credit Corporation for the fiscal year ending June 30, 1973, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry, and ordered to be printed. The message is as follows:

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 806, 80th Cong., 2d Sess., (62 Stat. 1073), I transmit herewith the annual report of the Commodity Credit Corporation for the fiscal year ended June 30, 1973.

RICHARD NIXON.

The WHITE HOUSE, *July 31, 1974.*

EXECUTIVE MESSAGES REFERRED

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

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

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATION ACT, 1975

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of H.R. 15544, which the clerk will state.

The legislative clerk read as follows:

> A bill (H.R. 15544) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1975, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDENT pro tempore. The time for debate on this bill shall be limited to 2 hours, to be equally divided and controlled by the Senator from New Mexico (Mr. MONTOYA) and the Senator from Oklahoma (Mr. BELLMON), with 30 minutes on any amendment and 20 minutes on a debatable motion or appeal.

Who yields time?

Mr. MONTOYA. Mr. President, I yield myself such time as I may require.

The PRESIDENT pro tempore. The Senator is recognized.

Mr. MONTOYA. Mr. President, on behalf of the Committee on Appropriations, I am pleased to present the Treasury, Postal Service, and general government appropriations bill for 1975, H.R. 15544. The committee reported this bill to the Senate on July 24, and recommends appropriations amounting to $5,563,508,000. The bill passed the House of Representatives June 25 in the amount of $5,503,794,000 so that, based on the testimony at our hearings and the appeals of the agencies regarding the action of the House, we are recommending amendments of $59,714,000 to the House bill. The major portion of the committee's increase is $37,399,000 for budget amendments submitted subsequent to the House markup by the Treasury Department for mandatory cost increases and liquidation of the economic stabilization program. The balance of our amendments is for various program expansions that we believe are necessary and cannot be accomplished within the House allowance. I will highlight the major items in this bill.

TITLE I—TREASURY DEPARTMENT

The budget estimates for the Treasury Department total $2,342,665,000, or $415,927,000 over 1974, of which $143 million was for payment to the General Services Administration for rental of office space. The House allowed $2,231,215,000 and the committee recommends $2,289,454,000. The committee's recommendation is $58,239,000 over the House, of which $37,399,000 is to cover the budget amendments not considered by the House that I noted previously.

The major addition to the House allowance is full restoration—$7,139,000—of the budget of the Bureau of Alcohol, Tobacco, and Firearms. This Bureau was separated from the Internal Revenue Service in 1972 and has experienced a steady erosion of manpower so that the number of agents and other direct mission personnel has decreased by an average of 115 over the last 2 years. The Bureau is presently accomplishing only 42 percent of its workload with respect to firearms and explosives compliance, and an estimated $4 million alone in occupational taxes on liquor dealers is not being collected due to a lack of manpower.

Once again, this year the Subcommittee on Treasury, Postal Service, and General Government Appropriations held extensive hearings spanning 6 different days to look into the problem of the Internal Revenue Service taxpayer assistance and compliance programs. The subcommittee received testimony in the following areas: First, dissemination of information; second, infringement on taxpayer rights; third, problems related to use of the U.S. Tax Court; fourth, sufficiency of amount exempt from levy; and, fifth, allegations of a quota system used by IRS agents.

A more extensive discussion of our hearings can be found on pages 4 through 10 of the committee report, and I will make a full report to the Senate on this subject shortly.

I am also pleased to note the complete cooperation of Commissioner Donald Alexander, who shares our interest in providing the fullest level of assistance to the Nation's taxpayers. We have noted in the Report the improvements made by IRS in this area, including the increase of IRS authority at the District conference level of appeal; the new Taxpayer Service Division; and the ongoing IRS effort to improve form letters used in contacting taxpayers.

For the Internal Revenue Service we recommend program increases of $7.4

million to strengthen the Executive direction of the agency and to increase the audit sample of tax returns from 2.2 to 2.3 percent. The audit rate has dropped over the years due to the siphoning off to special programs, such as the strike force and economic stabilization. While the American people continue their high level of voluntary compliance, the unfortunate publicity last year about the tax returns of certain persons has prompted fears of mass cheating. It is still too early to tell if income tax cheating has significantly risen but the committee recommends an additional $6.4 million to raise the audit sample one-tenths of 1 percent.

Our other additions for the Treasury Department include $2 million for the Mint to provide staff and machinery to meet the ever-rising demand for coins. Recently, the Federal Reserve banks forecast a demand of 15 billion coins for the Nation's economy in fiscal year 1975. The budget request contemplates the minting of 10.9 billion coins, which is far short of this estimate. The committee has restored $1 million of the $1,578,000 that the House of Representatives reduced the request for the manufacture of coins and has also provided an additional $1,000,000 for the procurement of additional coin presses necessary to meet the heavy demand for coins in fiscal year 1976–77, which may go as high as 17 billion pieces. We also added $2.3 million for the Bureau of Public Debt. This Bureau is consolidating its operations in Parkersburg, W. Va., and we look forward to real savings next year and the years following from a streamlined operation. I also want the record to indicate that we denied the amendment for additional Executive Protective Service personnel without prejudice as the authorization has not been approved.

TITLE II—U.S. POSTAL SERVICE

The committee has made no change in the level of the House appropriation of $1,550,000,000 to the U.S. Postal Service. This appropriation is based on the formulae in the Postal Reorganization Act for public service costs, revenue foregone, and the unfunded liabilities of the old Post Office Department assumed by the Postal Service. We did join the other body in making a slight nick of $2.6 million to remind the Postmaster General that Congress is still around. Subsequent to the action of the House, Public Law 93–349 was approved July 12, 1974. This law authorizes a one-time appropriation of $285,000,000 for the unfunded liabilities in the Civil Service Retirement System due to postal employees' pay increases since 1971. We are informed that this will be covered by a supplemental budget estimate.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

The budget estimates for the Executive Office of the President amounted to $81,957,000 of which the House allowed $74,872,000. The committee recommends $76,387,000, a net increase of $1,515,000 over the House allowance.

Public Law 93–346, approved July 12, 1974, established the former home of the Chief of Naval Operations as the temporary, official residence of the Vice President. We did not receive a budget estimate for this, but the Vice President is anxious to move into his new home and the Navy has supplied us with a letter stating that $315,000 is required. I ask unanimous consent that the letter of July 18, 1974, that I received from the Navy Department with regard to this be made part of the RECORD at this point.

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

DEPARTMENT OF THE NAVY, OFFICE OF THE CHIEF OF NAVAL OPERATIONS,
Washington, D.C., July 18, 1974.

Senator JOSEPH M. MONTOYA,
Chairman, Senate Subcommittee on Appropriations for the Department of the Treasury, U.S. Postal Service, and General Government, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request for an estimate of the funds that will be necessary to include in an appropriation for FY–1975 for the establishment and maintenance of the temporary official residence of the Vice President established by Public Law 93–346 enacted July 12, 1974.

At the direction of the Secretary of the Navy, careful and moderate estimates have been made of appropriations necessary. The estimates are in the following categories.

For the structural renovations, alterations and repairs to the House, $50,000. This work will be integral to the structure and will be of a nature comparable to that which would have been required coincident to occupancy by a new Chief of Naval Operations.

For institutional investment costs, $225,000. This includes sundry furniture, china, carpets, crystal, flatware, and kitchen utensils, all of which are relocatable and will be a permanent asset of official residence of the Vice President.

For security related investment costs to the Navy specified by the Secret Service, $7,500 to construct a secure gate at the main entrance to the Naval Observatory to replace the present gate barrier, a portable wooden structure.

For recurring annual expenses, $32,500 will be required in Fiscal year 1975. This amount is for the provision of utilities, maintenance of the interior and exterior of the house and the support buildings associated with the house, housecleaning, and the direct cost to the Navy for administration of the residence and pertinent accounts. This requirement is generally comparable to the expenses incurred by the Defense Family Housing Management Account in prior years in support of the Chief of Naval Operations with a small increase for incidental requirements associated with Secret Service occupied spaces and utilities.

It is understood that your committee is now considering an appropriation to support the purposes of Public Law 93–346. We request that your decision reflect requirements listed above, in the sum total of $315,000 for Fiscal Year 1975. This request has been discussed with the Office of the Vice President of the United States.

W. D. GADDIS,
Vice Admiral, USN, Deputy Chief of Naval Operations (Logistics).

Mr. MONTOYA. Mr. President, I will mention for the information of the Senate that the $315,000, all of which we appropriated, consists of $50,000 for structural renovation, alterations and repairs to the house; $225,000 for institutional investment costs, including sundry furniture, china, carpets, crystal, flatware, and kitchen utensils; $7,500 to construct a secure gate at the main entrance; and $32,500 for recurring annual expenses.

The committee has added $3,100,000 for the Office of Management and Budget to provide a total of $22.5 million. As the Senate will recall, an amendment on the floor of the House of Representatives reduced OMB to the 1974 level of $19.4 million. In this year of rental payments to GSA, higher salary costs, etc., there is just no way to maintain programs at the previous year's level. This then is a cut, and a very drastic cut as OMB's base is $21,850,000. The committee does not believe that any difficulties with OMB can be solved by choking it to death. For the record, I also want to indicate that the committee has allowed 677 positions for OMB.

The third change recommended in title III is a reduction of $1,900,000 for the Office of Telecommunications Policy. This Office used to have funds both in this bill and the Commerce bill. The distinguished Senator from Rhode Island (Mr. PASTORE) and I agreed it all ought to be in one place, so our recommendation of $7.5 million is not a $5.4 million increase over 1974 as it might first appear. The first $4.4 million is to bring the Commerce activities into this bill. We believe a more modest expansion is in order than the almost 50 percent increase approved by the House, and have provided approximately $1 million over the combined 1974 level.

TITLE IV—INDEPENDENT AGENCIES

For the independent agencies in this bill, the committee recommends $1,647,667,000. Technically, we are over the budget estimates by $6.7 million but this comes about because GSA's administrative operations fund was provided for on a direct appropriation basis rather than as a management fund by the House of Representatives. When proper allowance is given for the reduction of $17,525,000 in the Federal buildings fund because of this, which cannot be reflected in the tables at the end of the report, we have actually cut the estimates by $10,825,000.

In our report, we have again stressed that one of the most important functions of the Civil Service Commission is to assure a merit work force so that the public can be guaranteed a personnel management program and a work force of the highest caliber and quality. The committee also recognizes that it is equally vital and important that all citizens, regardless of race, color, creed, sex, or ethnic background, be afforded and given equal employment opportunities in the Federal service. In this connection, the Civil Service Commission is again directed to pursue, with vigor, a program of affirmative action to assure equal opportunity in Federal employment, and the committee again directs that this program be given the highest priority possible.

The committee recognizes that some measures have been taken by the Commission to comply with committee directives but testimony before the committee again indicates that the Civil Service Commission has not sufficiently pursued its obligations under the Equal Employment Opportunity Act of 1972 in a man-

ner consistent with the spirit and letter of the act.

For example, a review of Federal employment statistics with regard to employment of Spanish-surnamed persons reflects that from November 1969 through May 1973 there was only a net increase of 4,652 Spanish-surnamed Americans hired by the Federal Government. On the other hand, Treasury Department employment statistics for the same period reflect an increase of 1,672 Spanish-surnamed employees. Consequently, during the period November 1969 through May 1973 the Department of the Treasury hired approximately one-third of all Spanish-surnamed Americans hired throughout the Federal Government. The Department of the Treasury is commended for their leadership in this highly critical area. In the most recent reports to the Civil Service Commission of Spanish-surnamed hires from 1972 to 1973, Treasury shows an increase of 541 against the total Federal Government net increase of approximately 1,650 new jobs.

From the above, it is evident that the Civil Service Commission needs to and must take a variety of steps to assure that bilingual recruiters participate in recruitment activities in order to increase the likelihood of success in recruiting efforts, and that all Federal agencies review their staffing practices to assure themselves that artificial barriers and obstacles in their appointment practices which prohibit Spanish-speaking Americans from obtaining Federal employment are immediately eliminated. The President's 16-point program should be advanced more aggressively through the Federal service and the committee again urges, in the strongest possible manner, that full consideration of Spanish-speaking persons be given to mission-related occupations and executive positions.

We have restored the President's Commission on Personnel Interchange under the Civil Service Commission. This program provides the opportunity for the interchange of managerial skills between the Government and private sector. This program was knocked out on a point of order on the floor of the other body, but we have the opinion of both the General Counsel of the Civil Service Commission and the Comptroller General that sufficient authority exists to continue this program. Since this year's participants have already been announced and have made their plans, we believe the funding should be restored. However, we make it clear in the report that no additional participants are to be selected or commitments made until the GAO completes a review of this program.

The committee has also restored $750,000 for the Commission on the Review of the National Policy Toward Gambling that was reduced to $250,000 by the House of Representatives. This will provide a total of $1 million for a staff of 20 and $400,000 for studies of gambling. The need for the $1 million was strongly presented by the Senate members of the Commission.

Before I get to the General Services Administration, I am happy to note our addition of $252,000 for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped. The authorization for this program was approved July 25, 1974, and we fully support the efforts of this committee to direct Government procurement of the products of the workshops for the blind and other severely handicapped.

For the General Services Administration, other than the Federal buildings fund, we recommend a net reduction of $1,420,000. This consists of decreases of $500,000 in the grants made by the National Historic Publications Commission and $1.5 million in the Defense mobilization functions of eight Federal agencies; and increases of $450,000 for general management and agency operations, and $130,000 for Federal management policy.

Now for the No. 1 item in this bill—the Federal buildings fund. This fund was created by the Public Buildings Amendments of 1972, Public Law 92-313. Everyone here has seen the manifestations of this new procedure for financing the construction and maintenance of Federal buildings, as witnessed by the hundreds of letters I have received regarding the possible reductions in GSA's custodial and protective forces. Rent payments, in the form of the standard level user charges, have been distributed to practically every account in the budget. In many cases, these payments are the main item of increase for the agencies. As I indicated earlier, these charges amounted to $143 million of the additional $415.9 million requested by the Treasury Department.

If the Members of the Senate will turn to page 46 of our Report I believe it will help them understand this situation.

First of all, with regard to the revenues or income of the fund, the budget projected a total $1,359,326,000. Two things have happened here. First of all, the Appropriations Committees have established a policy of reducing the Standard Level User Charges by 10 percent because we determined they were too high. That cuts income by $115.6 million. Second, due to weather conditions, strikes, and other delays, the construction program GSA planned for 1974 fell far short and, as a result, the unobligated balances that are merged by law into this Fund increases from $28,326,000 to $121,450,000. This increases income by $93,124,000. Total revenues of the fund are now estimated at $1,336,850,000.

Now let us look at the expenditures. GSA proposed a single limitation of $980 million on obligations; the House has written in 7 limitations that conform to the categories used in GSA's justifications. These are the first seven items under expenditures. Earlier I mentioned that the House moved $17,525,000 out of the fund's program direction activity to provide a direct appropriation for GSA's agency overhead. The other changes made by the House were a reduction of the amount for rental of leased buildings by $14 million, which is in line with the 10-percent reduction in the "standard level user charges"; and a cut of $101.6 million to "real property operations," which is the basis for all the letters about the 8,500 janitors and guards being laid off. The House also provided $25 million for carryover into 1976.

As detailed on page 45 of the report, the committee has deleted the $25 million carryover as it is not needed. Second, we have fully restored $76.6 million of the $101.6 million reduction in real property operations. The $76.6 million restored consists of $44.6 million to provide for work performed on a reimbursable basis in 1974 that will come into the fund as user charges this year; $21 million for cost increases of labor, utilities, and materials; and $11 million to raise the level of services—particularly cleaning—toward a comparable commercial standard for the rates GSA has imposed. GSA wanted $36 million to raise the cleaning level, but in view of the current economic situation the committee concluded that the Government could forego the additional pleasantries of level 4 cleaning while allowing some improvement over the current level 10 condition. These are categories or classifications of cleaning in Federal buildings. Level 4 is the equivalent of the commercial standard, and level 10 is something that is acceptable and in current use.

Our other problem with the expenditures is the late-blooming unobligated balance problem. We are advised by GSA, and by GAO, that the balances are for real. Most of this represents ongoing construction projects that were authorized and funded by the Congress over the last several years that are now in various stages of construction. Some 90 projects are involved and they are written into the bill on pages 20 through 22. The House made no provision for this situation as unfortunately GSA failed to bring it to their attention until it was too late. Unless we make provision for them, most of these projects will come to a halt.

Lastly, I should mention that the House inserted a limitation of $250 million on the aggregate amount of purchase contracts for construction of Federal buildings that could be executed in fiscal year 1975. GSA has appealed for an open-ended arrangement but your committee is no more enthusiastic about this procedure than our counterparts in the House. However, we are advised that the contract for the new Social Security Administration Building in Baltimore is now ready and we have increased the ceiling to $350 million.

Finally, with regard to GSA I direct the attention of the Senate to the discussion on pages 41 through 43 of the report dealing with FEDNET and excess property. We went into these matters thoroughly in the course of a long hearing with GSA. We have strengthened the language of the House of Representatives prohibiting the procurement of FEDNET by cutting off access to GSA's ADP fund. We have also spelled out to GSA that their recent revision of the regulations covering the excess property program is not to be used to choke off the program but is merely for the professed need to improve administration.

The fiscal year 1974 Treasury, Postal Service, and General Government Appropriations Act—Public Law 93-143—and the first fiscal year 1974 Supplemental Appropriations Act—Public Law 93-245—contained identical provisions relative to the Sand Point naval facility in Seattle. The committee has been advised by the Senate Legislative Counsel that that language is permanently binding law. The General Services Administration has advised the committee that it concurs with the Legislative Counsel's conclusion. The committee has, therefore, taken no action in this bill on the Sand Point facility and intends that its inaction be fully understood to have been based on the conclusion that the language about the facility in Public Law 93-143 and Public Law 93-245 is permanently binding. I want this to be crystal clear, and I ask unanimous consent that the letter I received from GSA dated June 25, 1974, be printed in the RECORD at this point.

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

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., June 25, 1974.

Hon. JOSEPH M. MONTOYA,
Chairman, Subcommittee on Treasury, Postal Service, and General Government, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR SENATOR MONTOYA: Your letter of June 24 refers to Section 5 of Public Law 93-143 and Section 1001 of Public Law 93-245 which in effect require that before any portion of the Sand Point Naval Air Station, Seattle, Washington, can be transferred for aviation use that the General Services Administration (GSA) transfer to the National Oceanic and Atmospheric Administration (NOAA) title to that portion of the Facility which NOAA had requested and that the City of Seattle, the County of King, and the State of Washington approve a plan for aviation use of a portion of the Facility.

GSA has proceeded with its disposal plans in accordance with the provisions of the above cited legislation and on June 14, 1974, filed with the Council on Environmental Quality a final environmental statement required by the National Environmental Policy Act. This statement contemplates disposal of the available property at the Sand Point Naval Air Station in the following manner:

A. 100 acres will be transferred to NOAA for the development of a Pacific Northwest throughout the Western States, Alaska, and Regional Facility to serve NOAA units Hawaii and to provide for consolidation of the Seattle area offices of NOAA.

B. 212 acres will be assigned to the Bureau of Outdoor Recreation for conveyance to the City of Seattle for park and recreational use.

This letter confirms that GSA agrees with the opinion of the Senate Legislative Counsel that Section 5 of Public Law 93-143 and Section 1001 of Public Law 93-245 are permanently binding.

Sincerely,

DWIGHT A. INK,
Acting Administrator.

LANGUAGE CHANGES

Mr. MONTOYA. Mr. President, the committee recommends insertion of various language provisions that are not authorized in law. These have been set out in the report and are, for the most part, continuation of previous practice, such as: Authorizing the Treasury Department to purchase confidential information from informers; representation funds for the Secretary of the Treasury, Council on International Economic Policy, and Civil Service Commission; and allowing the President latitude in appointing staff of the Council on International Economic Policy and Domestic Council. The committee has continued language added in the recent supplemental authorizing Secret Service protection of the Vice President's family; and inserted a provision to extend the authority of the Executive Protective Service to the Vice President's new official residence.

CONCLUSION

Mr. President, before concluding my remarks I wish to say that I enjoyed working together with the senior Senator from Oklahoma (Mr. BELLMON), the ranking minority member of the subcommittee, and also with the other members on both sides of the aisle. They attended many of the hearings, they were very contributive to the full hearings that we had on the many agencies that we hear. I want to commend all the members of my subcommittee for the contributions which they have made.

Senator BELLMON participated actively in the hearings and in the markup of the bill and thus contributed greatly to the committee's recommendations before the Senate.

I also want to note that for the first time in many years Mr. Joe E. Gonzales, the long-time staff assistant on this bill, is not with us. Mr. Gonzales transferred to the Treasury Department earlier this month where he will assume impotrant and critical duties in connection with the Department's operations in the southwestern portion of the Nation. Mr. Gonzales served the committee in outstanding fashion for 19 years. In the Spanish-speaking community we are well aware of Mr. Gonzales' valuable assistance in my pursuit of full implementation of the 16-point program, and the Department asked Joe to join them because of his special ability in this critical area.

Now, Mr. President, I ask unanimous consent that the commitee amendments be agreed to en bloc, and that the bill as amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

The PRESIDING OFFICER (Mr. CLARK). Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, in line 7, after the semicolon, insert "and not to exceed $10,000 for official and representation expenses".

On page 2, in line 8, strike out "$21,600,000" and insert in lieu thereof "$26,500,000".

On page 2, in line 9, strike out "services as authorized by 5, U.S.C. 3109" and insert "unforeseen emergencies of a confidential character, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, and of which $3,600,000 shall be for repairs and improvements to Treasury buildings and shall remain available until expended".

On page 3, beginning with line 5, insert:

EXPENSES FOR ECONOMIC STABILIZATION (LIQUIDATING FUNCTIONS)

For expenses necessary to enable the Secretary of the Treasury to terminate and provide for an orderly phaseout by December 31, 1974, of the economic stabilization activities conducted under the Economic Stabilization Act of 1970, as amended, including services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent of the rate for GS-18, $2,000,000: *Provided*, That advances, repayments or transfers may be made to any department or agency for expenses of such termination.

On page 3, in line 19, strike out "$85,000,000" and insert in lieu thereof "$100,000,000".

On page 3, in line 3, after "$600,000," insert "to remain available until expended."

On page 4, in line 7, strike out "as authorized by 5 U.S.C. 3109" and insert "of expert witnesses at such rates as may be determined by the Director;".

On page 4, in line 9, strike out "$87,500,000" and insert in lieu thereof "$94,639,000".

On page 4, in line 19, strike out "$283,000,000" and insert in lieu thereof "$284,800,000".

On page 5, in line 6, strike out "$30,000,000" and insert in lieu thereof "$32,000,000".

On page 5, in line 10, strike out "$85,000,000" and insert in lieu thereof "$88,500,00".

On page 5, at the end of line 16, strike out "services as authorized by 5 U.S.C. 3109" and insert "services of expert witnesses at such rates as many be determined by the Commissioner;"

On page 5, at the end of line 18, strike out "$40,000,000" and insert in lieu thereof "$41,000,000".

On page 6, in line 2, strike out "as authorized by 5 U.S.C. 3109," and insert "of expert witnesses at such rates as may be determined by the Commisioner;".

On page 6, at the end of line 7, strike out "$705,000,000" and insert in lieu thereof "$712,600,000".

On page 6, in line 15, strike out "as authorized by 5 U.S.C. 3109" and insert "of expert witnesses at such rates as may be determined by the Commissioner;".

On page 6, in line 17, strike out "$780,000,000" and insert in lieu thereof "$791,000,000".

On page 7, in line 12, strike out "$77,000,000" and insert in lieu thereof "$79,300,000".

On page 7, at the end of line 15, insert "and for the utilization of the Executive Protective Service to provide security at the official residence of the Vice President".

On page 7, at the end of line 23, insert "entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries;".

On page 8, at the end of line 13, strike out the comma and "of which $414,418,500 shall be available only for transfer

to the Civil Service Retirement and Disability Fund".

On page 9, line 9, strike out "services as authorized by 5 U.S.C. 3109" and insert "personnel services without regard to the provisions of law regulating the employment and compensation of persons in the Government service,".

On page 9, after "$1,600,000" insert "of which, an amount not to exceed $1,000 may be expended for official entertainment".

On page 9, in line 18, after "3109" insert "but at rates for individuals not to exceed the per diem equivalent of the rate for grade GS-18; and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service;".

On page 10, beginning with line 7, insert:

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

For the care, maintenance, repair and alteration, furnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, $315,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

FEDERAL ENERGY OFFICE

SALARIES AND EXPENSES

No part of any appropriation contained in this or any other Act for the regulatory functions of the Federal Energy Administration under authority of Public Law 93-159, shall be obligated or expended beyond the expiration date of that Act except with explicit approval of the appropriations committees.

On page 11, at the end of line 15, strike out "$19,400,000" and insert in lieu thereof "$22,500,000".

On page 11, in line 23, strike out "$9,400,000" and insert in lieu thereof "$7,500,000".

On page 11, in line 23, strike out the colon and "*Provided*, That not to exceed $1,100,000 of the foregoing amount shall be available for telecommunications studies and research.".

On page 12, in line 18, after "functions," insert "as authorized by law".

On page 12, in line 19, after the comma, strike out

"services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent of the rate for grade GS-18, compensation for one position at a rate not to exceed the rate of level II of the Executive Schedule, and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service,".

On page 13, in line 21, strike out "$1,050,000" and insert in lieu thereof "$1,075,000".

On page 14, in line 7, after the semicolon, insert "not to exceed $2,500 for official reception and representation expenses;".

On page 12, in line 12, strike out "$89,647,000" and insert in lieu thereof "$90,000,000".

On page 16, in line 17, strike out "$250,000" and insert in lieu thereof "$1,000,000".

On page 16, beginning with line 18, insert:

"COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

"SALARIES AND EXPENSES

"For expenses necessary for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, established by the Act of June 23, 1971, Public Law 92-28, including hire of passenger motor vehicles, $252,000.

On page 18, at the end of line 12, strike out "$871,875,000" and insert in lieu thereof "$1,044,925,000".

On page 19, in line 15, strike out "$293,594,000" and insert in lieu thereof "$370,194,000".

On page 19, beginning with line 18, strike out "$25,000,000 shall be available for obligation in fiscal year 1976" and insert

$121,450,000 of the amounts merged with the fund pursuant to section 210(f)(3) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(3)) of which (a) not to exceed $89,856,000 for the construction of buildings as authorized by law including construction projects at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

Alabama:	
Mobile Federal Office Building	$224,000
Alaska:	
Fairbanks Federal Office Building and Parking Facility	638,500
Anchorage Court House, Federal Office Building, and Park Facility	2,000,000
Alaska Highway Border Station	839,000
Juneau Post Office and Court House	12,000
Petersburg Federal Office Building and Post Office	25,000
Arizona:	
Nogales Border Station #2	2,670,000
Arkansas:	
Batesville Post Office, Court House, and Federal Office Building	86,000
Fayetteville Court House and Federal Office Building	89,000
California:	
Los Angeles Federal Office Building and Multi-Parking Facility	1,981,000
San Diego Border Station	1,724,000
Hawthorne Federal Office Building	92,000
Santa Rosa Federal Office Building	235,000
Santa Ana Federal Office Building	18,000
San Diego Federal Building	225,000
Calexico Border Station	88,000
Connecticut:	
New Haven Federal Office Building	877,000
Delaware:	
Wilmington Court House, Customs Court, and Federal Office Building	151,000
District of Columbia:	
South Portal Site Federal Office Building	10,631,300
James Forrestal Federal Office Building	170,700
Department of Labor Building	11,083,600
J. E. Hoover Federal Bureau of Investigation Building	514,000
Florida:	
Orlando Courthouse and Federal Office Building	99,000
Tampa Motor Pool	15,000
West Palm Beach Post Office and Courthouse	31,000
Georgia:	
Atlanta, Richard B. Russell Federal Office Building	$700,000
Augusta Post Office and Federal Office Building	99,000
Griffin Post Office and Federal Office Building	176,000
Rome Post Office and Courthouse	106,000
Waycross Courthouse and Federal Office Building	19,000
Hawaii:	
Honolulu Federal Office Building	115,000
Idaho:	
Sandpoint Federal Office Building	16,000
Illinois:	
Chicago Federal Supply Center and Parking Facility	312,000
Chicago Federal Archives and Records Center	15,000
Chicago Federal Office Building	1,194,000
Alton Courthouse and Federal Office Building	50,000
Carbondale Federal Office Building	261,000
Indiana:	
Indianapolis Federal Office Building	15,000
Indianapolis Post Office and Courthouse	10,000
Iowa:	
Iowa City Post Office and Federal Office Building	12,000
Kansas:	
Topeka Courthouse and Federal Office Building	662,500
Kentucky:	
Covington, Internal Revenue Service Center	79,000
Frankfort Courthouse and Federal Office Building	67,000
Louisville Federal Office Building	53,000
Louisiana:	
Houma, A. J. Ellender Post Office and Federal Office Building	160,000
New Orleans Courthouse and Federal Office Building	30,000
Maryland:	
Baltimore, E. A. Germatz Federal Office Building	22,000
Massachusetts:	
New Bedford, Hastings Keith Federal Building	204,000
Michigan:	
Ann Arbor, Federal Office Building	322,000
Detroit, Patrick V. McNamara Federal Office Building	49,000
Grand Rapids, Courthouse and Federal Building	57,000
Saginaw, Federal Office Building	448,000
Mississippi:	
Aberdeen, Federal Office Building	54,000
Hattiesburg, Federal Office Building	69,000
Oxford, Courthouse, Post Office, and Federal Office Building	82,000
Nebraska:	
Lincoln, Courthouse, Federal Office Building, and Park Facility	67,000
New Hampshire:	
Manchester Federal Office Building	456,000
New Mexico:	
Gallup Federal Office Building	137,000
New York:	
Buffalo Federal Office Building	950,000
Champlain Border Station	262,000
Hyde Park, F. D. Roosevelt Library Extension	65,000
New York Customs Courthouse and Federal Office Building	113,500

New York—Continued	
Rochester, Customs Courthouse and Federal Office Building	$70,000
New York, Foley Square Courthouse Annex	737,000
North Carolina:	
Winston-Salem, Courthouse and Federal Office Building	839,000
Ohio:	
Akron, Courthouse, Federal Office Building and Parking Facility	43,000
Akron, Post Office	13,000
Columbia, Federal Office Building	861,000
Dayton, Courthouse and Federal Office Building	42,000
Mansfield, Post Office and Federal Office Building	348,000
Oklahoma:	
Oklahoma City, Federal Office Building	603,000
Oregon:	
Eugene, Courthouse and Federal Office Building	30,000
Portland, Federal Office Building	12,000
Pennsylvania:	
Philadelphia, J. A. Byrne Courthouse and W. J. Greene, Jr., Federal Office Building	10,624,000
Williamsport, Courthouse and Federal Office Building	335,000
Puerto Rico:	
San Juan, Courthouse and Federal Office Building	$25,000
Rhode Island:	
Providence, Post Office and Federal Office Building	38,000
South Carolina:	
Columbia, Courthouse, Federal Office Building, Parking Facility and Vehicle Maintenance Facility	955,000
Florence, John L. McMillan Federal Building and Courthouse	327,000
South Dakota:	
Huron, Post Office and Federal Office Building	470,000
Rapid City, Courthouse and Federal Office Building	31,000
Tennessee:	
Nashville, Courthouse and Federal Office Building	130,000
Texas:	
Dallas, Courthouse and Federal Office Building	31,000
McAllen, Border Patrol Sector Headquarters	22,000
Marfa, Border Patrol Headquarters	136,000
Midland, Post Office, Courthouse, and Federal Office Building	135,000
San Antonio, Courthouse and Federal Office Building	594,000
San Antonio, Post Office	73,000
Vermont:	
Norton, Border Station	10,000
Brattleboro, Post Office, Court House, and Federal Office Building	10,000
Virginia:	
Quantico, Federal Bureau of Investigation Academy	555,000
Roanoke, R. H. Poff Federal Office Building	37,000
Virgin Islands:	
Charlotte Amalie, Courthouse and Federal Office Building	45,000
Washington:	
Blaine, Peace Arch Border Station	3,081,000
Seattle, Federal Office Building	2,503,600
Seattle, Federal Center South	2,878,000
West Virginia:	
Morgantown, Post Office and Federal Office Building	200,000
Elkins, Post Office, Courthouse, and Federal Office Building	454,000
Wisconsin:	
Madison, Courthouse and Federal Office Building	$680,000
Including a reserve for the Federal Office Building, Athens, Georgia, the Post Office and Court House, Moscow, Idaho, the Philip J. Philbin Federal Building and Post Office, Fitchburg, Massachusetts, the Customs Court and Federal Office Building Annex, New York, New York, the Post Office and Federal Office Building, Denton, Texas, and the Winston Prouty Federal Building, Essex Junction, Vermont	10,803,000
Funds for contractor's claims and judgments rendered by U.S. Courts related to site acquisition and contract appeals, also relocation cost	9,057,200
Total	89,856,000

Provided, That the immediately foregoing limits of cost may be exceeded to the extent that they apply to construction projects previously included in the appropriation, Construction, Public Buildings Projects, to the extent that savings are affected in other such projects, but by not to exceed 10 per centum of the amounts previously appropriated for such projects under such appropriation; (b) not to exceed $700,000 for repair and improvement of public buildings; (c) not to exceed $5,245,000 for additional court facilities; (d) not to exceed $16,149,000 for construction services of on-going construction projects; and (e) $9,500,000 for the completion of buildings management projects, including charges for work for other agencies begun in prior years but not yet completed and $2,571,000 to be deposited in the Treasury as miscellaneous receipts:"

On page 24, line 4, after "collections", strike out:

Provided further, That any revenues and collections and any other sums accruing to this Fund, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)), in excess of $871,875,000 shall be deposited in miscellaneous receipts of the Treasury of the United States

On page 26, beginning with line 11, insert "and acceptance and utilization of voluntary and uncompensated services".

On page 26, line 12, strike out $50,500,000" and insert in lieu thereof "$50,000,000".

On page 26, in line 13, strike out "$2,000,000" and insert in lieu thereof "$1,500,000".

On page 28, in line 7, strike out "$3,000,000" and insert in lieu thereof "$1,500,000".

On page 28, in line 12, strike out "$10,200,000" and insert in lieu thereof "$10,650,000".

On page 28, in line 22, strike out "$1,600,000" and insert in lieu thereof "$1,730,000".

On page 30, beginning with line 14, insert "or under section 111 of the Federal Property and Administrative Services Act of 1949".

On page 31, in line 13, strike out "$60,000,000" and insert in lieu thereof "$63,400,000".

On page 31, at the end of line 24, strike out "$22,000,000" and insert in lieu thereof "$18,600,000, to remain available until expended".

On page 34, in line 25, strike out "$250,000,000" and insert in lieu thereof "$350,000,000".

Mr. JAVITS. Mr. President, reserving the right to object—of course I shall not object—I wish to use the opportunity to inform my friend and colleague that I have a modest amendment respecting the Productivity Commission, and I would like to inquire when it will be convenient for the Senators to consider that.

Mr. MONTOYA. Well, the Senator from Oklahoma has a statement to make on the bill and then we will be ready for amendments.

Mr. JAVITS. I thank my colleague.

The PRESIDING OFFICER. Is there objection?

Mr. ABOUREZK. Mr. President, reserving the right to object—Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. MONTOYA. Mr. President, I will allow part of my time for that purpose.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MONTOYA. 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. BELLMON. Mr. President, as the ranking minority member of the subcommittee which considered H.R. 15544, the appropriation bill for the Treasury Postal Service, and general Government for the fiscal year ending June 30, 1975, I want to associate myself generally with the remarks of the chairman of the subcommittee, the distinguished senior Senator from New Mexico (Mr. MONTOYA) and to applaud his leadership in reporting this bill.

This measure now before the Senate is the product of many days of hearings and persevering effort put forth not only by our most capable and cordial chairman, but also the other members of the subcommittee.

I would like to congratulate the chairman for the way he has conducted the affairs of the subcommittee through these recent months.

Let me assure my colleagues that there are no monumental new programs in this bill. Although there are certain sections in the bill where I believe additional reductions might have been employed, frugality has been the password of the committee as we worked on this legislation.

By and large this bill provides funds for the general Government activities of the Federal Establishment. There are moneys for the levying and collection of taxes, for the operation of the Postal Service, for the operations of the White House, for the Domestic Council, the National Security Council, the Office of Management and Budget, the Civil Service Commission and a host of other activities too numerous to mention at this time. While some may disagree as to the amount by which these activities should be funded, let no Senator forget that many of the items in H.R. 15544 are nec-

essary sums to effectively operate the executive branch of the Government, and one of the three coequal branches of Government under our Federal system.

Under the GSA section of this bill I supported in full committee markup a motion to reduce the appropriation for real property operations, cleaning, maintenance and security operations, and so forth. During these days of double digit inflation, it is my opinion that we must do without in as many areas as possible. The House cut this item by $101.6 million. The Senate cut was a mere $25 million, or a restoration of $76.6 million. Therefore, as this measure now stands before the Senate, GSA's real property operations are funded at $370,194,000, or $25 million below the budget request.

Mr. President, I shall not take the time of the Senate to address myself to each line item in this bill. However, let me conclude my remarks by urging the Senate to adopt the bill which our committee has sent you after weeks of hearings and deliberations.

Once again I want to commend the manager of this bill and the distinguished chairman of our subcommittee for the firm, fair and methodical manner in which he has presided over the development of this legislation.

Now, Mr. President, I have three minor, perfecting amendments at the desk, and I ask that they be reported at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk proceeded to read the amendments.

Mr. BELLMON. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendments will be printed in the RECORD.

The amendments are as follows:

1. On page 9, following line 23, insert the following provision:

"UNANTICIPATED PERSONNEL NEEDS

"For expenses necessary to enable the President to meet unanticipated personnel needs and to pay administrative expenses incurred with respect thereto, as authorized by law, $1,000,000."

2. On page 10, line 5, after the words "Executive Residence" and before the figure "$1,695,000" insert the following:

"and official entertainment expenses of the President,"

3. On page 13, line 6, strike the figure "$16,367,000" and insert in lieu thereof the following:

"including hire of passenger motor vehicles, and official entertainment expenses of the President, $16,367,000: *Provided*, That not to exceed $10,000 shall be available for allocation within the Executive Office of the President for official reception and representation expenses."

Mr. BELLMON. Mr. President, I ask unanimous consent that these amendments be considered en bloc.

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

Mr. BELLMON. Mr. President, I believe these amendments are all familiar to the distinguished chairman of the subcommittee and that he is agreeable to the amendments. I will not take the time of the Senate to discuss them.

Mr. PROXMIRE. Would the chairman yield briefly on that?

Would the chairman inform the Senate as to whether these would increase or decrease the amounts of the bill in any way?

Mr. MONTOYA. I defer to the Senator from Oklahoma.

Mr. BELLMON. Mr. President, let me say that amendment 1 has the effect of providing $1 million to the President for unanticipated needs of a highly important but temporary nature.

This is the same $1 million that Congress has been making available to the President for the last 20 years.

Mr. PROXMIRE. Was it the same amount available last year?

Mr. BELLMON. Yes, there is no increase; the same fund has been in the budget for the last 20 years for this purpose.

Mr. PROXMIRE. Is that the only one that affects it?

Mr. BELLMON. The amendment 2 authorizes an entertainment allowance for the President. The authorization is not self-executing, but requires that funds be specifically appropriated for entertainment expenses. This amendment will provide those funds to be expended at the discretion of the President.

Mr. PROXMIRE. How much is involved in this entertainment fund?

Mr. BELLMON. There is no additional money.

Mr. MONTOYA. It is just an authorization for him to use part of these funds for that purpose, and that authorization has been in previous bills.

Mr. PROXMIRE. On the basis of the hearings, is there any indication of any abuse of this?

Mr. MONTOYA. No.

Mr. PROXMIRE. There has been some criticism of the White House's use of funds, especially in the last few days by the House Judiciary Committee, but apparently the chairman and ranking member are satisfied that this would not involve any abuse of those funds; is that correct?

Mr. BELLMON. I do not believe, Mr. Chairman, we have had criticism of this particular fund, and this is no additional money; it is a procedural matter.

The third amendment will make available the second type of entertainment funds authorized by H.R. 14715, to be available for allocation within the Executive Office of the President rather than expended by the President himself. There is a built-in limitation of $10,000 on these funds. In addition, this amendment will specifically provide for the hire of passenger motor vehicles, a service made available to the Vice President and other entities in this act, but omitted to the President. This is a minor but necessary authority for the proper functioning of the White House office.

Mr. PROXMIRE. It does not mean the White House is going to lease more limousines and chauffeur various automobiles for the White House?

Mr. BELLMON. It means, Mr. President, that if there is a need for leased automobiles, perhaps to take care of visiting heads of state or something of that kind, the President will be able to lease them, and not just the Vice President.

Mr. PROXMIRE. But it would be confined to people like visiting heads of state; it would not be used by the staff at the White House?

Mr. BELLMON. It is not intended for use of the White House staff.

Mr. PROXMIRE. I thank the Senator.

Mr. MONTOYA. This authorization has been in the bill before. There was a little omission in the House bill. This provides complete authorization as we have had it heretofore.

Mr. BELLMON. If the Senator would care to look at the bill, H.R. 15544, on page 12, he will find that this language appears in line 18 of page 12. We have simply moved the language over to line 6 on page 13, so that it will not be limited only to the Vice President, but will also include the President. Where it appears first, it enables the Vice President to hire these vehicles. This change would make it possible for the President also to have that right.

Mr. PROXMIRE. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing, en bloc, to the amendments of the Senator from Oklahoma.

Mr. ABOUREZK. Mr. President, will the Senator yield for a question?

Mr. BELLMON. I yield for a question.

Mr. ABOUREZK. Are there funds in these amendments for the President's lawyers that he has hired in the last year and a half?

Mr. BELLMON. Mr. President, there are no funds in these three amendments that have anything to do with hiring the President's lawyers.

Mr. ABOUREZK. Or in the bill itself?

Mr. MONTOYA. Yes. I was going to make a statement about this. Once we dispose of these amendments, I would welcome a colloquy with the Senator about this matter, because I have an important statement to make in that respect.

Mr. ABOUREZK. I will withhold now, then. I thank the Senator.

The PRESIDING OFFICER (Mr. CLARK). The question is on agreeing, en bloc, to the amendments of the Senator from Oklahoma.

The amendments were agreed to.

Mr. PROXMIRE. Mr. President, will the Senator from Oklahoma yield? If the Senator from South Dakota and the Senator from New Mexico will permit, I would like to make a brief statement on the bill.

Mr. BELLMON. I yield.

Mr. PROXMIRE. Mr. President, first I commend the distinguished chairman and the distinguished ranking minority member. I think they have done a good job. It is very hard for us to hold down these expenditures; there is always great importunism by the people involved, the agencies and departments involved, and I think in this case the chairman and the subcommittee have done well.

Nevertheless, I would like to put this bill in perspective, because I think we can and should recognize that it is not quite the remarkable economy measure it appears to be. It is below the administration's budget request; and it is also an amazing $679 million below last year's budget expenditures.

These figures are misleading, however. Let us take a few examples. Why is the bill so far below last year's budget? First, no disaster relief funds are included in the bill. This program is now funded through the HUD-space-science-veterans' appropriations bill. The result, a "paper" saving of $400 million when compared with last year's bill. And as we all know disasters are made by God, not by man. It is impossible to predict with any certainty how much money we will need this year in the HUD-space-science bill—the $400 million provided last year or the $100 million requested this year.

But this is not the only paper saving. We appear to be reducing spending for the Public Buildings Service of the General Services Administration by $614,087,000. How is this possible in 1 year? The answer is that it is not possible. This simply represents a change in the way the GSA handles this account—being paid by other agencies to provide building space and services. Thus this bill's saving is translated into additional costs for other agencies.

Finally we have a $75 million saving because the fund for economic stabilization activities has been eliminated.

As we all know, the wage-price program, in the view of many, has failed, but whether it has failed or not, the fact is that the services are terminated. So it is not truly an economy measure. It simply indicates the failure of the administration's economic policy.

Allowing for all this, the bill is about $420 million, or about 8 percent, over last year.

We can look at this in two ways. If we can keep on spending at this 8-percent level of last year, we can hold the bill $13 billion below the President's budget request.

But looked at another way, it is too high. The overall cut from the budget is $54,688,000. If we were to impose a $10 billion reduction in Federal spending as we voted to do earlier this year the cut would have to be $138 or $139 million. This would be a hard cut, but it would be an eminently responsible one in this time of soaring inflation fueled by excessive Federal spending.

Nevertheless, when all is said and done, I think we can recognize that the subcommittee has done a commendable job, and they do deserve commendation.

I am a little embarrassed because I must ask the chairman to consider favorably an amendment which the Senator from New York is going to offer, which I support, but which I think is strongly anti-inflationary. That is to add another million dollars. I wish we could subtract another $100 million. But this million dollars is for the Productivity Commission, which everyone recognizes is one way of greatly reducing costs in our economy and providing, I think, at least a 100 to 1 benefit-cost ratio in terms of the advantages that we get if we can improve productivity. Despite the fact that the million dollar increase that the Senator from New York is suggesting would increase the amount of the bill by only a tiny fraction, by increasing the funds for the Productivity Commission by the fraction of 1 percent, we would have a potential saving of $100 million. So I think this would be an extraordinarily good amendment to take, and while a million dollars is a lot of money, I think we all recognize it is a tiny amount in the budget, and a very small amount even in this overall appropriation.

Mr. JAVITS. Mr. President, let me just say to the Senator that I appreciate his statement. I regard it as an example of economic statesmanship, and wish to say that he truly deserves his great national reputation in that regard. I thoroughly agree, and I hope that the committee will sympathetically consider my amendment. I do not know what the manager will do about it, but I am strongly in sympathy with its fundamental thrust.

Mr. PROXMIRE. I thank the Senator.

Mr. President, I yield the floor.

AMENDMENT NO. 1641

Mr. HASKELL. Mr. President, I call up my amendment No. 1641, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HASKELL. Mr. President, I ask unanimous consent that we dispense with further reading of the amendment.

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

Mr. HASKELL's amendment (No. 1641) is as follows:

On page 5, between lines 6 and 7, insert the following:

CONSTRUCTION OF MINT FACILITIES

For expenses necessary for construction of mint facilities, as authorized by the Act of August 20, 1963 as amended (31 U.S.C. 291–294), $11,800,000, to remain available until expended.

Mr. HASKELL. Mr. President, I bring this amendment up for the purpose of discussing the status of the Denver Mint with the manager of the bill and the ranking minority member.

The purpose of the amendment is to appropriate funds for the commencement of construction of a mint in Denver.

In fiscal year 1972 and 1973, funds were in the appropriation bills. They were not expended, because the mint site had not been selected. This year the committee report states that it is not included because the mint site has not been selected, and this is very understandable. I am sure that that statement was accurate at the time of the drafting of the report, although not accurate at the time the report was issued.

The site now has been selected. On July 16 of this year, the Honorable Mary Brooks selected a specific location in the city of Denver.

This facility is of vital importance to Denver and to Colorado. The new facility, will employ a great many minority groups as does the present one, and is obviously of overwhelming importance to them.

Mr. President, I intend to withdraw my amendment because the necessary authorizing legislation has not passed the House of Representatives. Therefore, an amendment to appropriate funds is not in order.

I would like to ask the distinguished chairman of the subcommittee and the distinguished ranking minority member if they would be sympathetic to including this item in a supplemental appropriation bill, assuming that a supplemental appropriation bill comes out after the authorization takes place.

So I would like to ask my friend, the Senator from New Mexico (Mr. MONTOYA) his attitude on this.

Mr. MONTOYA. May I say to my good friend from Colorado that I have been sympathetic to the construction of this building for many years. I included in the bill for fiscal year 1972 an appropriation of $1,500,000 for the acquisition of the site. Then in fiscal year 1973 this committee included a $2 million item for design and site development. We have our foot in the door by way of commitment, and I am sure the subcommittee will consider very favorably the moneys that might be required for the construction of the building once the authorization goes through the House.

The authorization has already passed the Senate and has been reported out of the Public Works Committee in the House, but no further action has been taken by the House. The disposition of the authorization bill in the House will come at any time, and then eligibility will set in for construction money. I can assure the Senator from Colorado that I will do everything possible to make my recommendation felt before the subcommittee and the full Appropriations Committee.

Mr. HASKELL. I thank the distinguished Senator very much indeed for his commitment.

Might I inquire of the distinguished Senator from Oklahoma (Mr. BELLMON) whether he shares the chairman's sympathy to this project?

Mr. BELLMON. Mr. President, I am in general agreement with the position expressed by our distinguished chairman.

I feel that there is a need for this kind of a facility, and I would be very happy to work with him in devising means of moving the project along.

Mr. HASKELL. I thank the Senator.

Mr. President, I now withdraw my amendment No. 1641.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from South Dakota.

Mr. ABOUREZK. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

On p. 14 after line 24 add the following: "No part of the funds appropriated by this

Act shall be used for the President's Commission on Personnel Interchange."

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ABOUREZK. Mr. President, I ask unanimous consent that the two amendments be considered en bloc.

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

Mr. ABOUREZK. Mr. President, the Senate Appropriations Committee has recommended an appropriation of $90,000,000 for salaries and expenses of the Civil Service Commission for fiscal year 1975. As stated in the committee's report:

This amount recommended is $18,766,000 more than the amount appropriated for 1974; and $353,000 over the House allowance.

The House disallowed $353,000, because Congressman CHARLES VANIK raised a point of order with respect to appropriating this money for the President's Commission on Personnel Interchange. Congressman VANIK argued, as I shall argue, that because of the serious conflict of interest questions regarding some of the individuals who have participated in this program and because of the potential for conflicts of interest in the program itself, this appropriation ought to be eliminated.

According to the GAO report requested by Congressman VANIK, the executive interchange program served as a vehicle to facilitate the entry into public service by industry executives.

The report stated:

In our view, the more important question raised by FEO's use of presidential executive interchange program personnel with oil and related industry backgrounds concerns the judgment exercised in placing executives on a year's leave of absence from private industry in positions in an agency exercising a regulatory-type responsibility over the activities of the very company to which the individual involved will return at the completion of his year's assignment. It was this action which created potential conflict-of-interest situations.

As a result of its investigations the GAO has referred two cases involving former FEO officials to the Justice Department for further action. One former FEO employee, Mr. Robert Bowen, came from Phillips Petroleum Co., and the other, Mr. Edmund Western, came from the Sun Oil Co. Both were involved in advising FEO officials in a policymaking position. While Dr. Sawhill, for example, has defended Mr. Bowen's work as merely technical in nature, it is clear from the documents collected by the Interior Committee in its hearings on the confirmation of Dr. John Sawhill as FEO Administrator that Mr. Bowen's advice and work was much more than technical.

The FEO's own general counsel warned of Mr. Bowen's potential impact on FEO regulations relating to petroleum products and recommended that the FEO Administrator consider appropriate action. Yet, instead of making a determination of whether or not there was a conflict-of-interest problem, Administrator Sawhill merely transferred Mr. Bowen back to the Treasury Department.

In point of fact, there are still serious problems concerning conflict-of-interest questions in the underlying philosophy of the executive interchange program itself. I can see no justification for bringing into Government, men from private corporations, for whom the public interest is rarely a primary concern, and whose responsibilities in Government will bear, either directly or indirectly, on decisions which may benefit their own corporations to which they will return. I believe that it is the basis of democratic government that public officials must serve only one master—the American people, the public interest.

Knowing that he will return to work with a private corporation after a year of service with the Government, a corporate executive is not likely to either make recommendations to Government officials which will hurt his company or benefit the public, for as the late Senator Estes Kefauver observed it is illogical to expect corporations to work in the public interest.

One need only mention a few decisions in any administration to show how readily public officials cave in to the demands of private corporations—tax loopholes, the sale and leasing of public land, nonenforcement of environmental laws, and on and on.

The fact that the executive interchange program allows a private corporation to send one of its executives to work for a Government agency for 1 year demonstrates how vulnerable is our system of government to penetration by large economic interests. A 1-year stay is on its face an admission that the public interest will not be served. Unlike an elected official, this individual is not required to stand for reelection. Unlike an appointed official, he need not face congressional approval. And unlike a career civil servant, he has no commitment to serve the public. Indeed, such a program as this executive interchange program undermines the very foundation of a government free of the corrupting influences of large economic interests. In my opinion, this program serves to erode responsible public decisionmaking in favor of legitimating private interests through governmental actions.

Therefore, Mr. President, I urge the adoption of this amendment to strike the appropriation and to prohibit the use of any funds in this bill to fund the President's Executive Interchange Program.

I reserve the remainder of my time.

Mr. MONTOYA. Mr. President, I am in full sympathy with the concern expressed by the junior Senator from South Dakota. However, I am constrained to oppose the amendment for other reasons.

In the first place, the reduction was made in the House, and we restored the funding in the committee.

The House action stemmed from a point of order raised on the floor of the House against this particular item.

Since the House action, the matter was gone into by our committee and we have received the opinion of the Comptroller General that there was adequate authorization for the inclusion of this particular money in the bill.

The authority of the President to convoke a commission of this type is within authorizing statutes, and the Comptroller General has communicated to the committee that this is proper in a letter dated July 24, 1974, to the chairman of our full Committee on Appropriations (Mr. McCLELLAN). I shall insert the letter in the RECORD, but I shall read this salient and applicable portion of the letter.

After examining the matter, we believe the President and the CSC have sufficient authority under the general delegation of authority by Congress to administer the civil service to establish a program such as that administered by the President's Commission on Personnel Exchange.

Specifically, we believe the following sections of title V, United States Code, provide basic authority under which the CSC may operate a program such as that described in Executive Order No. 11451: Sections 1301, 1302, 3301, and 3302.

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

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

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., July 24, 1974.

Hon. JOHN L. McCLELLAN,
Chairman, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: In response to a telephone request from Mr. Warren Kane of the staff of the Senate Committee on Appropriations of July 17, 1974, we are writing to provide you with our views as to the authority for appropriating funds to the President's Commission on Personnel Interchange. The question has arisen as a result of the action of the House of Representatives on June 25, 1974, (see Congressional Record pages H5678 and 5679) in which the bill H.R. 15544 was amended to delete the appropriation for the interchange program requested by the Civil Service Commission (CSC).

After examining the matter, we believe the President and the CSC have sufficient authority under the general delegation of authority by Congress to administer the civil service to establish a program such as that administered by the President's Commission on Personnel Interchange.

Specifically, we believe the following sections of title 5, United States Code, provide basic authority under which the CSC may operate a program such as that described in Executive Order No. 11451: Sections 1301, 1302, 3301 and 3302.

With respect to the discussion between Mr. Kane and a member of our staff as to the possible applicability of chapter 41, title 5 (Government Employees Training Act) as authority for the program, it is our view that the limitations of the Training Act with respect to personnel covered, compensation, relocation expenses payable and length of time permitted for training make that Act inappropriate for use as authority for the interchange program.

Finally, we would like to point out that it is our understanding that the appropriation in question concerns only the appropriation for the Commission itself, and does not affect the expenses incurred by various agencies in which persons have been selected for participation in the program. In this connection, we have noted the reference in the House debate to the language of 31 U.S.C. 673 which was there interpreted as precluding establishment of such a Commission in the absence of specific statutory authority. Our Office has, on the contrary, interpreted

that statute to hold that the language in question "does not necessarily require that commissions, boards, and other such bodies be specifically established by statute" 40 Comp. Gen. 478, 479 (1961), so long as sufficient general statutory authority exists to allow payment of expenses incurred.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

Mr. MONTOYA. Mr. President, I was deeply concerned about the conflict of interest situations that arose by this interchange of employees with private industry. Certainly, we do not condone it, and the Comptroller General has conducted a very thorough investigation of the individuals mentioned by the junior Senator from South Dakota. The matter is now pending in the Department of Justice and they are dealing with it as they might—under the law—undertake to do.

There is a conflict of interest statute on the books, and because of the incidents which the gentleman from South Dakota has brought out, the Comptroller General has started a broad investigation as to conflict of interest situations that might arise. The Comptroller General has assured this committee that he will present a comprehensive report once it is completed by the GAO.

This program allows the Government to send some of its people into the private industry sector so that Government people can gain experience from methods employed in private industry and can bring part of that expertise into the Government. Similarly, people from private industry are placed in Government positions. The point of great concern to me at the present time is that except for these two instances, this program is working well; it is a very desirable program; and we have already started, this fiscal year, on a continuing resolution basis. The people who are participating in this year's program, have been selected; I understand that some are already on board and the Government is committed to have them for a year. The amount of money that the amendment seeks to strike from the appropriation bill is not for the payment of these individuals; it is merely for the administration of the program. This is a staff of twelve that go out and interview and prepare the papers for the selections and conduct the educational program that is part of this experience.

But I might say to the Members of the Senate and to my distinguished friend from South Dakota that what I have said is not in any way taking away from the great concern that I share with the Senator from South Dakota about the two incidents which he has brought to light during this debate.

We have taken care of that, too. We have asked for this report, and I can assure the Senator from South Dakota that if the Government through the Civil Service Commission and the General Accounting Office, does not set up some proper safeguards so as to avoid any conflict of interest situation in the future, I would be the first one to come back to the Senate and recommend that the program be discontinued and that no funding be allowed for this particular program.

So I oppose the amendment, Mr. President, for those reasons.

Mr. BELLMON. Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BELLMON. Mr. President, I rise to support the position of our chairman. I feel that the arguments he has given are good arguments and that they are well reasoned and convincing. I also understand fully the concern of the distinguished Senator from South Dakota and I share his concerns about conflict of interest. But as the chairman pointed out very stern penalties are already provided in the law for this kind of conduct, and there is ample provision for the Civil Service Commission and the Department of Justice to see that conflicts of interest do not occur.

Mr. President, I wish to call to the attention of the distinguished Senator from South Dakota pages 35 and 36 of the report on the bill where the statement is made that the criminal penalties which attach to conflict of interest are set forth in the United States Code, and the Civil Service Commission and the Justice Department have authority to apply those penalties.

I also have before me a letter dated June 27, 1974, signed by Robert E. Hampton, Chairman, U.S. Civil Service Commission, addressed to the distinguished Senator from New Mexico (Mr. MONTOYA), chairman of the Subcommittee on Treasury, Postal Service, and General Government of the Committee on Appropriations. I wish to read pertinent sections of the letter for the RECORD. Chairman Hampton stated in the letter:

It is of the utmost importance that your committee specifically restore the funds permitting continued operation of the President's Commission on Personnel Interchange. While the House deleted the Commission on a point of order. I believe that the legislative history and the continued need for a program of this nature amply justify its continued existence. I have been closely associated with the design and implementation of the Executive Interchange Program since the Advisory Committee created by President Johnson recommended that it be established. By the end of this summer over 200 promising mid-level executives from Government and the private sector will have completed their assignments. Evaluation reports received from individual interchange executives and participating Government and private sector organizations indicate that substantial improvements and measurable benefits have been achieved through the efforts of interchange executives.

The Commission on Personnel Interchange has informed me that the General Accounting Office is conducting a management review of the Program and of the Commission standards, practices, and procedures. The findings can be expected to demonstrate the effectiveness of the Program's operations over time.

Mr. President, our chairman, the distinguished Senator from New Mexico (Mr. MONTOYA) has said that he has called for a report from the General Accounting Office as to how this program has been operating. Based on my association with the distinguished Senator from New Mexico, I can guarantee the Senate that when he asks for a report he gets a report. We have had many dealings with the Internal Revenue Service and the chairman does get reports that he asks for. So when he calls upon the General Accounting Office for a report on this matter I am sure he will get what he asks for. It would be a great mistake for the Senate to end this program before we know whether the allegations of impropriety are true. Also, we need to have the program in operation until we see how it is functioning, and if we have the legal authority to prevent the abuses that have been alleged.

Mr. President, in conclusion, I might say that in charging that someone in an oil company working with the Federal Energy Office has somehow or other taken advantage of his position, merely adds to a kind of "hate the oil industry" philosophy that has been prevalent in this body ever since I have been here. I do not know how the Federal Energy Administration is going to operate unless it gets input from people who know something about the energy business.

Many of the most talented people in the energy industry are involved in one way or another with some of our petroleum companies. The Phillips Petroleum Co. is an Oklahoma company. While I do not know the gentlemen involved in this controversy, I do believe I can state that Phillips is one of the finest oil companies in my State, and I, from the surface view, do not believe that they would be involved or participate in anything that would justify a charge of conflict of interest.

I would say to my friend from South Dakota that we ought to get the facts in this matter, and not attempt to rule out the use of people who know something about the petroleum industry in trying to establish the FEA. Moreover, we must give those FEA administrators a chance to use the experience and the training that people in the petroleum industry have in trying to work out a solution to the Nation's critical energy problem.

I do not think, on the surface, we ought to automatically assume that there has been something wrong just because someone who knows something about the oil industry has been involved in this interchange program. Again, I believe we ought to at least fund it for 1 more year and give the GAO a chance to give us a report on how it has been operating.

Mr. President, I would like to yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I have been an admirer—since he has been in the Senate—of my distinguished colleague from South Dakota. I will be in his State this weekend.

In this particular instance, I would urge that he give reconsideration to a precipitous move here on the floor of the Senate which, by action of his amendment, would stop the program started by Lyndon Johnson.

Mr. ABOUREZK. Would the Senator yield briefly on that point?

Mr. PERCY. Of course.

Mr. ABOUREZK. The amendment does not stop the program.

Mr. PERCY. It cuts the money out.

Mr. ABOUREZK. It stops the funding for the agency. The expenses for the people on the interchange program are

paid out of the individual departments that undertake the interchange.

Mr. PERCY. But what would be stopped would be the funds available to Executive Office of the President, which really is the inducement to bring these people down here. One of the great values to the people of the United States is to have people in government go back to industry and learn how the private sector operates and what the problems of the private sector are.

One of the great values of our whole scheme of government is that we have this interchange of technologies, interchange of skills, interchange of positions, and by that cross-fertilization we learn from those contacts and a person can become a better executive in whatever responsibilities he then chooses to carry on. When people come down from industry, they not only go to an agency, but they also have the benefit of the educational program that these funds make possible. These people are then put together as a unit. They move around and are moved around and given the benefit of a broader spectrum of Government operations than they could possibly have when just specifically assigned to one agency.

For instance, we have 80 people in this program this year—40 of whom are now completing the program in Washington, just as we have a comparable number out in industry. The people who are now on their way to Washington—some of whom are here, others of whom are preparing to come, disposing of their housing, making their physical adjustment—are doing so out of consideration for the fact that they would have available to them the educational value of this program provided by the Executive Office of the President.

That has been a part of the inducement. We would, in a sense, be pulling the rug right out from under them, bringing them down under conditions that are quite different than they had every reason to believe would be carried on.

I recognize that it would be better to have an authorization for this. I understand that steps are now being taken to provide such authorization.

I think when the distinguished Senator from South Dakota says that this program has not had any kind of congressional review as to the wisdom of the program, it would be well for us to take a look at the printed report of the "Executive Interchange Program of 1973," which contains statements by various agencies of Government as to the benefits that they have received themselves, and a summary report, the "Evaluation of the President's Interchange Program" for the 4 years of 1970 to 1973. This is the President's Commission on Personnel Interchange.

Congress has had this report available. Every Member of the Congress can analyze it and appraise it.

Mr. President, I ask unanimous consent that these two reports be incorporated in the RECORD at this point.

I could take the time to go through these reports, but I feel certain that the distinguished Senator from South Dakota is familiar with them. Otherwise, he would not have presented an amendment on a program that he had not fully analyzed.

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

THE PRESIDENT'S EXECUTIVE INTERCHANGE PROGRAM

"The enormous challenge facing America today makes it essential that Government and Business work together, not apart from each other. The Executive Interchange Program has proven time and again that it can be one of the most effective ways of sharing ideas, techniques and talent. I hope that leaders in both Business and Government will continue to give this effort their full support."—RICHARD NIXON.

PURPOSE AND HISTORY

Government and business no longer live in separate worlds. Each still exists to serve society in its own way, but the activities and concerns of these two major forces in American life are becoming increasingly similar. As participants in regulatory matters and as partners in social action programs, foreign trade, national defense and a wide variety of other areas the public and private sectors work in close proximity.

Meeting the challenges of the future will demand even more understanding between the two. The nation's goals and problems are beyond the resources of business and government working separately. Only through coordinated action will there be enough talent and imagination to meet our needs in the coming decades.

The future executive leaders in this changed environment will be the highly talented men and women who understand not only their own sector—be it business or government—but the perspective, procedures, potential and limitations of the other sector as well. Indeed, a lack of such understanding promises to become one of the effective limits on an executive's career potential.

Given this situation, the President's Executive Interchange Program was established in 1969 to provide highly talented executives with an opportunity to gain experience by crossing sector lines to work temporarily in government or business during the important middle years of their careers.

Since the program was started, a select number of individuals identified as potential senior executives by their companies or the government have participated in the program. They have brought expertise to their assignments as Presidential Interchange Executives working in key positions in government or business. They have returned to their employers with broadened perspective and insight that will be of significant value in later positions of senior responsibility.

Thus, both the individuals and the organizations participating in the program benefit substantially. Most important, the nation benefits as well by the establishment of a cadre of top young leaders with the ability and broad-based experience to deal effectively with complex national issues in future years. The emerging need for such men and women is intense, and the President's Executive Interchange Program is an attempt to meet that need.

The following pages provide detailed information on the procedures and qualifications necessary for participation in the President's Executive Interchange Program.

OBJECTIVES

The objectives of the President's Executive Interchange Program are several:

To promote understanding and a better working relationship between business and government through the exchange of the best young executives from each sector.

To provide executives with an increased awareness of the perspective, methods, resources and operation of the Federal Government or of the private sector.

To open government agencies and executives to the management expertise of the private sector.

To develop a cadre of business executives with successful mid-career government experience who could be called upon at a later date for service on advisory boards and panels and in high appointive positions.

SUMMARY OF THE PROGRAM

Business candidates for the President's Executive Interchange Program are nominated by the top management officers of their companies. Government candidates are sponsored by the cabinet officers heading their departments. Those selected take leaves-of-absence from their organizations for approximately one year, and serve in demanding jobs with host organizations in the opposite sector. The length of the interchange assignment is flexible, however, and may extend up to a maximum of two years.

Salaries are paid by the host organizations, but Presidential Interchange Executives can continue to participate in the various benefit programs offered by the sponsoring organization. Moving expenses are paid by the sponsor.

Participants in the program come from executive positions ranging across the full spectrum of the management process. In the past, those from industry have had backgrounds in areas such as general management, marketing, finance, operations research, accounting, law, personnel, planning, international business and engineering. Those from government have had executive experience in fields such as urban development, program management, international relations, purchasing management, management information systems, economic planning and industry analysis. In short, the only real constant among Presidential Interchange Executives is uncommon ability and initiative.

Past participants in the President's Executive Interchange Program have tackled a wide variety of tough jobs during their tenures. For example:

An executive from a manufacturer of data processing equipment directed a key study which assessed the growth of civil aviation during the next 30 years and recommended appropriate action to cope with projected needs.

A government planner working in industry conducted a social audit of a major American corporation to help the company measure the effects of its activities on society.

A marketing executive from industry serving with the Department of Commerce initiated and directed a successful domestic information program designed to increase the number of American exporters.

A purchasing manager from the Department of Defense set up a new and more effective purchasing system for a major utility while serving in a senior executive position with the company.

At the same time they are contributing significantly to their host organizations, Presidential Interchange Executives also are learning through association with the talented people and new methods of those organizations. In this sense, the interchange experience gives participants an opportunity to view their own organizations more objectively and to form new business and social friendships in the process.

ELIGIBILITY

The President's Executive Interchange Program is limited to the exceptional high potential business and government executive who:

Has been nominated by the top management level of his company or cabinet officer of his government department.

Has a proven record of management abili-

ties and significant on-the-job accomplishments, and a history of increased responsibility and compensation growth.

Has the personal traits including high intellect, integrity and well-developed leadership skills which should enable advancement to the senior management level in the sponsor organization.

Is a citizen of the United States.

THE SELECTION PROCESS

The President's Commission on Personnel Interchange administers the President's Executive Interchange Program. Members of the Commission are executives from the highest levels of industry and government. The Commission evaluates candidates from business and government, handles requests from both sectors for Presidential Interchange Executives, and conducts the careful matching process necessary to place qualified candidates in appropriate positions.

Candidates for the program are nominated by the sponsoring organization. The Commission then screens the candidates through interviews and an evaluation of the executive's talents and interests. If qualified, the candidate is matched to a position in the opposite sector. The candidate may then be accepted by the host organization following further interviews arranged by the Commission.

Determination of a Presidential Interchange Executive's salary is a matter of discussion between the executive and the host organization with the Commission providing assistance as necessary. Generally, a Presidential Interchange Executive receives approximately the same salary from the host as from the sponsoring organization. If possible, the host organization pays slightly more as a consideration for the inconvenience of moving, the possible need for maintaining two homes, and other similar factors. However, since the current top government annual salary is $36,000, some business executives receive less compensation while serving as Presidential Interchange Executives than they do in private life. As noted previously, moving expenses and fringe benefits are borne by the sponsoring organization.

Presidential Interchange Executives are placed in challenging positions where they can grow professionally and make a significant contribution to the host organization. Once the executive is on the job, the Commission maintains close contact in order to assure the satisfaction of both host and executive with the arrangement.

Organizations wishing to sponsor and/or host a Presidential Interchange Executive can do so by contacting the Commission at any time during the year. To date, most of those participating in the program have been nominated by their sponsoring organizations prior to May 1, have been placed in a position with a host organization by June 15, and have begun their assignments in August or September. This chronology need not always apply, however. There is a continuing demand for Presidential Interchange Executives throughout the year, and accordingly, the Commission's placement activities take place on a continuing basis.

THE EDUCATION PROGRAM

For Presidential Interchange Executives from the business sector, the experience of working in an important position in the Federal Government is itself an incomparable educational opportunity. To extend the executive's understanding of government beyond this, however, the Commission also conducts an advanced education program throughout the year.

At the beginning of their interchange assignments, Presidential Interchange Executives participate in a comprehensive seminar covering subjects such as government organization, operation, international affairs, domestic issues and finance. Seminar leaders include members of Congress, White House aides, senior staff officials of Federal Government departments, and experts from public and private organizations. Past participants have found that this experience is one of the more valuable aspects of the program.

Throughout the program year, the Commission arranges meetings that bring together Presidential Interchange Executives and leading government figures. These informal sessions permit in-depth discussion of questions and issues. Past meetings, often conducted over breakfast or lunch, have included sessions with members of Congress, Presidential aides, and cabinet officers. Presidential Interchange Executives also are briefed formally by the top officers of each department of the Executive branch on the missions and operations of the departments.

The education program for government officials selected as Presidential Interchange Executives and working for business employers throughout the country is somewhat less structured than that for business executives working in government. Presidential Interchange Executives from the government attend a comparable orientation seminar on business, focussing on discussion with company presidents and other top officials. Following this, the Commission staff, the host company, and the Presidential Interchange Executive confer to develop a program tailored to that city or job situation. City or Company programs may include activities such as meetings with senior company officers, visits to company facilities, and participation in management seminars, among others, in one or more companies. While the elements of each program differ, all serve the common end of enriching the executive's total experience with the company and its environment. Throughout the year there are additional seminars lasting up to one week on issues of concern to both groups of executives.

THE NEXT STEP

For further information, please contact: Executive Director, President's Commission on Personnel Interchange, 1900 E Street, N.W., Washington, D.C. 20415. Telephone: 202-632-6834.

MEMBERS OF THE PRESIDENT'S COMMISSION ON PERSONNEL INTERCHANGE

J. Stanford Smith, Chairman, Chairman and Chief Executive Officer, International Paper Co., New York, N.Y.

Gerhard D. Bleicken, Chairman of the Board and Chief Executive Officer, John Hancock Mutual Life Insurance Co., Boston, Mass.

A. W. Clausen, President, Bank of America National Trust and Savings Association, San Francisco, Calif.

Arthur A. Fletcher, President, Arthur A. Fletcher and Associates, Washington, D.C.

Robert W. Fri, Partner, McKinsey and Co., Washington, D.C.

John D. Harper, Chairman and Chief Executive Officer, Aluminum Co. of America, Pittsburgh, Pa.

C. Charles Jackson, Jr., Vice President—National Sales, Hoerner Waldorf Corp., St. Paul, Minn.

Ralph E. Kent, Senior Partner, Arthur Young & Co., New York, N.Y.

Herman W. Lay, Chairman of the Executive Committee, Pepsico, Inc., Dallas, Tex.

James T. Lynn, Secretary of Housing and Urban Development, Washington, D.C.

Frederick V. Malek, Deputy Director, Office of Management and Budget, Washington, D.C.

Franklyn C. Nofziger, Nofziger Co., Sacramento, Calif.

William E. Simon, Secretary of the Treasury, Washington, D.C.

Jayne B. Spain, Vice Chairman, Civil Service Commission, Washington, D.C.

Elizabeth Van Meter Sperline, Sperline and Associates, Yorba Linda, Calif.

John K. Tabor, Under Secretary of Commerce, Washington, D.C.

Herman L. Weiss, Vice Chairman of the Board, General Electric Co., New York, N.Y.

SUMMARY REPORT: EVALUATION OF THE PRESIDENT'S EXECUTIVE INTERCHANGE PROGRAM, 1970–73

The President's Commission on Personnel Interchange was created by Executive Order 11451 of President Lyndon B. Johnson on January 19, 1969, and was charged with developing . . . an Executive Interchange Program under which promising young executives from the Federal departments and agencies and the private sector will be selected as Interchange Executives and placed in positions offering challenge and responsibility in the other sector . . . for the purpose of promoting understanding and a better working relationship between business and Government.

To determine the program's effectiveness during its first 3 years of operations, an evaluation study was undertaken to answer four major questions:

Has the Executive Interchange Program increasingly attracted high-caliber participants?

Have the interchange executives, their companies and Federal agencies been satisfied with their participation in the Executive Interchange Program?

Has the Executive Interchange Program been successful in creating a better understanding and working relationship between Government and the private sector; and has the Commission's education program been beneficial in achieving such understanding?

Do the results of the Executive Interchange Program warrant its continuance; and, if so, should the program be strengthened?

In 1973, the third group of Government and private sector executives completed their 1-year assignments as part of the Executive Interchange Program of the President's Commission on Personnel Interchange. The program's objectives focus on increasing understanding between the public and private sectors through the interchange of top young executives from industry and Government for limited term assignments in the other sector. The 134 executive participants in the first 3 years of the program, the 71 companies and 24 Federal agencies that sponsored or hosted executives, and the 72 supervisors of the third group of participants were surveyed in November 1973 to determine if the goals of the Executive Interchange Program were being met. The survey findings indicate that they are.

FINDINGS

High Caliber of Executives. Participants from both the Government and the private sector average 35 years of age and earn $30,000 a year, which indicates the effectiveness of the program's selection criteria. All participants in the Executive Interchange Program have completed at least 4 years of college and received bachelor's degrees in arts or sciences. Over 50 percent have advanced academic degrees (master's, doctor's, or law).

There were 134 executives who participated in the first 3 years of the Executive Interchange Program; 34 were from the Federal Government and 100 were from the private sector. The distibution between the public and private sectors in each group was:

	Group I	Group II	Group II	Group IV
Government executives	11	8	15	35
Private sector executives	19	24	57	45

Program balance, in terms of the nearly equivalent size of the Government executives' group and the private sector participants' group, has been achieved in Group IV.

Minority participation, though small, has been increasing. Group II had the first two Black executive participants, one each from both the public and private sectors; and, Group III had three Blacks from Government and one from industry. The first woman executive, who was Black, participated in Group III; she was from the Federal Government.

For the first 3 years of the program, salaries ranged from a GS–13, step 2, through GS–18, step 1. The most frequent GS grade in each sector was GS–14, step 8, for Government participants, and GS–15, step 3, for private sector executives. Both of these grade/step levels approximate a $30,000 annual salary; there is less than a $250 difference between them.

Executives satisfied with Interchange Assignment. Participants in all three groups, from both Government and industry, placed similar values on their job assignments in their answers to the 26 survey questions. Respondents said:

[In percent]

	(1)	(2)
Job met my expectations	62	73
I had a great deal of responsibility	62	57
My interchange position satisfied my sponsoring organization	93	86

Executives' reaction to their interchange supervisors varied. It was favorable to items such as:

Immediate supervisor was effective	86	75
Supervisor fulfilled his responsibilities to me	79	76

And their response was mixed when it came to questions like:

Immediate supervisor provided me only minimal direction	43	63

Executives felt that:

I made a major contribution to the company/agency (i.e., host) during my inter change assignment	75	84
My interchange experience will make me more effective in my regular assignment in my sponsoring agency/corporation when I return to it	76	79

[1] Government Executives (N=29).
[2] Private Sector Executives (N=70).

Changes in Attitudes About Government and Industry. To put the work experience in the host sector within a broader context and to further the understanding of the host sector, the President's Commission on Personnel Interchange engaged in a 10-month education program for the interchange executives. This program varied for each of the three groups, but for all groups it provided more activities for the private sector executives in Washington, D.C., than it did for the Government executives located outside of Washington.

To questions related to learning and education, executives said that:

	(1)	(2)
Brookings orientation was beneficial	83	93
As a learning experience, my horizons were broadened considerably by:		
Contact with other incharge participants	69	91
Contact with company/agency executives	86	89
Education programs arranged by the commission staff	72	91

[1] Government Executives (N=29).
[2] Private Sector Executives (N=70).

Survey data indicate that attitudes of participants changed during the interchange year. As a result of their interchange experience, executives stated that:

[In percent]

	(1)	(2)
My understanding of industry or Government operations has increased significantly	90	97
Executives in Government can achieve increased understanding of industry's problems	93	84
Executives in industry can achieve increased understanding of Government's problems	78	94

[1] Government Executives (N=29).
[2] Private Sector Executives (N=70).

Executives' Program Expectation Level and Benefits. This survey was a post-evaluation of the executive's interchange experience. However, an attempt was made to collect data also on the executive's pre-program expectations. Executives were asked to select from a list of 19 factors as many reasons for entering the interchange program as were appropriate to their situation. They were then asked to review the same items from the standpoint of realized program benefits. Table 1 enumerates the 19 factors and the responses by Government and private sector executives to them.

In this report, a factor was considered significant if it was selected by half or more of the respondents in that group. It was also judged significant if there was a relative change of 50 percent or more in response to an item "before" and "after" participation in the program; for example, regarding the Commission's education program, while 41 percent of Government executives chose it as a major benefit of the program "after," this number represented more than a 100 percent increase over the 17 percent who had marked it as a major reason "before."

Private sector executives considered the educational benefit to their wives and families of living in Washington, D.C. (factor 7) a prime reason for their joining the program and a benefit therefrom. About one third of the Government executives considered this a significant reason for their decision, and over 40 percent ranked it as a benefit after their year.

The factor showing the most marked overall positive change for Government and private sector executives was the Commission's education program events (factor 8). Within the private sector group, Group III's "before" and "after" responses exceeded those of the entire industry group.

TABLE 1.—MAJOR BENEFITS OF THE EXECUTIVE INTERCHANGE PROGRAM PERCEIVED BY THE EXECUTIVES BEFORE AND AFTER THEIR INTERCHANGE ASSIGNMENTS

Major reasons for joining the interchange program (=before)/major benefits from the program (=after)	Percent before		Percent after	
	Government (N=29)	Private sector (N=70)	Government (N=29)	Private sector (N=70)
1. Excellent job opportunity	51	34	31	37
2. Wanted to know how corporations/Government worked	58	59	34	54
3. To see if there were critical differences between managers in industry and Government	51	35	44	33
4. To break down myths people have about civil servants businessmen	31	11	33	[1] 17
5. Wanted a change in life style	20	24	14	26
6. My wife wanted to move for variety	6	0	[2] 0	[1] 6
7. Educational benefit to my wife and family	31	51	41	56
8. Commission's education program events	17	44	[1] 41	[1] 70
9. Growing stale in my job	20	12	14	7
10. Wanted a year's breather from my current job	20	15	17	11
11. Learn new management techniques in my own field	65	17	48	17
12. Learn new management techniques in fields other than my own	55	53	41	37
13. Learn something new other than management techniques	41	53	38	59
14. Share my management techniques	34	50	31	47
15. Increase my chances for promotion	55	56	41	40
16. Opportunity to work with high-caliber people	55	30	44	[1] 46
17. To increase my scope of contacts	31	57	34	57
18. My agency/company wanted me to be part of the program	27	45	[2] 10	
19. Other	20	34	[2] 14	[2] 16

[1] Positive change of 50 percent or more between "before" and "after" response.

[2] Negative change of 50 percent or more between "before" and "after" response.

Government and private sector executives both were motivated to join the Executive Interchange Program by the opportunity to increase their chances for promotion (factor 15); but when considering program benefits, its importance diminished.

Government executives were eager for the opportunity to work with high-caliber people in industry (factor 16); their experience did not achieve this expectation. The reverse situation was characteristic of the private sector executives, particularly those in Group III; there was a marked positive change in their attitude toward the opportunity of working with high-caliber people in Government "before" and "after" their assignment.

Enlarging their scope of contacts (factor 17) was consistently ranked as important by private sector executives, and only "after" their experience by Group III Government executives.

When asked to single out "the" major program benefit, over 80 percent of the respondents wrote in what they had hoped to obtain from the Executive Interchange Program. The benefits that they listed paralleled both their expressed hopes and their responses to like questions elsewhere in the survey.

PROGRAM RESULTS

Upon return to their sponsoring organizations after completing their interchange assignments, over 60 percent of the interchange executives from the private sector and nearly one quarter from the Government were promoted.

Executives' job performance was rated as satisfactory to superior by Government and industry interchange supervisors, who anticipated that there would be a long-term benefit from the work that executives produced while in their interchange assignment. According to their interchange supervisors, participants were effective in executive functions such as leadership, planning and organizing.

Reentry. As of December 1973, 89 of the 99 respondents had completed their interchange assignments, and they:

[In percent]

Returned to their sponsoring sector	93
Returned to the same firm or Federal agency within sponsoring sector	83

Benefit. When participants were asked to appraise their experience in the interchange program, over 75 percent considered it very beneficial. Responses from Government and private sector executives to the question of the personal value of the interchange experience were that the:

Executives

[In percent]

	Government	*Private Sector*
Interchange program was very beneficial	65	81
Interchange program was beneficial	28	17
Interchange program was not too beneficial	7	2
And that they recommend sponsoring agency/company continue to participate in the interchange program	86	89

Participants Satisfied With the Program. Responses from both Federal Government and private sector interchange executives indicate strong support of, interest in, and benefit from the Executive Interchange Program. Executives generally reported that they had good jobs on their interchange assignments; that they made a contribution to their host organization; that they increased their understanding of either business or Government operations; and that they were promoted upon return to their sponsoring organizations.

Benefit to the Supervisor and Host Organization. Supervisors' attitudes about the job performance of the interchange executives under their direction were that the:

Supervisors

[In percent]

	Private Sector (N=10)	*Government (N=33)*
Executive performed adequately	90	94
Executive was very responsive to company/agency problems	90	97
Interchange executive was willing to share his knowledge of Government operations/business operations (i.e., of his sponsoring sector) with his co-workers	100	100
Interchange executive was effective in terms of functions such as planning, leadership, etc.	100	91
Executive's management techniques were beneficial in host organization	90	85
Executive was able to handle a great deal of responsibility	100	94
Executive made a major contribution to the operations under supervisor's direction	100	91
Executive's work is expected to result in a long-term benefit to our organization	80	82
Interchange program is beneficial to industry/Government (i.e., the host sector)	80	97
Host organization should hire another interchange executive if possible	90	97

Federal departments and agencies, and companies in the private sector, regarded the program as beneficial to their organizations and very beneficial to the individual executives they had sponsored.

Greater Understanding Achieved. A very positive and significant result of the interchange experience was the increased understanding of Government achieved by industry executives; and the reciprocal increased understanding of industry operations gained by Government executives. Participating executives were quite optimistic about the capacity of their sponsoring organizations, whether they were companies or Federal agencies, to respond to the needs of the other sector.

Satisfactions and Dissatisfactions. Executives reported that major satisfaction with the interchange program came from their job accomplishment; from participation in the Commission's education program; and from better understanding of their host sector, be it Government or industry. Program aspects cited as dissatisfying concerned poor job matching; reentry difficulties; and the lack of the interchange program's visibility within the Federal Government and the corporate world.

Overall, respondents emphasized that the Executive Interchange Program was a valuable experience and one that should be continued.

COMMISSION ACTION

After reviewing the full evaluation report, which provided basic program data not previously available, the Commissioners of the President's Commission on Personnel Interchange determined that the Executive Interchange Program was meeting its objectives. The Commissioners fully endorsed the program's continuance and made recommendations to strengthen it. Their recommendations focused on the two issues of maximizing the utilization of executives returning to the Federal Government, and, of promoting the value of the interchange concept in both the public and private sectors.

FEDERAL DEPARTMENTS AND AGENCIES PARTICIPATING IN THE EXECUTIVE INTERCHANGE PROGRAM, FISCAL YEARS 1971–74

Legislative branch

General Accounting Office.

Executive branch

Executive Office of the President

*National Security Council (includes the Central Intelligence Agency).

Office of Management and Budget.

Office of Economic Opportunity.

Executive Departments [1]

Department of Agriculture.

Department of Commerce.

Department of Defense.

Department of Health, Education, and Welfare.

Department of Housing and Urban Development.

Department of the Interior.

Department of Labor.

Department of State.

Department of Transportation.

Department of the Treasury.

Independent Agencies

Cost of Living Council (includes National Commission on Productivity).

Environmental Protection Agency.

Export-Import Bank of the United States.

*Federal Home Loan Bank Board.

*Federal Power Commission.

General Services Administration.

National Aeronautics and Space Administration.

National Aeronautics and Space Council.[2]

*National Science Foundation.

Securities and Exchange Commission.

*Small Business Administration.

United States Civil Service Commission.

United States Information Agency.

United States Postal Service.

Veterans' Administration.

[1] The Department of Justice has not participated as a host or sponsor.

[2] The Council was abolished by the President's Reorganization Plan No. 1 of 1973, effective July 1, 1973. See U.S., Congress, House, Reorganization Plan No. 1, 1973, sec. 3 (a) (4), H. Doc. 43, 93d Cong., 1st sess., January 26, 1973.

* First participated in Group IV, Fiscal Year 1973–74.

PRIVATE SECTOR ORGANIZATIONS PARTICIPATING IN THE EXECUTIVE INTERCHANGE PROGRAM FISCAL YEARS 1971–1974

*ACI Systems Corp., American Airlines, Inc., American Can Company, American Standard Inc., American Tel. & Tel. Company, Arthur Andersen & Co., Atchison, Topeka & Santa Fe Ry., Atlantic Richfield Company, AVCO Corporation.

Bank of America, *Battelle Memorial Institute, *Bechtel Corporation, Bendix Corporation, The Boeing Company, *Burroughs Corporation.

Carborundum Company, Caterpillar Tractor Co., Cities Service Company, Citizens & Southern National Bank, *Collins Radio Company, Computer Congenerics Corporation, Consolidated Edison Company, Consumers Power Company, *Continental Illinois National Bank & Trust Co., *Coopers & Lybrand, Cummins Engine Company, Inc.

*Dalton, Dalton, Little, Newport, Dow Chemical U.S.A.

E Systems, Inc., *Employers Insurance of Wausau, *Ernst & Ernst, Esso Eastern Inc., Exxon Company, USA.

*First National Bank of Chicago, *First National Bank of Miami, *Ford Motor Company.

*General Components, Inc., General Electric Company, *General Motors Corporation, General Telephone & Electronics Corp., Girard Bank.

John Hancock Mutual Life Insurance Company, Hay Associates, *Hewlett-Packard Company, Hoffmann-LaRoche Inc., *Hornblower & Weeks-Hemphill, Noyes Inc.

International Business Machines Corporation, International Tel. & Tel. Corp.

*S. C. Johnson & Son, Inc.

Kaiser Industries Corporation.

*Lear Siegler, Inc., Litton Industries, Inc., Lockheed Missiles & Space Company, Inc., Lukens Steel Company.

Management Analysis Center, Inc., Marathon Oil Company, *Mason-McDuffie Co., McDonnell Douglas Corporation, McKinsey & Company, Inc., The Mead Corporation, *Mellon Bank, N.A., Memorex Corporation, The Mitre Corporation, Mobil Oil Corporation, Motorola, Inc.

*National Association of Black Manufacturers, Inc., New England Mutual Life Insurance Co., Norton Simon, Inc.

Owens-Illinois, Inc.

*Pacific-Sierra Research Corp., Peat, Marwick, Mitchell & Co., Pfizer Inc., Philadelphia Electric Company, *Phillips Petroleum Company, PPG Industries, Inc.

*Quaker Oats Company.

*Recognition Equipment, Inc., Rockwell International, *Rodeway Inns of America, Rohr Industries, Inc.

Sears, Roebuck and Co., *Shell Oil Company, *Smithfield Foods, Inc., SmithKline Corporation, The Sperry and Hutchinson Company, Sperry Rand Corporation (Univac), A. E. Staley Manufacturing Company, Standard Oil Co. of California, Standard Oil Co. (Indiana), Star Manufacturing Company, State Street Bank & Trust Company, *Sun Oil Company, Syntex Corporation.

*Tennessee Gas Transmission, Thiokol Chemical Corporation, Towers, Perrin, Forster & Crosby, TRW Inc.

*Underwriters' Laboratories, Inc., *Uniroyal, Inc., United Aircraft Corporation, *United California Bank, United Telecommunications, Inc., The Upjohn Company.

Westinghouse Electric Corporation, *Weyerhaeuser Company.

Arthur Young & Company.

Mr. PERCY. Mr. President, it would be my hope that we would not at this time remove this modest amount of funds,

*First participated in group IV, Fiscal Year 1973–74.

involving many, many top level people who have interrupted their private careers and interrupted their governmental careers in order to engage in a program which was created by Executive order under President Lyndon Johnson, and carried on enthusiastically by the Nixon administration. This program certainly transcends partisan lines because of the enthusiasm of the respective agencies that have benefited from this program by having an interchange of people where they can send them into industry and they can also receive from industry a certain number of people.

I understand that there have been two instances where a conflict of interest may have been injurious. As I understand it, there have been only seven people who have gone from agencies to FEO, who came out of this program. They did not originally go to the Federal Energy Office from this program. They were sent over in an emergency situation by other agencies.

This program is not at fault. They were sent over by those other agencies.

Certainly, if you have only two instances out of the total number of people involved, I would say that is very rare indeed. Whenever we find malfeasance on the part of a Member of the Senate or the House, we are not going to abandon the Senate and House and say the system does not work. We are going to correct whatever conflict of interest there may be. But you do not destroy a program, you do not stop in midstream, you do not do it precipitously when you have people coming down who have been given every assurance that the full benefits of this program would be made available to them.

I hope the amendment would be reconsidered by the distinguished Senator from South Dakota who offered it. If it is offered and a vote is taken, I hope the Senate will defeat it and sustain the Appropriations Committee, which I believe opposes it.

The PRESIDING OFFICER. Who yields time? The Senator from South Dakota.

Mr. ABOUREZK. Mr. President, I want to thank the chairman of the subcommittee (Senator BELLMON) and Senator PERCY for their statements regarding this program.

The offering of this amendment in no way, in my opinion, derogates from their concern about an interchange and an exchange of ideas between the private sector and Government. What this amendment does, in my opinion, is to force a reevaluation by the Congress of this program which has never been specifically authorized. It has never been specifically gone over by any congressional committee.

The result of it has been that there are no specific regulations, procedures, or standards set by Congress which establish how the interchange program works. It is done strictly and specifically by Executive order.

To say that this amendment is precipitous compares in no way to the precipitous nature of how this program was established merely by Executive order, under a vague authority of the Civil Service Act.

I would submit to the Senator from Illinois that if he says there have been only two cases, which he considers to be a minor number of cases of conflict of interest, with regard to what has happened with the fuel situation over the last year or year and a half that these two cases are enough to justify passage of my amendment. We do not know how many more there are. These are the two cases that are glaring. It is a distinct possibility there are many, many more cases that no one has yet uncovered.

When you send an executive from a major oil company into the Government to write regulations which affect that particular company and the rest of the oil industry, it would seem to me time the Congress redelegated to itself the authority to set standards as to how the executive interchange program is to work. This $353,000 deletion and the prohibition of the use of any funds in this bill to fund the Executive Interchange Agency will do specifically that. It will force a reevaluation by Congress. It will not prevent those people who have been selected this year from serving out their year. But it would be my guess that Congress and the appropriate congressional committee would immediately undertake a reevaluation if this program is as good as its proponents say it is.

Mr. President, I ask for the yeas and nays on the Abourezk amendment.

The yeas and nays were ordered.

Mr. ABOUREZK. I have one request of the Senator from New York (Mr. JAVITS), who has asked that he be allowed to offer an amendment before the yeas and nays are given. He says it will not be controversial and will be accepted. On that basis, I would ask unanimous consent that the rollcall vote on my amendment come following the presentation of the amendment of the Senator from New York.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. PERCY. The Senator from Illinois would like 5 minutes to respond further on the pending amendment.

Would that right be protected?

Mr. MONTOYA. I yield 5 minutes to the Senator from Illinois.

Mr. JAVITS. Mr. President, I call up my amendment which is at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 11, line 5, strike out "$1,500,000" and insert in lieu thereof "$2,500,000".

Mr. JAVITS. Mr. President, I yield myself 3 minutes to put this into focus.

This is a restoration to the budget estimate of the amount provided for the National Commission on Productivity. I am joined in this amendment by Senators PERCY, TAFT, and PROXMIRE.

Mr. President, the amendment is dictated solely by our solicitude that, in the struggle against inflation, a measureable effort in the productivity field is absolutely indispensable, and the cost-benefit ratio is enormous.

Mr. President, I know—I rarely say this, but in this case I feel I can—that Senators MONTOYA and BELLMON are just as interested as I am in doing exactly what I have just stated, and what the Senator from Wisconsin (Mr. PROXMIRE) supported so eloquently a little while ago when he spoke.

The difficulty is that the agency did not make a sufficient case for its appropriation. I thoroughly agree with that. Therefore, Mr. President, I shall endeavor to sketch out an adequate case—I have already conferred with both Senators about it—to indicate that the amount is warranted.

I also know, because Senator MONTOYA has assured me of this, and he will have my full and understanding cooperation, that the committee will very carefully monitor the situation, assuming this appropriation works out in conference, in order to be sure that the money is well spent, exactly on the enormous cost-benefit ratio that we have described.

Mr. President, the case relies upon the following:

The House of Representatives, as the debate shows—and I ask unanimous consent that the debate be included in the RECORD as a part of my remarks—said that the Senate was the place to make this case, because apparently questions were raised in the House committee when the matter came up. So they are receptive and the debate so shows.

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

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

Mr. STEED. I will be happy to yield to the gentleman from California.

(Mr. SISK asked and was given permission to revise and extend his remarks.)

Mr. SISK. Mr. Chairman, I appreciate the gentleman's yielding.

I wish to compliment the gentleman. I know he always does a great job. I compliment the committee as well.

I have a question I wish to ask the gentleman. Referring to page 8 of the bill, the item dealing with the National Commission on Productivity, I am sure my colleague will recall at least the events concerning this matter and the fact that this matter was held up last year in connection with the authorization. Then we recently passed the new authorization and cut the figure from the $5 million which was in the original request to $2.5 million.

I note that the committee has only seen fit to allow $1.5 million.

I raise the question merely because this National Productivity Commission, to my own certain knowledge, actually has been very helpful in connection with certain problems we have had on the west coast and with respect to transportation problems. I was curious to know if this result comes from a failure of the agency to make out a good case or if the gentleman would indicate what the future might hold in connection with this Commission.

Mr. STEED. As the gentleman I am sure realizes, when you have a bill with as many items as this one contains, and where there are some 200 hours of hearings, the difficulty is that some of these items were treated several weeks ago.

At the time this particular matter was up, the legislative situation was still unsettled. The Cost of Living Council had gotten involved with some of the personnel, the agency was being permitted to go out of existence, and so at that time it seemed that

we could keep their activities together and hold them.

I have come into possession of information lately that had we had it at the time of the hearings and on the markup, that we might have been more generous. I have suggested that since the situation has come around to this point that they appear before the other body and present any new and up-to-date information that they have with the hope that maybe the matter can be worked out before the final version of the bill is completed.

Mr. SISK. I thank the gentleman very much for yielding to me, and I appreciate the gentleman's comments. I had intended to confer with the gentleman earlier on this matter, and it slipped my attention. I do deeply appreciate the gentleman's willingness to make his comments.

Mr. STEED. I am aware of the work that they did, along with the Council and others. As the gentleman mentioned, there are some areas where some very good work has been done, so we are not in any way reluctant to see them proceed and, hopefully, with enough resources to do the job.

Mr. SISK. Again, I thank the gentleman very much for yielding to me.

Mr. ROBISON of New York, Mr. Chairman, if the gentleman will yield, relative to the question asked by our good friend, the gentleman from California (Mr. SISK) about the National Commission on Productivity, I would like to say for the RECORD that we on the minority side look, I think generally speaking, with favor on the work of this commission. I think it is necessary and important. I believe, though, that it is fair to state that the reduction we made in the budget request was made in the light of the fact that the National Commission on Productivity's authority did run out, and had been renewed, and were aware of the fact that it would take some time for the Commission to get reorganized and restaffed, even up to this level.

So, as the gentleman from Oklahoma stated, if the Commission supporters can present other information to the other body on this item I am sure we would be happy to consider it in an objective light at the time we go to conference.

Mr. JAVITS. In offering this amendment I would like to correct some of the misconceptions that have surrounded the National Commission on Productivity during its tenuous existence. For instance, the format of the Appropriations Committee report does not allow for the fact that although the NCOP was appropriated $885,000 during fiscal year 1974 it was only for 6 months of operations because the organization did not technically exist and was forced to borrow funds from other agencies to provide the continuity to its efforts the Congress expected. So although the amount here appropriated is technically $615,000 greater than last year it really does not provide for any expanded activities for fiscal year 1975 at a time when our economy can most use efforts such as these. I would also point out that when it was brought up on the floor of the other Chamber, the chairman of the House Appropriations Subcommittee on Treasury, Postal Service, and General Government and the ranking minority member felt that these facts ought to be sufficient for the Senate to request additional funds in joint conference.

On another of the substantive issues raised by committee I would like to present for the RECORD a statement of major representatives of the State and local governments of our Nation which indicates that the NCOP is perhaps the only agency of the Federal Government which has addressed the issue of productivity in a fashion which is beneficial and useful to State and local government leaders.

I ask unanimous consent that the letter be included in the RECORD at this point.

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

JULY 30, 1974.

To the Members of the United States Senate:

The report of the Senate Appropriations Committee on H.R. 15544 with reference to the FY 1975 appropriation for the National Commission on Productivity states that the Appropriations Committee "is dubious of the efforts involving state and local governments and believes that the Commission should leave these efforts to the agencies with experience in these areas."

We compliment the Appropriations Committee on its feeling that continued Federal attention should be given to the importance of state and local government productivity improvement. We hasten to point out, however, in our experience, none of the Federal agencies have yet acquired experience in state and local government productivity sufficient to respond to the need our members describe.

We have encouraged the National Commission on Productivity to concentrate on state and local government productivity improvement as one of its four major sector areas, and are pleased that they are not only doing so, but have been so effective in their effort.

As a result of the pioneering by the Commission in this field, both we and they can point to significant results at the state and local levels in the nature of productivity improvement programs, resulting in improved service at lower cost to the American taxpayer.

The role of the National Commission has been described as that of a catalyst, initially defining the significance and the nature of the state and local government productivity problems and then, encouraging appropriate agencies to assume continuing responsibility. We feel the Commission's role has been, and should continue to be, compatable with that role.

It would indeed be unfortunate if this essential effort is seriously hampered by the proposed budget reduction undertaken with the misconception that other Federal agencies can and will assume the responsibility for stimulating state and local government productivity improvement.

We support the continuance of the National Commission on Productivity in state and local government productivity improvement and hope the Senate action on this appropriation bill will reflect our desires.

MARK E. KANE,
Executive Director, International City Management Association.
BERNARD F. HILLENBRAND,
Executive Director, National Association of Counties.
JOHN J. GUNTHER,
Executive Director, United States Conference of Mayors.
EARL S. MACKEY, *Director, National Legislative Conference.*
CHARLES BYRLEY,
Executive Director, National Governors' Conference.
ALLEN E. PRITCHARD, Jr.,
Executive Vice President, National League of Cities.

Mr. JAVITS. The second point of importance with respect to this matter is that the million dollar reduction is primarily going to be used for contracted-out projects and, therefore, that that is a very good way in which to do their job without a lot of overhead and a lot of bureaucracy. That can be done quite promptly. Again, here is where the committee monitoring will come into play.

So the million dollars I am requesting for them is based on their contracting-out ability, which can take place very promptly and be very effective.

Finally, what projects are they engaged in? They are mainly in the food business—that is, involving a material improvement in the way in which food is handled, delivered, and processed. Our committee itself recognized its excellence in that field. It says in its report:

> The Commission has much potential, and its past efforts in transportation and food should prompt increases in productivity.

The primary efforts of the Commission are in the food processing and transportation fields. I ask unanimous consent that a complete analysis of their proposed work in these fields be printed in the RECORD as a part of my remarks.

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

[From the annual report of the National Commission on Productivity, July 1, 1974]

ANALYSIS OF PROPOSED WORK

III. PROPOSED PROGRAM FOR FISCAL YEAR 1975

The Commission's program for FY 1975, based on a budget of $2.5 million, proposes to concentrate on the four industries where a start has already been made in identifying the opportunities and barriers to productivity improvement. The Commission's experience indicates that its objectives do not lend themselves to easy or dramatic breakthroughs, but rather require detailed analysis and persistent long-term efforts. An action orientation, rather than an academic and theoretical approach, has been adopted as the most effective method for long-term productivity improvement.

Food industry

In the food industry, the Commission plans to follow up on recommendations made in the 1973 study of opportunities for improving productivity. Working with industry, labor, and government groups, such as the newly formed Retail Food Labor Management Committee, it will seek to achieve improvements in the following areas:

Retail Backhaul. The wastage of fuel and equipment because of barriers to pickup by trucks of food wholesalers and retailers could amount to as much as $250 million a year, according to expert estimates. The Commission will work with industry and government groups to expand the use of backhaul and reduce the cost of food distribution. As a first step, a booklet on how to develop additional backhaul will be distributed to retailers and suppliers.

Direct Store Delivery. Many food stores receive a large number of merchandise deliveries in small quantities directly from individual suppliers, a practice that results in excessively high delivery costs. If these separate deliveries could be consolidated at a central warehouse and delivered in a unitized shipment, considerable cost savings might be achieved. The Commission will study the benefits and costs of proposed changes in delivery methods. In cooperation with the industry, it will encourage and assist in the changeover to more economic methods of delivery.

Modularization of Containers. Because of great diversity and incompatibility in the design of packages, shipping containers, and pallets, there is considerable wastage of space in trucks and trains which adds to

delivery costs. The Commission, in consultation with food industry, labor, and government groups, will seek ways to speed implementing recommendations on modularization of packaging.

Adjustment to Technological Change. Pending changes in food distribution technology could create problems of manpower adjustment affecting worker morale and satisfaction. The Commission will assist the industry's labor-management committee in studying ways of achieving an orderly changeover to more automated methods.

Transportation

The Commission will concentrate on improving the utilization of freight cars through a series of analytical studies and experiments in cooperation with the industry.

As a follow-on to the Railroad Productivity Study described on page 17, the Commission has organized a Federal Task Force on Rail Car Utilization. The Task Force includes representatives of the Association of American Railroads, Interstate Commerce Commission, Department of Transportation, Council of Economic Advisers, Office of Management and Budget, and Department of Agriculture.

Freight cars are being used productively at only a small fraction of their total potential. The average freight car takes approximately 21 days to complete one load cycle (shipper-to-shipper) and moves only 16,000 miles a year, compared with 125,000 miles for some types of intercity trucks. A reduction in load cycle to 14 days would increase the effective fleet capacity to equal an investment of about $50 billion in new capacity at present freight car prices and help relieve freight car shortages.

The Task Force found that one of the most important causes of low productivity of freight equipment was the provision of rail cars either free or at prices far below their value. This under-pricing encourages casual handling and slow movement of cars. Many car services are not separately priced, but rather through custom and tradition are "bundled" into the charge for the line haul movement. As a result, cars can be detained by shippers and carriers in uneconomic use for long periods of time.

The NCOP Task Force proposed that consideration be given to charging separately for each discrete service, i.e., "unbundling," to create an incentive for faster car cycling. This would allow the car user to pay for only those services needed, give users an incentive to move cars more promptly, and allow for more expeditious return of cars to owners.

For example, consider a loaded car delivered to a receiver on Friday at 9 a.m. Since demurrage check-in time is 7 a.m., Friday is a free day. Saturday and Sunday are also free because there are no weekend demurrage charges. A receiver is allowed two "free" days which in this example would be Monday and Tuesday. Thus, demurrage charges would not begin to accrue until 7:00 a.m. Wednesday. Clearly, the receiver of this car has little incentive to unload it promptly.

Many receivers could unload cars and have them ready for the next use in a few hours. If the price for demurrage reflected the economic value of the car and was separated from the cost of transporting the car everyone would gain.

For a car worth, for example, $10 per day to the carrier, a movement which might now be priced at $500 could be separated into two charges: $480 for the line haul, and $10 per day for unloading time (demurrage).

For an effective receiver, this "unbundling," with the prompt return of the car, could reduce the price to slightly over $480 rather than the current charge of $500. The carrier has his car working for him more hours every day, the receiver has lower transportation costs, and all receivers have less likelihood of car shortages.

Many other services are provided by railroads in this manner. In-transit storage, diversion privileges, inspection, and the return flow of empty cars are examples of underpriced or free services which actually provide incentives to poor utilization.

Inefficient use has led to chronic shortages of cars. To assure that carriers who have made investments in car fleets will obtain a fair share of use of their own equipment, special rules and orders promulgated by the Association of American Railroads and the ICC require direct return of empties and routing of loaded cars to or via the owner line. Such rules are equitable and necessary when equipment is in short supply, but they do require excessive movement of empties and, on occasion, excessive mileage in moving loaded cars.

The NCOP has now proposed to all 70 "Class I" carriers an experiment which should reduce this waste yet retain the preference of owners in the use of cars. The experiment seeks to eliminate the need to return a significant percentage of empty cars which cannot be loaded because of prevailing rules and directives by the simple expedient of netting-out like cars much as a bank clearinghouse operates. For example, assume Railroad I has 125 cars of type A on its line owned by Railroad II and Railroad II has 140 cars of the same type owned by Railroad I on its line. Assume further that none of these cars can be loaded because of the existing car service rules and directives. At present, all 265 would have to be returned. Under the clearinghouse experiment, 15 cars would have to be returned empty by Railroad II to Railroad I and each of the two carriers would have 125 cars immediately available for loading in any direction.

The railroads would save the cost of transporting the empty car, experience less congestion in yards and on lines, and be able to serve shippers quicker. As more railroads join the experiment, savings increase because empty cars that still must be returned can be returned in such a manner that the least possible total miles are traveled.

At the time this report is written a number of railroads have indicated interest in participation, and two, the Southern and Penn Central, have made a definite commitment. Meetings are underway with other interested carriers and the experiment could begin within weeks. Each carrier added to the experiment increases the gains to all. For example, if three major carriers are involved, the savings, at an estimated $80 per empty car returned, are $3 million per year for plain boxcars alone. With the addition of one more major carrier to the experiment, the savings jump to $8.4 million per year. For eight major carriers, an analysis indicates savings of up to $40 million per year. The development and implementation of this experiment would not be possible without the assistance and cooperation of the ICC, whose help is gratefully acknowledged.

A major part of the Commission transportation efforts in FY 75 will be devoted to the railcar utilization effort. In addition to the clearinghouse experiment described, other experiments are planned addressing inefficient car use. Studies also will be made of the rail movement of a number of key commodities to determine the specific rail car utilization practices in these movements. They include fertilizer, grain, steel gondolas, auto parts, and mechanical refrigerators.

The Commission's earlier work with unit trains for transcontinental shipments of fruit and vegetables has indicated that it may be possible to improve service further if properly located terminals can be developed at or near the locations of major Eastern users. Studies will be carried out with major food chains and the Penn Central Railroad to determine the costs versus benefits of such terminals. Additional activities will include analysis of the reasons for shipments being routed on other than the shortest routes, an experiment to provide incentives for routing via the shortest delivery time, analysis of the impact of poor pricing of rail cars and services, and analysis of the costs to the economy of not revising the pricing structure.

Health industry

The Commission in FY 75 will also be concerned with evaluating, disseminating, and implementing the recommendations of the Task Forces on Improving Productivity in the Health Industry. This work will be carried on through committees made up of representatives of professional associations, administrative organizations, Federal and State agencies, unions, and industry, and will include efforts to develop a national system for measurement of health care productivity.

Public sector

The Commission will also expand its initiatives at the Federal, State and local level.

Federal Government Improvement Project Support. This project will include the development of training materials and tools for use by Federal managers (including diagnostic techniques, manuals, and visual aid materials) in taking advantage of existing measurement programs to improve productivity.

Educational Effort. The concept of productivity will be marketed to State and local government officials, chief executives, and other elected participants through a series of regional development meetings, publication of handbooks and other material, and participation in annual meetings. These officials will be provided information on ways to improve productivity in their own jurisdiction and means to determine the level of current efforts.

Motivational Techniques. Material for use by government administrators in the application of innovative motivational techniques will be developed. Work will capitalize on the survey already performed and will attempt to add evaluative criteria to the use of the various incentive schemes presently available but underutilized in order to assist administrators to select motivational techniques most appropriate for their needs.

Advisory Groups. Advisory groups in functional areas of fire, education, and social services will be organized to develop productivity indices and practices in these areas and expose practitioners to the value of productivity improvement. The best practices would be made available to the sector as soon as practicable.

Manpower Training. The Commission will assist in development of the analytical capability required by State and local governments to improve productivity by ascertaining the needs, surveying existing training programs, and developing curriculum modifications where applicable.

Manpower Impact. Research will be started on the effects on public employees of efforts to increase productivity and on various ways of introducing improvements that benefit all parties. Work will include elements of productivity bargaining and other shared benefit schemes, as well as other labor-management cooperative efforts.

Comparative Data. The Commission will work on the development of comparative statistics for intergovernmental comparisons of productivity performance.

Public awareness

The Commission will continue to sponsor activities to create greater public understanding of the importance of productivity improvement.

Fiscal Year 1975 activities will concentrate on increased work with the business press, the labor press, and the college and university press to supplement the overall program designed for the general public.

Conferences will be held in cooperation with professional organizations to familiarize reporters, feature writers, and editors with the meaning and importance of productivity.

Quality of work and labor-management cooperation

The Commission is planning to expand its efforts, where feasible, in the four critical areas of interest to enhance the quality of work and labor-management cooperation. It will endeavor to organize projects to demonstrate ways of improving the design of work processes and create greater worker satisfaction on the job.

In the government sector, the Commission will continue to support projects in Federal agencies to test the effectiveness of techniques of job enlargement and enrichment, "flexi-time" and other monetary and nonmonetary incentive programs. Working with management and labor, it will evaluate the results of the five projects initiated in FY 1974.

In local government, the Commission will develop informational material on motivational techniques, extending its work on employee incentive plans. It will provide labor and management groups data for evaluating incentive and other techniques for improving work satisfaction.

In the food industry, the Commission will cooperate closely with the Retail Food Labor Management Committee in its activities. It will assist the Committee in efforts to develop orderly ways of adjusting manpower to technological changes.

In consultation with management and labor, the Commission will seek opportunities for encouraging and assisting projects in other critical sectors to demonstrate innovative techniques for improving worker morale and satisfaction.

Mr. JAVITS. At a time when so much of our attention is directed to how we can control inflation we would indeed be shortsighted if we did not provide every opportunity for achieving the productivity gains our economic well-being requires. We have only to look at recent trends in productivity growth: 1.9-percent decline in the nonfarm sector during the last quarter of 1973 and 4.5-percent decline during the first quarter of 1974 to realize the improvement we require does not come about automatically.

I would like to include for the RECORD an OPED article by A. H. Raskin of the New York Times wrote last January voicing support of the Commission. His concluding sentence is of particular note to my amendment proposed here today:

> Saving the $2.5 million a year it costs to run the Commission is no economy if it cuts off that kind of independent blame-fixing.

The NCOP will not be able to accomplish even a small portion of what this Nation needs unless we provide them the resources.

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

[From the New York Times, Jan. 29, 1974]

ELIMINATING STATISTICAL GARBAGE

(By A. H. Raskin)

In June, 1970, when all President Nixon had to worry about were little things like Vietnam and the skyrocketing cost of living, he went on television to bid Americans be of good cheer. He had invented a device for checking inflation without forcing the nation down the slippery road of wage-price controls.

The President's magic weapon, put forward as a one-click key to price stability, healthy economic growth and a higher standard of living, was the National Commission on Productivity, an agency linking the top echelons of industry, labor and Government. Its basic aim was to find ways to heighten efficiency in both the public and private sectors, a goal of great soundness but scarcely one capable of being cranked into instant effectiveness on an economy-wide basis.

Not surprisingly, the commission had no discernible impact on the upward rush of the inflationary spiral. Fourteen months after the commission's creation, the external pressure for stern White House action to halt the leap-frogging of prices and wages grew so intense that the President temporarily sent Adam Smith back to the showers in favor of John Maynard Keynes and embraced the anti-inflation controls he had vowed never to use. Now, ill-pleased with the way these controls are working under his Administration's half-hearted enforcement of them, Mr. Nixon is formulating recommendations to Congress for some graceless mode of burial—either suddenly or by slow death.

Long forgotten in the public disappointment over the feebleness of the governmental defenses against runaway prices is the overblown role in that defense effort originally assigned by the President to the Productivity Commission. Indeed, the foremost forgetter has probably been the President himself. He seems to have forgotten not only the assignment but even the existence of the commission.

That is sad because the commission does have a thoroughly realistic function to fulfill as clearinghouse and catalyst in pointing directions toward more efficient application of the country's resources of manpower, material, technology and managerial skill and also toward easing many of the discontents that plague workers, undermine quality and push up costs.

Right now the Productivity Commission is dying of financial anemia. The House of Representatives has refused to vote it any funds for this year, and its tiny staff of twelve professionals will have to be liquidated if Congress refuses to heed an emergency plea for reconsideration by the commission's chairman, Dr. John T. Dunlop, who also heads the Cost of Living Council. Dr. Dunlop is sure that he has enough Republican and Democratic support lined up to guarantee approval, but he has not yet convinced the man who will be pivotal in getting the issue to the floor for another test, chairman Wright Patman of the House Banking Committee.

"I'm all for it myself," says the Texas Democrat, "but the evidence of membership support, especially on the Republican side, just isn't there."

The commission's able executive director, John M. Stewart, has seen so much of his personal productivity drained off in the endless panhandling for month-to-month handouts to keep the agency alive that Feb. 15 he is going back to his old post in a New York management consultant firm.

For all the despair that shrouds the commission's offices, it does have a few admirable projects under way. Most notable perhaps is the "unit train" it originated to get refrigerated cars of fruit and vegetables from California to the Northeast in half the old time and with far less spoilage.

Identifying opportunities for productivity improvement and developing trustworthy yardsticks for measuring progress are both arcane arts, especially in the white-collar and service fields. It is easy enough to devise standards for measuring the efficiency of garbage removal—how many tons of trash does each sanitationman handle each week?—but the commission quickly discovered that "the farther you get from statistics about garbage, the more garbage there is in the statistics." Much of the commission's focus has been on eliminating that garbage.

It is also trying to overcome some of the worries about productivity that Charlie Chaplin made part of American folklore with "Modern Times," his classic indictment of the speed-up. The concentration now is on projects jointly fashioned by unions and management, with stress on job satisfaction as well as lower unit cost. Mr. Stewart's explorations already have made him consign to the realm of mythology the notion that union-fostered make-work rules are generally the chief villains in holding down productivity.

In food distribution, for example, where management initially blamed labor for 80 per cent of the wasteful practices, the commission concluded that 15 per cent was the right figure, with Government regulations accountable for 50 per cent of the inefficiency and employers for 35 per cent. Saving the $2.5 million a year it costs to run the commission is no economy if it cuts off that kind of independent blame-fixing.

Mr. JAVITS. The virtue in having this before us, Mr. President, is that if the manager and ranking minority member do go along with this matter, which I hope very much they will, that will be a criterion against which performance may be checked.

For all of those reasons, Mr. President, I say—as I explained to the Senator from New Mexico (Mr. MONTOYA) and the Senator from Oklahoma (Mr. BELLMON), I have had to make the case which they did not, but I think it is conclusively made, and I hope very much, therefore, that we may go forward with what is really indispensable in a time of serious inflation, when the worst statistic in our country is the fact that productivity has fallen 8.8 percent as against its normal increase, and that we are practically at the bottom of the 10 leading industrial nations of the world in terms of productivity.

Mr. PERCY. Mr. President, if the distinguished Senator from New York will yield——

Mr. JAVITS. I yield.

Mr. PERCY. I would also like to assure the distinguished manager of the pending bill that the Senator from Illinois will do everything he can to sharpen the focus of the Commission. But it is my own judgment that this would be one of the most tragic deletions, and has been a most tragic deletion, of expenditures for a project that is one of the few projects focusing on the No. 1 problem of today: inflation.

We also have a serious problem in the dissatisfaction of American workers with the jobs they hold, the work they are performing, and certainly the quality of work being turned out. It is for this reason that the Commission is being renamed the Commission on Productivity and Work Quality, because of the phenomenon we have in America today, where we simply must get back that attitude toward work that has made us a pre-eminent economic power.

So far as the return on investment is concerned, I think Senator MONTOYA and Senator MCCLELLAN would always be first to say that we ought to see what we are getting back for the taxpayers' dollar.

The Productivity Commission, if it did nothing else this year, in just one industry would have returned the funds it has received many times over. The Commission has made an intensive analysis and study of the railroad industry. The Task

Force on Railroad Productivity of the National Commission on Productivity has worked, now, for some time to determine what it is that is causing the slow death of an industry that is absolutely vital to the American economy.

That industry, the railroad industry, has raised its prices 32 percent from 1967 to 1971. It employs 61 percent fewer workers today than it did 25 years ago. Its inefficiency is estimated to cost the American taxpayer $10 billion annually. Yet this small productivity commission has now gone in and made an incisive investigation of the causes for such a decline in productivity. It has focused on three principal areas.

If we stand here some day in the future and find the railroads of America on our hands, and we did not do everything, on this day, July 31, 1974, to prevent that kind of catastrophe, then there would be something derelict about the way we face up to expending and investing the taxpayers' money.

I cannot think of an expenditure that would be more universally supported by every witness we have had before the Joint Economic Committee. In recent weeks, we have had further testimony that this area is one of the areas of concentration that should not be neglected, minimized, or cut back, and I would respectfully urge the members of the Appropriations Committee to support this modest increase, so that the work of this Commission can go on, and I join with the distinguished Senator from New York (Mr. JAVITS), who has devoted himself to this field through the years, in indicating that, for one, the Senator from Illinois will continue also to devote personal time and attention to making certain that the objectives and purpose of the Commission are fulfilled.

Mr. MONTOYA. Mr. President, I wish to state just briefly that during the course of the hearings, I did ask for detailed justification testimony from Dr. Dunlop, and I told him that on the basis of the record and the testimony which was presented to the subcommittee, there really was no justification to increase the appropriation, and that as of then I was not convinced that the Commission was doing its job.

I am still not convinced, Mr. President. I mean this sincerely, and I am not trying to criticize the individuals who are in charge, but I do not think they are doing enough. I am going to insist that unless they show performance and results within the next year, I will recommend that their appropriation be disallowed. I think their mission is a good one, but I am not satisfied that they have produced any results.

About all that I could exact during the testimony from Mr. Dunlop was that he had gone up to New York to a meeting with the union chiefs. They also had come out with a report on how to better assemble transportation facilities for perishables starting in California and going to New York. They were also engaged in a study on how to expedite people through the checking counters in grocery stores. Those are the three things that appear in the RECORD.

I asked for more detail, and so finally I was supplied with a report, and the report appears in the hearings now, but this was belatedly done.

I am not against the mission or objective of this commission. I am all for it. As the Senator from New York (Mr. JAVITS) and the Senator from Illinois (Mr. PERCY) have expressed themselves, I am 1,000 percent for those purposes. They are noble, but I think that when we appropriate money to a commission, that commission ought to perform its mission and show results to Congress, otherwise the mission has failed.

So I am putting them on notice now, Mr. President, that they had better do a good job and, with that in mind, I will, after consultation with my minority counterpart, the Senator from Oklahoma (Mr. BELLMON), accept the amendment.

Mr. JAVITS. I thank my colleague very much. I think it is most statesmanlike.

As the Senator heard, I anticipated everything he felt. I knew how he felt, and I can only pledge myself—I think I can have some clout here, as can Senator PERCY—to work indefatigably to see that they earn it. I am very grateful to my colleague for his expression of confidence.

Mr. PERCY. Mr. President, would the Senator yield for a very brief comment I would like to make as part of the legislative history that the Senator from Illinois concurs fully with this 1 year notice. I think there has been a gracious acceptance now of the amendment, and I fully concur that the Commission should put up or shut up.

Of all groups that ought to produce, it is the Commission on Productivity that ought to prove and demonstrate in the year now that has been given to them that they can produce, they can be effective, and they can give a return on investment of the taxpayers' money.

I commend the distinguished Senator from New Mexico for spending that money wisely and well and putting them on due notice that they should do likewise.

The PRESIDING OFFICER. Is all time yielded back?

Mr. MONTOYA. Before I yield back my time, I would like to yield to the distinguished chairman of the Appropriations Committee, Senator MCCLELLAN.

Mr. MCCLELLAN. I thank the Senator very much.

I just wanted to observe as the bill stands now, according to advice from the staff, it would be $52,688,000 under the administration's amended budget. That is some reduction. I note that in conference there will be some $59 million, about $60 million, and it can be well anticipated that, as a result of conference, there will probably be a further reduction in this total amount of the bill, and we ought to have a reduction of around $70 million, $75 million.

Mr. President, that is no great amount, but it is progress. We are not always able to do what we would like to do in making these reductions, but it does indicate again Congress—and the Senate particularly—is working endeavoring to find areas where appropriate reductions can be made in order to move more and more in the direction of a balanced budget, holding our expenditures within our revenues.

I want to compliment the distinguished Senator from New Mexico (Mr. MONTOYA) for his efforts and that of his colleagues on the committee for making this good showing in the handling of this bill.

The PRESIDING OFFICER. Is all time yielded back?

Mr. MONTOYA. I thank the Senator for all those kind words.

Mr. JAVITS. Mr. President, I yield back my time, and I thank Senator ABOUREZK for his courtesy.

The PRESIDING OFFICER. Is all time yielded back?

Mr. MONTOYA. I yield it back.

Mr. PERCY. Under the 5 minutes yielded to me on the bill, I would like to address my comments to the amendment of the Senator from South Dakota.

The PRESIDING OFFICER. Will the Senator yield? We will first vote on the Javits amendment.

All the time having been yielded back, the question is on agreeing to the amendment by Mr. JAVITS. [Putting the question.]

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from South Dakota.

The Senator from Illinois.

Mr. PERCY. Mr. President, I thank my distinguished colleague for yielding.

Mr. ABOUREZK. Mr. President, would the Senator yield just briefly? Has the Senator asked for 5 minutes on the bill?

Mr. PERCY. Five minutes on the bill.

Mr. ABOUREZK. I wonder if I could have some time to respond to whatever the Senator from Illinois says on the bill?

The PRESIDING OFFICER. That would be up to the manager of the bill.

Mr. MONTOYA. I am very short of time, Mr. President, but I would yield 2 minutes if the Senator requires any time at all. I would yield 2 minutes to him.

Mr. ABOUREZK. I may not require it, but I would be grateful if I might have it if it is necessary.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. I thank my distinguished colleague, and I hope my remarks will be constructive and helpful.

First, with respect to the very important question of conflict of interest that the Senator from South Dakota has raised, a very pertinent question and it is a question addressed in a letter from Fred Malek, Deputy Director of the Office of Management and Budget, to Senator MCCLELLAN, dated July 23. I would like to quote just a few things from that letter.

> The President's Commission on Personnel Interchange has a vested interest in seeing that conflicts are avoided and that the law is upheld. Although the latest review of the PCPI procedures by the Commission confirms our confidence in their adequacy, the General Accounting Office is also performing a program review, and I understand that their interim report is scheduled for release shortly.

In order to secure an airing of the conflict of interest possibilities and to eliminate future points of order, we are committed to submit authorizing legislation which would allow review of the goals and objectives of the Interchange Program and operations of the Commission and the staff.

So the point made by the Senator from South Dakota is a good one. I think it is being paid very careful attention, and I trust that that would be satisfactory.

Mr. President, I ask unanimous consent that the letter of Mr. Malek to Senator MCCLELLAN, dated July 23, 1974, be placed in the RECORD at this point.

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

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., July 23, 1974.

Hon. JOHN MCCLELLAN,
Chairman, Senate Appropriations Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR MCCLELLAN: I would like to urge you to support the restoration of the $353,000 earmarked for the President's Commission on Personnel Interchange to the Civil Service Commission appropriation.

The funds were deleted in the House on the basis of a point of order which was purportedly based on a House rule that prohibits appropriations for expenditures that have not been "authorized by law" or which have no legislative basis. Congressman Vanik also expressed reservations with regard to the potential conflicts of interest "uncovered by his office and the General Accounting Office."

The President's Commission on Personnel Interchange (PCPI) has a vested interest in seeing that conflicts are avoided and that the law is upheld. Although the latest review of the PCPI procedures by the Commission confirms our confidence in their adequacy, the General Accounting Office is also performing a program review, and I understand that their interim report is scheduled for release shortly.

As to the point of order, the Civil Service Commission General Counsel has cited legal precedents for Commissions, Councils, Boards, etc. and has concluded that "under these interpretations, there would be no basis for questioning whether the President's Commission was authorized by law, since indeed it was established by Executive Order."

Congress has appropriated funds to finance the President's Commission since its inception under President Johnson in 1969, and there was a specific reference in Senate Report No. 91-521 (to accompany H.R. 12307 and which became Public Law 91-126): "Civil Service Commission-Senate Document 91-34 adds $160,000 for President's Commission on Personnel Interchange."

In order to secure an airing of the conflict of interest possibilities and to eliminate future points of order, we are committed to submit authorizing legislation which would allow review of the goals and objectives of the Interchange Program and operations of the Commission and the staff.

Abrupt termination of the Executive Interchange Program will create a hardship on the new group of Federal career employees and their private sector counterparts who are now assuming their interchange positions. Commitments have been made to sell houses and to purchase new houses, by both groups of interchange executives here in the Washington area and in and around most of the major cities in the United States.

Abrupt termination will also cause a hardship for the Commission staff of 9, since they would have to be placed automatically in a non-pay status and there are no funds available for the payment of lump sums for accrued annual leave or severance pay.

Sincerely,

FREDERIC V. MALEK,
Deputy Director.

Mr. PERCY. Second, with respect to what we would be doing, what we would be doing to the executives who have already committed themselves from private industry to move down to Washington to take their posts down here and engage in this program, what we really would be eliminating precipitously and without advance notice to them is the educational program being carried on by the Commission. This program states, in a folder that every single one of them has received from the President's Executive Interchange Program:

At the beginning of their interchange assignments, Presidential interchange executives participate in a comprehensive seminar covering subjects such as government organization, operation, international affairs, domestic issues and finance. Seminar leaders include Members of Congress, White House aides, senior staff officials of Federal Government Departments, and experts from public and private organizations. Past participants have found that this experience is one of the more valuable aspects of the program.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be recognized but that this not interrupt the Senator's remarks. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER (Mr. MCINTYRE). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PERCY. Finally, in Senator ABOUREZK's letter to his colleagues he has indicated that the program does not have any kind of congressional review as to its merits and, therefore, it would be unwise.

There were not Members of Congress on the Commission. This is the President's Commission on Personnel Interchange, but all Members of Congress have had available to them an evaluation study that was undertaken not only by top leading executives in business and banking fields but also by a partner in McKinsey and Co., Mr. Robert W. Fri; also by Secretary Lynn of Housing and Urban Development; Fred Malek, Office of Management and Budget; William Simon, Secretary of the Treasury; the Vice Chairman of the Civil Service Commission, Jayne B. Spain; and John K. Tabor, Under Secretary of Commerce.

All of them engaged in a study and they issued a report on their findings. I shall simply read the final summary of the Commission action.

After reviewing the full evaluation report, which provided basic program data not previously available, the Commissioners of the President's Commission on Personnel Interchange determined that the Executive Interchange Program was meeting its objectives. The Commissioners fully endorsed the program's continuance and made recommendations to strengthen it. Their recommendations focused on the two issues of maximizing the utilization of executives returning to the Federal Government, and, of promoting the value of the interchange concept in both the public and private sectors.

The Commission, after 3 years of operation of the program, asked itself these questions:

Has the Executive Interchange Program increasingly attracted high-caliber participants?

Have the interchange executives, their companies and federal agencies been satisfied with their participation in the Executive Interchange Program?

They went about reviewing, analyzing, appraising, and interviewing every single one of the members that have participated, government and private. When they asked the questions related to learning and education, the executives indicated that the Brookings orientation—and Brookings participated in this program—was beneficial; 93 percent of them said "yes" to that question.

In response to the question.

As a learning experience, my horizons were broadened considerably by: contact with other interchange participants.

Ninety-one percent said yes.

In regard to contact with company-agency executives, 89 percent said yes.

In connection with the education programs arranged by the commission staff, which are the very programs that would be cut out if this amendment is approved, 91 percent of the private participants indicated they have benefited from those programs.

I think we not only would be pulling the rug out from under people, changing the rules in midstream, disrupting lives, I think we would be also sacrificing the public interest. Certainly, this program can and should be studied by Congress. If we want hearings, we can have them.

I hope this amendment will be defeated.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. ABOUREZK addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. ABOUREZK. I would feel a great deal better about the remarks of the Senator from Illinois with regard to changing the rules in midstream had he joined me in opposing the impoundment of funds for the Rural Electrification program when President Nixon impounded those funds, in effect, changing the rules in midstream.

If a poll had been taken of the private participants, in this interchange program, and if the question were asked, "Are you engaged in any kind of conflict of interest?" I submit that none of those people, would say that they were involved in any kind of conflict of interest. They would all say, "Of course not."

Yet one or two of the cases involved in the Federal Energy Office that we have discussed today have been referred to the Attorney General for prosecution. That is the kind of program that we would continue on and on indefinitely if the amendment is not agreed to, if the money is allowed to continue.

I yield back the remainder of my time and ask for the vote.

Mr. PERCY. Mr. President, I move to table the pending amendment.

The PRESIDING OFFICER. The ques-

tion is on agreeing to the motion to table the amendment of the distinguished Senator from South Dakota.

Mr. MONTOYA. Mr. President, I ask for the yeas and nays.

The yeas and nays were 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. ABOUREZK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ROBERT C. BYRD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. I remove my objection.

The PRESIDING OFFICER. Without objection, the quorum call is rescinded. The question is now on——

Mr. PERCY. Mr. President, I ask unanimous consent that the motion to table that I offered be withdrawn.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. ABOUREZK. 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. MONTOYA. Mr. President, I ask unanimous consent that the call for the quorum be rescinded.

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

Mr. MONTOYA. Mr. President, I ask unanimous consent that action on the Abourezk amendment be postponed temporarily so that I may offer another amendment.

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

Mr. MONTOYA. Mr. President, before I offer this other amendment, I would like to ask unanimous consent that I be permitted to insert in the RECORD a letter from the General Services Administration, which is responsive to the language in the committee report with respect to the purchase and procurement of ADT equipment and interpretive of the limitations which we have put in the committee report.

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

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., July 30, 1974.

Hon. JOSEPH M. MONTOYA,
Chairman, Subcommittee on Treasury, U.S. Postal Service, General Government Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR SENATOR MONTOYA: We have reviewed the Report of the Senate Committee on Appropriations concerning GSA's Fiscal Year 1975 appropriation for the Automated Data and Telecommunications Service.

GSA is pleased to observe that the proposed Senate language is not intended to "preclude joint procurement or long-term procurement of data processing equipment when the equipment is intended to serve individual agency users only and can be justified on that basis. Nor is it intended to preclude continuation of existing common user shared facilities including maintenance and servicing of such facilities."

In order that there will be no future misunderstanding of the Committee's intention regarding GSA's activities in the ADP and telecommunications area of responsibility, we have enclosed a listing of major existing proposed and planned programs for your review. In our opinion, programs of this nature are completely in consonance with the intent of the Committee and do not conflict with Section 3 as amended. However, if there are any questions from the Committee on any of these programs, we would appreciate your advising us as soon as possible, so that we may discuss them with you.

These programs play very important roles in helping virtually all Federal departments and agencies meet their day-to-day mission needs including such fields as medicine, veterans, social security, and the aged and handicapped.

Sincerely,

ARTHUR F. SAMPSON,
Administrator.

EXISTING PROGRAMS OF GSA IN THE ADP

ADP Requirements Contracting by GSA for Government-wide Use.

ADP System Procurements for other Agencies.

Excess Redistribution Program.

Sharing of excess ADP capacity.

ADP Fund Lease Program.

Third Party Equipment Procurement Program.

Collocation/Consolidation of ADP Equipment.

Upgrade of Remote Access Multi-user System (RAMUS).

Automatic Data Processing Management Information System (ADP/MIS).

Federal Telecommunications System (FTS) Network.

FTS Circuit Procurement.

Advanced Record System (ARS) Enhancement (The data portion of the Federal Telecommunications System).

Name of Program—ADP Requirements Contracting by GSA for Government-wide Use.

Description of Program—For several years, the General Services Administration has been awarding mandatory requirements contracts for selected items of ADP equipment. These contracts are awarded by GSA for the individual requirements of all Federal agencies. Examples of previous contracts awarded covered such items as punched card accounting equipment, plug-to-plug compatible tape and disk drives, plug-to-plug compatible memories and disk packs. This is a continuing program which has resulted in significant cost avoidance to the Government.

Status—We are planning to develop Requests for Proposals to meet individual agency requirements for terminals, minicomputers and printers, all of which are scheduled to be released during FY 1975.

Name of Program—ADP System Procurements for other Agencies.

Description of Program—As an outgrowth of the ADP procurement responsibility granted to the Administrator of the General Services Administration, under P.L. 89-306, GSA has established ground rules (Federal Procurement Management Regulations) under which agencies may procure or be provided specific authority from GSA to procure (Delegations). In this review process when an agency requests a delegation of procurement authority, GSA may elect to conduct the procurement and not delegate. In all cases, the individual agency is master of its requirement and also the vendors which meet that requirement. GSA is responsible for only the formal contracting. In such instances, GSA designates a contracting officer from its staff and works closely with the agency throughout the procurement cycle up through and including the final contract award. GSA on the average conducts approximately 20 such procurements each year for individual agency requirements. GSA has an excellent track record in effecting significant cost reductions from established commercial list prices when it does other agency procurements. We delegate from 200 to 300 procurements for the agencies to fully accomplish themselves. RFP CDPA 74-14 which was previously a joint GSA/Agriculture procurement is now solely to meet the requirements of Agriculture.

Status—We are continuing to contract for other agency individual ADP requirements. GSA is still doing the formal contracting for the Agriculture requirements that remain in RFP CDPA 74-14.

Name of Program—Excess Redistribution Program.

Description of Program—A continuing program exists effecting the redistribution of excess leased or excess Government-owned ADP equipment. Equipment no longer required by an individual agency is advertised to the Federal Government to determine whether a requirement exists elsewhere for continued usage. Many times, cost reductions are realized by replacing existing leased items with Government-owned items. In addition, installation enhancements are effected.

Status—This is an ongoing program which has resulted in cost avoidances of approximately $750 million at acquisition cost since its inception.

Name of Program—Sharing of excess ADP capacity

Description of Program—This program involves a nationwide system of ADP sharing exchanges which provide information and advice to Federal agencies so that excess capacity in Federal computers is utilized as a first source of supply rather than the purchase of new computers or commercial services. ADTS coordinates this program. of $185 million in FY 73.

Status—This is an existing program. FY 74 cost avoidance is estimated at $203 million. FY 75 cost avoidance is estimated at $223 million.

Name of Program—ADP Fund Lease Program

Description of Program—The ADP lease program is a financial vehicle which permits agencies to acquire their proven individual requirements under the least cost alternative mode of acquisition including long-term multiyear leasing. It has no relation as to what will be acquired.

Status—The ADP Fund lease program operates pursuant to OMB policy program and apportionment guidance.

Name of Program—Third Party Equipment Procurement Program

Description of Program—There exists in the marketplace, contractors who either have inventories or can obtain ADP equipment configurations which are comparable to equipment installed in the Government, and which are being leased from the original equipment manufacturers. They offer such equipment at prices 30-50 percent below the original equipment manufacturer's prices.

Status—GSA has a continuing program to replace any installed leased equipment with identical equipment from the third party sources at prices substantially lower than what the Government is currently paying.

Name of Progam—Collocation/Consolidation of ADP Equipment

Description of Program—

Collocation—This program is designed to encourage Federal agencies to collocate their ADP equipment to save space, air-conditioning, etc. Computers, however, are not shared.

Consolidation—This program is designed to encourage Federal agencies to consolidate computer operations onto a fewer number of computers, whenever economical to do so.

Status—A number of Federal agencies have

undertaken individual programs to consolidate their individual facilities. Additional intra- and inter-agency studies are being considered.

Name of Program—Upgrade of Remote Access Multi-user System (RAMUS).

Description of Program—The purpose of this project is to increase the capacity of the RAMUS interagency timesharing service offered by GSA's Atlanta Federal Data Processing Center by adding a second Honeywell G-440 computer to the configuration, together with additional file storage capacity.

Status—The equipment has been installed and was partially accepted on July 22. The soliciting of additional users for this system has been suspended for any users who plan to employ this system in a way which would store personal information. The existing security plan is being reviewed.

Name of Program—Automatic Data Processing Management Information System (ADP/MIS)

Description of Program—The ADP/MIS is an information system concerning ADP activities of Federal agencies on a world-wide basis. GSA maintains the system in accordance with OMB and Office of Federal Management Policy directives. It consists of a perpetual ADPE inventory, annual information concerning time utilized, type of use, manpower and costs.

Status—The system is currently being studied for potential modification to provide for additional information and greater speed relative to the answering of inquiries from the Congress, the private sector, and Government users of the information contained in the information bases.

Name of Program—Federal Telecommunications System (FTS) Network.

Description of Program—The FTS Voice Network in operation since 1963 consisting of both "intercity" and "local service" telephone and data transmission facilities, is operated in support of individual Federal agency requirements. The system links approximately one million Federal telephones.

Status—Based on changing agency requirements and cost effectiveness. Federal agencies and facilities are routinely added or deleted from the network through tariffed carrier offerings and through potential competitive procurements.

Name of Program—FTS Circuit Procurement.

Description of Program—GSA operates a consolidated circuit procurement function in conjunction with the Department of Defense at Belleville, Ill. To achieve economies of scale in the procurement of voice and data circuits, individual agency requirements are merged with those of the DOD, and procured on a consolidated basis.

Status of Program—Based on changing individual agency requirements, circuits are routinely added or deleted from the FTS network.

Name of Program—Advanced Record System (ARS) Enhancement (The data portion of the Federal Telecommunications System)

Description of Program—The Advanced Record System (ARS) is a nationwide data network leased from the Western Union Telegraph Company. It provides a message store and forward capability for some 2,200 teletype terminals. It services the Social Security Administration, the Veterans Administration, the Department of Agriculture, and the General Services Administration, and some 20 other civilian agencies thru individual terminals and a series of GSA operated message centers throughout the Nation. It can be automatically interconnected to the Department of Defense Message System AUTODIN, as well as to the Western Union TWX and TELEX services. The ARS enhancement provides for the modernization of message switching facilities, improved data transmission speeds and "on-line" operation with the computing facilities of the Social Security, Veterans Administration, and the DOD AUTODIN data transmission systems. This fast response is necessary for the VA to meet urgent operating needs to serve the veteran, as well as permitting SSA to process critical inquiries associated with serving the aged, blind, and disabled.

Status—The enhancement of the message switching facilities is currently in its final phase and is expected to be completed during Fiscal Year 1975.

PROGRAMS UNDERWAY

Federal Data Processing Centers.

ADP Procurement Schedule Contract Program.

Teleprocessing ADP Schedule Contract Program.

National Teleprocessing Services (Requirements Contract with INFONET Division, Computer Sciences Corporation).

GSA's Internal ADP Upgrade Project.

Upgrade of IBM 360/50.

Upgrade of the Kansas City FDPC.

DOD/GSA Multiplex Utilization Program.

Promotion of ADP facilities designed to achieve cost reductions for the Federal Government.

Software Exchange Program.

Communications Management Information System (C/MIS).

Name of Program—Federal Data Processing Centers.

Description of Program—Common user shared facilities offering a wide range of ADP. Twelve FDPC's are operated by GSA (one by a facilities management contract) and two by other agencies.

Status of Program—The FDPC's have been in operation from three to six years. They meet individual agency needs economically and efficiently. GSA internal requirements constitute a substantial part of the FDPC computer computational capability.

Name of Program—ADP Procurement Schedule Contract Program.

Description of Program—A method of the ADP procurement program whereby over 200 separate ADP vendors contract annually for basic terms, conditions, and prices to provide hardware, software and maintenance services to meet individual Federal agency requirements when appropriate competition has been obtained.

Status—This program contained approximately $372 million in acquisitions during FY 1974. The FY 1975 volume is estimated to be $360 million.

Name of Program—Teleprocessing ADP Schedule Contract Program.

Description of Program—This program will encompass a broad range of teleprocessing services—to be provided by the private sector—much more comprehensive than the now existing single requirements contract with the INFONET Division, Computer Sciences Corporation. The discounts for Government use of commercial time sharing will continue under the INFONET contract until its expiration. The successors to the INFONET contract will also provide for discounts.

Status—The schedule of this project is for the development and issuance of a Request for Proposals and a series of contracts to be awarded during FY 1975 for FY 1976 operation. We anticipate that from 10 to 20 contracts will be awarded to existing commercial timesharing firms, most of which are currently doing substantial Government teleprocessing, pursuant to individual contracts with agencies.

Name of Program—National Teleprocessing Services (Requirements Contract with INFONET Division, Computer Sciences Corporation)

Description of Program—A mandatory commercial source of supply of teleprocessing services for Federal agencies when their requirement:

1. Exceeds current Federal in-house capabilities (sharing program); and
2. Is both met by and falls within the INFONET scope of contract clause (both interactive and Remote Job Entry processing on a common data base through a nationwide network)

Status—The current contract expires on June 30, 1975, and may be extended, at the option of the Government through June 30, 1976. The extensive use of this contract by Federal agencies makes it urgent to make plans during FY 1975 for a successor source of teleprocessing supply before the contract expires. Failure to plan during FY 1975 could lead to a violent disruption of ongoing Government programs. (See previous page)

Name of Program—GSA's Internal ADP Upgrade Project

Description of Program—In order to meet GSA's internal ADP requirements for the next 8 to 10 years by upgrading and possibly consolidating its 10 Federal Data Processing Centers, GSA is planning a teleprocessing hardware and/or services procurement. This is a restructuring of the internal GSA requirements previously included in the New Equipment Project. ADTS management is developing a decision paper that sets forth alternatives, including one or more computing sites; one or more service bureau contracts; using excess equipment elsewhere in the Government; or some combination of these, to meet GSA's ADP requirements.

Status—Initial planning and a study of alternatives is to be completed in the first quarter of FY 1975. We will consult with Congress and the appropriate agencies of the Executive Branch prior to issuance of the solicitation.

Name of Program—Upgrade of IBM 360/50.

Description of Program—The purpose of this project is to reconfigure the installed IBM 360/50 computer located at the Washington, D.C. Federal Data Processing Center so as to provide a remote batch capability. As presently configured, this equipment is accessed only locally at the computer site. The upgrade is to provide GSA's Federal Supply Service with urgently needed interim remote processing capability, pending the availability of new GSA computing resources required by FSS plans.

Status—The necessary procurement documents are in preparation so that aspects of the project can proceed so as to meet the scheduled installation date of January 1975.

Name of Program—Upgrade of the Kansas City FDPC.

Description of Program—A system, utilizing Government-owned excess inventory of a Burroughs B5500 computer, will be added to provide remote job entry, and local batch services for GSA and other Federal agencies similar to those provided by Infonet. The system is intended to achieve cost avoidances of approximately 40% of equivalent commercial prices.

Status—Equipment has been placed into the facility. The system is scheduled to be in operation in the second quarter of FY 75.

Name of Program—DOD/GSA Multiplex Utilization Program.

Description of Program—Pursuant to GAO and OTP recommendations an agreement is being entered into between DOD and GSA which would provide for utilization of multiplex communications lines between civil and military agencies.

Status—Implementation is planned for September 1975, and significant dollar savings are anticipated.

Name of Program—Promotion of ADF facilities designed to achieve cost reductions for the Federal Government.

Description of Program—A continuing program is underway to seek out "pockets of expertise" within the Federal Government and to utilize such facilities for all Government agencies. Part of the program seeks to

identify existing Federal ADP facilities which could provide computational or other ADP services to other Government agencies. The intent of this kind of arrangement would be to achieve cost avoidances and efficiencies that would otherwise not be achieved were agencies to establish their own facilities.

Status—Several efforts are currently underway examining the technical and economic feasibility for such arrangements.

Program Underway

Name of Program—Software Exchange Program.

Description of Program—A Software Exchange Program is being planned with the goal of reducing Federal ADP software costs. It is aimed at preventing the duplication of software packages which already exist.

Status—The program which was recommended by GAO is being coordinated with Government agencies and the Office of Management and Budget. Implementation is planned for January 1975.

Name of Program—Communications Management Information System (C/MIS)

Description of Program—A C/MIS is currently being developed similar to the ADP/MIS. The system will provide information on data communications equipment inventory, utilization, and cost. The objective of the system is to provide information which can be utilized in planning, designing, and implementing future communications systems in response to agency needs and to be responsive to congressional, agency and public requests.

Status—Implementation is planned for Fiscal Year 1976

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote occur on the amendment by Mr. ABOUREZK at 1:30 p.m. today.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is agreed to.

Mr. MONTOYA. Mr. President, I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will read the amendment.

The second assistant legislative clerk proceeded to read the amendment.

Mr. MONTOYA. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

Page 30, following line 24, insert:

"SEC. 4. Not to exceed 2 per centum of any appropriations made available to the General Services Administration for the current fiscal year by this Act may be transferred to any other such appropriation, but no such appropriation shall be increased thereby more than 2 per centum: *Provided*. That such transfers shall apply only to operating expenses, and shall not exceed in the aggregate the amount of $2,000,000."

Mr. MONTOYA. Mr. President, this is an amendment which has appeared for many years in the appropriations bills. This amendment merely gives GSA 2 percent transfer authority within the appropriations in the bill. There is no objection to it. I have cleared it with the minority.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment was agreed to.

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

The PRESIDING OFFICER (Mr. BIDEN). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. HATHAWAY). Without objection, it is so ordered.

TWENTY-MINUTE RECESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 20 minutes.

The motion was agreed to; and at 1:06 p.m. the Senate took a recess until 1:26 p.m.; whereupon, the Senate reassembled on call to order by the Presiding Officer (Mr. HATHAWAY).

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk called the roll.

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

The PRESIDING OFFICER (Mr. HATHAWAY). Without objection, it is so ordered.

The hour of 1:30 p.m. having arrived, under the previous order the vote will now occur on the question of agreeing to the amendment of the Senator from South Dakota (Mr. ABOUREZK).

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG), and the Senator from Idaho (Mr. MCCLURE), are necessarily absent.

The result was announced—yeas 24, nays 74, as follows:

[No. 338 Leg.]

YEAS—24

Abourezk	Hartke	Moss
Biden	Haskell	Nelson
Church	Hollings	Proxmire
Clark	Huddleston	Schweiker
Cook	Hughes	Scott, William L.
Cotton	Johnston	Tunney
Dole	McGovern	
Eagleton	Metcalf	
Fulbright	Metzenbaum	

NAYS—74

Aiken	Ervin	Montoya
Allen	Fannin	Muskie
Baker	Goldwater	Nunn
Bartlett	Gravel	Packwood
Bayh	Griffin	Pastore
Beall	Gurney	Pearson
Bellmon	Hansen	Pell
Bennett	Hart	Percy
Bentsen	Hatfield	Randolph
Bible	Hathaway	Ribicoff
Brock	Helms	Roth
Brooke	Hruska	Scott, Hugh
Buckley	Humphrey	Sparkman
Burdick	Inouye	Stafford
Byrd, Harry F., Jr.	Jackson	Stennis
	Javits	Stevens
Byrd, Robert C.	Kennedy	Stevenson
Cannon	Long	Symington
Case	Magnuson	Taft
Chiles	Mansfield	Talmadge
Cranston	Mathias	Thurmond
Curtis	McClellan	Tower
Domenici	McGee	Weicker
Dominick	McIntyre	Williams
Eastland	Mondale	Young

NOT VOTING—2

Fong	McClure

So Mr. ABOUREZK's amendment was rejected.

Mr. MONTOYA. Mr. President, I might state to the Members of the Senate that I have experienced great concern about the use of public moneys by the President for his defense up to now, dealing with Watergate problems. I have consulted many Members of Congress; and in a spirit of fairness to the President, we have more or less tolerated the expenditure of these funds up to the present time. The President has taken unto himself the authority and the privilege of assigning these funds for his own defense.

Mr. President, I should like to state at this point in the RECORD that during the course of the fiscal year up to March—and this is according to a report furnished to us by the Comptroller General—the President has expended for attorneys and clerks servicing the needs of these attorneys in the amount of $334,000. Undoubtedly, the amount has increased for the remainder of the fiscal year.

The point that we must decide now is this: What are we going to do by way of affirmative action with respect to the use of these funds for the defense of the President if impeachment follows in the House of Representatives?

I have examined the precedents and the statements made on this subject recently as well as before these events started. During the situation involving Andrew Johnson, the Attorney General at that time made the statement that no public funds would be used by Andrew Johnson in his defense. The Attorney General at that time resigned his position and organized a legal defense fund for Andrew Johnson. This is the precedent that has been set, if we are going to follow precedents.

But what has transpired since Watergate, and what declarations have been made? The present Attorney General has been asked on numerous occasions what, in his opinion, the President should do with respect to the employment of public funds for his defense?

On "Face the Nation," on January 13, 1974, Mr. Saxbe was asked this question by Mr. Graham:

At what point do you think the matter of counsel for the President becomes his own personal obligation?

Mr. SAXBE. Well, I think obviously when impeachment is voted by the House and it goes in the nature of a trial—which is what the Senate hearing is—goes in the nature of a trial, and I think if it ever reached that point, then it would be necessary for him to provide entirely his own representation.

In another press conference, the Attorney General was asked as follows:

Question. Well, my question is, are they going to help the President in his defense in impeachment proceedings?

Attorney General SAXBE. I think not. I think not; if it reaches that point.

Question. May I then ask you about other lawyers from other agencies of the government, the Department of Justice—of Defense and such. Would it be proper for them to be loaned to the White House to defend the President?

Attorney General SAXBE. I think when it comes down to defense, you are presuming that it proceeds to impeachment. I think at

that time, there will have to be set up an independent defense lawyers group; and it would not be proper to take them from any other department of government.

Question. Pardon me, sir.

And finally, is it proper for the taxpayers to pay for those lawyers through the White House budget?

Attorney General SAXBE. At the time of impeachment, of an impeachment trial?

Question. Yes, sir.

Attorney General SAXBE. No; and I don't think they would be.

That is a statement from the Attorney General, backed up by precedent.

I understand that there was a meeting this morning of Department of Justice officials on this subject. Subsequent to that meeting the Director of Information, John Hushrus, informed the office of Senator HUGHES as follows:

If the House votes impeachment and the Justice Department is faced with the issue of who pays for the President's defense, there will be careful legal research and a legal opinion on the subject.

I have no quarrel with that. Of course, I will insist—and I think we should establish the legislative history today—that none of these funds appropriated to the White House should be used by the President in conducting his own defense pursuant to impeachment by the House. If this should occur, I would be the first to convoke a meeting of the subcommittee and ask for a full hearing as to why the President is doing it and to enact any necessary prohibition against the use of public moneys.

At this point, I am assuming that the President will abide by the precedents and by the statements heretofore issued by the Attorney General on this subject.

Does that explain to my colleague the subject of the subcommittee?

Mr. ABOUREZK. Mr. President, I wonder if I might ask the chairman a couple of questions to further clarify the position of the Senate and of the chairman?

I would like to ask unanimous consent, Mr. President, to have received in the RECORD at this point a Congressional Research Service report prepared by the Library of Congress, entitled "Impeachment Defense Counsel for the President," which establishes the precedents in American history for the provision of Government funding for defense counsel at impeachment trials.

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

IMPEACHMENT DEFENSE COUNSEL FOR THE PRESIDENT

INTRODUCTION

The purpose of this report is to discuss various legal issues and provide some historical information regarding the defense of the President of the United States in an impeachment trial before the Senate. Some legal restrictions and other considerations which might be relevant to who may appear before the Senate as defense counsel for the President necessarily involve an examination of the possible role of the Attorney General, White House staff lawyers and other government lawyers in impeachment proceedings.

In the discharge of its constitutional power of impeachment the House of Representatives formally adopts charges, known as Articles of Impeachment, which are forwarded to the U.S. Senate where they serve as the basis for an impeachment trial. The House of Representatives appoints managers who present the charges to the Senate and serve as counsel for the House of Representatives for the presentation of the case against the impeached officer (the respondent) at the impeachment trial in the Senate. The Constitution provides in Article I, Section 3 that the Chief Justice of the United States presides over the Senate at the impeachment trial of the President.

The Senate has adopted rules in connection with the conduct of an impeachment trial. See, Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, Senate Manual, Senate Document No. 93-1 93rd Congress, 1st Session (1973). Some provisions of those rules relate to the appearance of the accused and his defense counsel:

Rule VIII provides:

VIII. Upon the presentation of articles of impeachment and the organization of the Senate as hereinbefore provided, a writ of summons shall issue to the accused, reciting said articles, and notifying him to appear before the Senate upon a day and at a place to be fixed by the Senate and named in such writ, and file his answer to said articles if impeachment, and to stand to and abide the orders and judgments of the Senate thereon; which writ shall be served by such officer or person as shall be named in the precept thereof, such number of days prior to the day fixed for such appearance as shall be named in such precept, either by the delivery of an attested copy thereof to the person accused, or if that can not conveniently be done, by leaving such copy at the last known place of abode of such person, or at his usual place of business in some conspicuous place therein; or if such service shall be, in the judgment of the Senate, impracticable, notice to the accused to appear shall be given in such other manner, by publication or otherwise, as shall be deemed just; and if the writ aforesaid shall fail of service in the manner aforesaid, the proceedings shall not thereby abate, but further service may be made in such manner as the Senate shall direct. If the accused, after service, shall fail to appear, either in person or by attorney, on the day so fixed therefor as aforesaid, or appearing, shall fail to file his answer to such articles of impeachment, the trial shall proceed, nevertheless, as upon a plea of not guilty. If a plea of guilty shall be entered, judgment may be entered thereon without further proceedings.

Rule X provides:

X. The person impeached shall then be called to appear and answer the articles of impeachment against him. If he appear, or any person for him, the appearance shall be recorded, stating particularly if by himself, or by agent or attorney, naming the person appearing and the capacity in which he appears. If he does not appear, either personally or by agent or attorney, the same shall be recorded.

Rule XV provides:

XV. Counsel for the parties shall be admitted to appear and be heard upon an impeachment.

Rule XVI provides:

XVI. All motions made by the parties or their counsel shall be addressed to the Presiding Officer, and if he, or any Senator, shall require it, they shall be committed to writing, and read at the Secretary's table.

These rules and others provide that the respondent may be accompanied at the Senate impeachment trial by a person acting on behalf of the respondent for the purpose of defending against the charges contained in the Articles of Impeachment. Under Rule VIII, it appears that the respondent could appear either in person or by "attorney." If neither appears, the trial would proceed as upon a plea of not guilty. Rule X allows the appearance by the respondent, his "agent" or "attorney." And Rules XV and XVI allow the accompaniment by "counsel."

Although the differences in these rules may be semantic, it is not entirely clear that the respondent is entitled to appear with or through a person who is by some standard a qualified attorney; that is, by someone admitted to practice law before the highest court of some state. The rules perhaps imply that a non-attorney "agent" might be allowed to appear on behalf of or to accompany the respondent.

Because the trial procedure in the Senate is an adversary proceeding somewhat like a judicial proceeding, the activities of a person appearing on behalf of a respondent for the purpose of a full defense would likely require a relationship with the respondent and actions constituting the practice of law. In past impeachment trials the managers from the House of Representatives have presented themselves as formidable adversaries in the proof of the impeachable offenses charged in the Articles of Impeachment. See, Appendix B. The process has in the past involved the presentation of opening statements, examination and cross-examination of witnesses, presentation of other evidence, various procedural and substantive arguments as well as closing arguments.

The role of the defense could require counseling on a wide range of legal matters, including the anticipation of legal problems beyond the immediate scope of the impeachment trial, for the respondent could be criminally liable. In any event, one point deserves some comment: the defense of an accused by a non-attorney could create ethical consideration, perhaps to the extent of unauthorized practice of law.

THE RIGHT TO COUNSEL

Although the rules of the Senate provide that an impeached officer may appear with or by counsel at the Senate impeachment trial, these rules are not, of course, irrevocable. By the means used to adopt these rules the Senate could repeal, or amend them. There is no express provision in the Constitution which guarantees the right to counsel at a Senate impeachment trial.

The right to counsel guaranteed under the Sixth Amendment of the U.S. Constitution attaches only to "all criminal prosecutions." Even though an impeachment trial in the Senate has some of the same characteristics of a criminal trial in a court, it is generally understood that an impeachment trial is not a criminal prosecution in the ordinary sense. Article I, Section 3 of the Constitution clearly provides that a person convicted on impeachment ". . . shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law." It would therefore follow that the Sixth Amendment is inapplicable to impeachment trials in the Senate, and that the Sixth Amendment right to counsel does not attach to an impeachment trial. The interpretative significance of the Sixth Amendment as requiring appointment of counsel for indigent defendants would also be inapplicable to a Senate impeachment trial. *Johnson v. Zerbst*, 304 U.S. 458 (1938); *Gideon v. Wainwright*, 372 U.S. 335 (1963); and *Argersinger v. Hamlin*, 407 U.S. 25 (1972).

This argument merely concludes that there is no Sixth Amendment obligation to provide counsel for the respondent in a Senate impeachment trial. However, it must be said that there have been arguments advanced to the effect that the Sixth Amendment is applicable to a Senate impeachment trial. See, for example, footnotes 65, 66, 67 and 68 in "Federal Impeachments" by Alexander Simpson, 64 *University of Pennsylvania Law Review* 651, at 675 (1916). However, this theory

of application of the Sixth Amendment is unexplained and this conclusion is somewhat suspect since Simpson defended Judge Archbald in his Senate impeachment trial.

The due process clause of the Fifth Amendment of the U.S. Constitution may, however, offer a constitutional basis for the invocation of a right to counsel in an impeachment trial:

No person shall . . . be deprived of life, liberty or property, without due process of law . . ."

This clause has been interpreted in such a way as to give rise to a right to counsel in proceedings not strictly criminal in character and without the scope of the Sixth Amendment, but resulting in the loss of liberty, for example, as in the revocation of parole. See, *Gagnon v. Scarpelli*, 411 U.S. 778 (1973). Since the judgment in cases of impeachment may include removal from office and disqualification to hold and enjoy offices of honor, trust or profit (Article I, Section 3 of the U.S. Constitution), an argument could be made that the penalty could include the loss of liberty to hold office or the loss of the proprietary interest in the Office presently being held as in *Board of Regents v. Roth*, 408 U.S. 564 (1972).

Again, it must be pointed out that the application of the Fifth Amendment to an impeachment does not appear to have been definitively laid down by judicial opinion. As a consequence, the extent to which rights of due process might be applicable to an impeachment trial are unclear. For example, the Constitution does not provide for a right of appearance, confrontation of witnesses, or other rights generally associated with legal proceedings. Perhaps those questions are even more fundamental than the right to counsel, for it is generally understood that the right to confrontation of witnesses carries with it the notion that a party of interest has the right to be present at proceedings; that the proceedings are not *ex parte*. It is only after the right of presence is established that the question of accompaniment of counsel can be taken up. For example, consider the process before a federal grand jury where a witness or possible defendant called before the grand jury is not allowed to be accompanied by an attorney during his testimony.

Although the rules of the Senate provide for a process of impeachment trial which allows for the appearance of the respondent and his counsel, whether or not the provisions of those rules could be enforceable as a matter of constitutional right is a question of difficult interpretation. For that reason, the past practice of the Senate deserves consideration and analysis.

HISTORICAL PRECEDENTS

It appears that the custom and practice of the Senate with respect to defense counsel at impeachment trials is to allow whatever counsel is designated by the respondent to be present at the Senate impeachment trial and to otherwise assist in the preparation of defense.

On the basis of the summary of persons appearing as defense counsel in Senate impeachment trials contained in Appendix A, it appears that all impeached officers who entered an appearance at the trial did so either by appearing themselves accompanied by counsel or by directing counsel to appear on their behalf.

Only two impeached officials failed to appear themselves or through counsel: John Pickering and West H. Humphreys. Pickering's son appeared with a petition concerning his father's insanity, but this was not apparently regarded as an appearance on behalf of Pickering. Humphreys, a federal judge in Tennessee during the Civil War who was charged with aiding the Confederacy, did not appear either, probably because of the nature of the charges against him and the circumstances of the War.

IMPEACHMENT TRIAL OF ANDREW JOHNSON

It might be said by way of observation that the responsibility and burden of duties in the preparation of a defense for an impeachment trial in the Senate appear to be such that counsel of sort is virtually indispensible.

One impeachment trial in particular offers substantiation of that observation and has particular relevance to the questions relating to defense counsel for an impeached President: the Senate impeachment trial of President Andrew Johnson, the only such trial ever conducted involving a President of the United States.

It may be recalled that the first investigation involving the conduct of President Johnson began on January 7, 1867. After at least two investigations by the House of Representatives, Articles of Impeachment were finally adopted on March 2, 1868. Because of the length of these investigations and the House deliberations, President Johnson was aware of the possibility of a Senate impeachment trial and of the necessity for making arrangement for defense counsel for the trial in the Senate. In fact, historical accounts reflect preparation for impeachment defense in anticipation of the adoption of Articles of Impeachment by the House of Representatives.

Accounts from the *Diary of Gideon Welles*, Volume 3, Houghton Mifflin Co. (New York and Boston, 1911) present information about the consideration of defense counsel for President Johnson. Gideon Welles, then Secretary of the Navy, was apparently privy or party to many of the conversations and some of the planning of the President for his defense at the Senate trial, with Attorney General Stanbery.

Welles noted in his *Diary* as early as February 29, 1868 that the matter of representation of the President was being considered:

"There is, Stanbery thinks, an intention on the part of the managing Radicals to exclude him from taking part in defense of the President before the court of impeachment because he is Attorney-General. He queries whether he had not better resign forthwith, and devote his whole time to the case. To this we were each and all opposed, or to any resignation unless he were compelled. *Diary*, Vol. III, *supra*, at 299."

Shortly, after the Articles of Impeachment were adopted, the Cabinet met, it appears, for the specific purpose of discussing counsel. Welles observed in his notes on March 4, 1868:

"The Cabinet met last evening at half-past seven instead of at noon. But little official business was done. We had a two hours' talk of the condition of public affairs, and especially of the great question now before the country. Judge Curtis was expected today. He is associated with Mr. Stanbery as one of the counsel of the President. Other names were talked of, but no conclusion come to. *Diary*, Vol. III, *supra*, at 301."

It appears that the final decision on the representation of the President in the Senate trial was made on March 10, 1868 and that the matter of Stanbery's resignation was also considered:

"At the Cabinet-meeting this noon, Mr. Stanbery named, as the counsel who would probably be retained, himself, Black, Curtis, Evarts, Groesbeck, and Nelson of Tennessee, whom the President has invited here, and who was introduced to us. . . .

"Mr. Stanbery says he must resign his place as Attorney-General in order to devote his whole time to this case. He is unwilling to be trammeled, or have his mind disturbed by any official duties, obligations, or embarrassments, and says it will undoubtedly be urged against him that, as the prosecuting officer of the Government, it is his duty to sustain rather than oppose the articles of impeachment. I am not impressed with his views. As the constitutional legal adviser of the President—one of his civil household and officially and personally a part of the Government—I think he would find no difficulty in sustaining himself on account of his being a member of the Cabinet, the legal adviser of the Administration, would have a good influence before the country. I so expressed myself. But Mr. Stanbery is sensitive and timid. . . . *Diary*, Vol. III, *supra*, at 308."

The matter of Stanbery's resignation was again taken up on March 12 when Stanbery presented his resignation and assumed the role of defense counsel:

"At a special Cabinet-meeting the matter of Stanbery's resignation was considered. The general wish was that he should retain the office and act as counsel; but he prefers to be untrammeled, and has his heart much set on the trial. . . . *Diary*, Vol. III, *supra*, at 311."

The extent to which these excerpts from the Welles *Diary* accurately reflect the full discussions of the Cabinet is not known. Neither is it known the extent to which legal considerations bore on the decision of Stanbery to resign. However, it does appear that Stanbery did express concern about the potential conflict involved in defending the President in an impeachment trial while holding the office of Attorney General.

It does appear that Stanbery took an active role in advising the President during the consideration of impeachment in the House of Representatives. Stanbery also appears to have advised President Johnson on many matters relating to the offenses enumerated in the Articles of Impeachment, particularly with respect to the Tenure of Office Act.

For whatever reason or reasons Stanbery seemed to have been concerned about the distinction between advising the President with respect to matters involving impeachment and actually appearing as counsel at the Senate impeachment trial. Stanbery therefore chose to resign after the House of Representatives adopted Articles of Impeachment, and as Appendix A indicates Stanbery headed the group of lawyers who served as defense counsel. It appears that although some consideration was earlier given to the question of who would represent the President in the Senate, the decision and preparations for defense did not actually begin with all the defense lawyers until after the House adopted the Articles of Impeachment.

Some indication of how President Andrew Johnson's impeachment defense in the Senate trial was financed is found in the William Maxwell Evarts Papers—The Correspondence of William Maxwell Evarts 1842–1908 in 54 Volumes. The Library of Congress 1945.

Evarts, who was one of the defense lawyers for Andrew Johnson, obtained a copy of an accounting ledger signed by Henry Stanbery and dated May 15, 1968. See, Volume 1. That accounting ledger indicates the following sums were received as contributions for the defense of the President in the impeachment case:

February 29, 1868:	
To drafts from Mr. Seward	$7,500
April 23, 1868:	
To drafts from Mr. Randall	500
May 8, 1868:	
To drafts from Mr. Browning	100
May 8, 1868:	
To drafts from Mr. E. Cooper	3,000
Total	11,000

The ledger further indicates the following payments made from that fund:

May 4, 1868:	
Paid W. T. Peddrick for services to Presidents Counsel	$200
May 4, 1868:	
Gibson Bros. for printing	100
May 5, 1868:	
Mr. Ashton for services to counsel	150
May 8, 1868:	
Mr. Grosbeck	2,025
Mr. Curtis	2,025
Mr. Evarts	2,025
Mr. Nelson	2,025
Mr. Stanbery	2,025
May 9, 1868:	
Mr. Grosbeck	100
Mr. Curtis	100
Mr. Evarts	100
Mr. Nelson	100
Mr. Stanbery	100
By Telegrams	25
Total	11,000

It might be recalled for the purpose of giving the dates in this ledger significance that the House of Representatives adopted a resolution of impeachment on February 24, 1868; Articles of Impeachment were passed by the House on March 2, 1868; the Senate trial was scheduled to begin March 30, 1868; President Johnson was acquitted on the eleventh Article on May 16, 1868; and Johnson was finally acquitted on the other Articles on May 26, 1868.

It therefore appears that the financing of impeachment defense counsel anticipated the actual adoption of Articles of Impeachment but that no payments were made until well into the trial. What other payments might have been made is not known, but it does appear that the defense was not paid by the government, but rather by private contribution.

An interesting footnote to Stanbery's resignation is that after the Senate trial resulted in acquittal of President Johnson, Stanbery was nominated for the Office of Attorney General. The Senate rejected that nomination on June 3, 1868. Apparently there had been no other nomination sent to the Senate after Stanbery's resignation.

It might be noted that the responsibilities and role of the Attorney General changed substantially with the statutory creation of the Department of Justice in 1870. See, 16 Stat. 162 (1870). This Act had the effect of centralizing the authority for the conduct of litigation on behalf of various departments, agencies, and officers in the Attorney General as the head of the Department of Justice. In addition the authority previously vested with the United States Attorneys was brought under the supervision of the Attorney General. Although the present statutory duties of the Attorney General relating to the impeachment process will be discussed later in this report, it might be said that the duties of the Attorney General in Stanbery's day were not as extensive as they are today; and therefore his consideration of the conflict of simultaneously acting as defense counsel and Attorney General might be even more compelling today.

ROLE OF THE ATTORNEY GENERAL IN PRESIDENTIAL IMPEACHMENT

Whatever the basis for Stanbery's resignation to defend President Johnson, there are certainly a number of significant considerations relevant to the role of the Attorney General in Presidential impeachment.

The functions of the Attorney General are statutory. The Attorney General has the specific function of advising the President, and it is often said that the Attorney General is the "President's Lawyer." That is not literally or practically accurate.

"The Attorney General shall give his advice and opinion on questions of law when required by the President. 28 U.S.C. Section 511."

Certainly there are a broad range of matters relating to impeachment which would fall within this responsibility to advise the President on legal matters. Since there is no limitation or qualification on the subject matter upon which the Attorney General might render his advice or opinion, there would seem to be no necessity that these matters be related to a public function rather than a private or personal matter.

As the head of the Department of Justice the Attorney General has responsibility for the conduct of litigation in which the United States, an agency or an officer thereof is a party or is interested under the provision of 28 U.S.C. Section 516:

"Except as otherwise authorized by law, the conduct of litigation in which the United States, an agency, or an officer thereof is a party, or is interested, and securing evidence therefor, is reserved to officers of the Department of Justice, under the direction of the Attorney General."

By way of clarification of what might be contemplated within the scope of "litigation", 28 U.S.C. Section 515(a) spells out more precisely the nature of the proceedings in which the Attorney General may act:

"The Attorney General or any other officer of the Department of Justice, or any attorney specially appointed by the Attorney General under law, may, when specifically directed by the Attorney General, conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings and proceedings before committing magistrates, which United States attorneys are authorized by law to conduct, whether or not he is a resident of the district in which the proceeding is brought."

What remains for clarification from this section is whether or not an impeachment proceeding is either a civil or criminal legal proceeding such as that contemplated this grant of authority. It would seem that the best view is that an impeachment trial is not such a legal proceeding. The non-criminal nature of a Senate impeachment trial has already been discussed in this paper, *supra*, at p. 5. Certainly an impeachment trial is not a civil proceeding in the ordinary sense of the use of that term. At common law a "civil action" was one which sought the establishment, recovery, or redress of private and civil rights; one brought to recover some civil right, or to obtain redress for some wrong not being a crime or misdemeanor. *Blacks Law Dictionary* 312 (4th Ed. 1951).

It would therefore seem to follow that the lack of any specific statutory authority and the lack of any general statutory authority which might authorize the Attorney General to act in the defense of an impeached President in an impeachment trial in the Senate would be outside the authority of the office of the Attorney General.

There are certainly other considerations which bear on the role of the Attorney General in an impeachment trial. As mentioned earlier, an officer convicted on impeachment is also subject to criminal prosecution. Article I, Section 3, U.S. Constitution. The Attorney General has direct statutory responsibility for the prosecution of such an official for criminal violations. The Attorney General, as head of the Department of Justice and by virtue of his responsibility over the Federal Bureau of Investigation, has specific authority and exclusive final responsibility for the investigation of federal crimes involving government officers under the provisions of 28 U.S.C. Section 535.

In addition to the investigatory function of the Attorney General, the prosecutorial function vested in the United States Attorneys under 28 U.S.C. Section 547 also falls within the direct authority of the Attorney General by virtue of his supervisory responsibility over the U.S. Attorneys as provided in 28 U.S.C. Section 519.

The responsibility of investigating and prosecuting violations of federal criminal statutes is clearly within the responsibility and duty of the Attorney General. Defending a President, or any other impeachable government official, at a Senate impeachment trial could easily and likely create problems of incompatibility and conflict with the statutory duties and responsibilities of investigation and prosecutions of federal criminal offenses. In short, the Attorney General might find himself directing an investigation of a President after an impeachment conviction.

In addition the Attorney General may have a direct conflict in matters occurring at an impeachment trial. For example, the Attorney General might wish to defer the issuance of an order under the provisions of 18 U.S.C. Section 6005 with respect to the granting of immunity from prosecution for witnesses who invoke their 5th Amendment right against self incrimination. Moreover the Attorney General could have specific responsibility for the prosecution of criminal offenses which are related to the proceedings in the Senate trial but which have nothing necessarily to do with the substance of the Articles of Impeachment. For example, witnesses called before the Senate could potentially become defendants against charges of obstruction of justice under 18 U.S.C. Section 1505 or perjury under 18 U.S.C. Section 1621, to name but two such offenses, from circumstances relating to their testimony before the Senate in an impeachment trial. Although these problems are only speculative, the fact that the Attorney General might later have responsibility for the enforcement or prosecution growing out of the Senate proceedings would seem to compel his independence from the Senate proceedings.

Attorneys employed by the Department of Justice may also have some legal limitations imposed upon them with respect to their continuing in the employ of the Department of Justice and either advising the President with respect to legal problems relating to impeachment or actually making an appearance as defense counsel at an impeachment trial in the Senate.

The Department of Justice, through the Attorney General, has promulgated rules of conduct. One specific rule which may have some relevance to the question of acting as impeachment defense counsel in any capacity is 28 C.F.R. Section 45.735–7:

"§ 45.735–7 Disqualification of former employees in matters connected with former duties or official responsibilities; disqualification of partners.

"(a) No individual who has been an employee shall, after his employment has ceased, knowingly act as agent or attorney for anyone other than the United States in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, or other particular matter involving a specific party or parties in which the United States is a party or has a direct or substantial interest and in which he participated personally and substantially as an employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed.

"(b) No individual who has been an employee shall, within 1 year after his employment has ceased, appear personally before any court or department or agency of the Government as agent, or attorney for, anyone other than the United States in connection with any matter enumerated and described in paragraph (a) of this section, which was under his official responsibility as an employee of the Government at any time

within a period of 1 year prior to the termination of such responsibility.

"(e) No partner of an employee shall act as agent or attorney for anyone other than the United States in connection with any matter enumerated and described in paragraph (a) of this section in which such Government employee is participating or has participated personally and substantially as a Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or which is the subject of his official responsibility. (18 U.S.C. 207)"

In addition to limitations imposed upon former employees, there are also limitations imposed upon employees which would prohibit the outside practice of law. 28 C.F.R. Section 45.735-0 provides:

"§ 45.735-9 Private professional practice and outside employment.

"(a) No professional employee shall engage in the private practice of his profession, including the practice of law, except as may be authorized by or under paragraph (c) or (e) of this section. Acceptance of a forwarding fee shall be deemed to be within the foregoing prohibition.

"(b) Paragraph (a) of this section shall not be applicable to special Government employees.

"(c) The Deputy Attorney General may make specific exemptions to paragraph (a) of this section in unusual circumstances. Application for exceptions must be made in writing stating the reasons therefor, and directed to the Deputy Attorney General through the applicant's superior. Action taken by the Deputy Attorney General with respect to any such application shall be made in writing and shall be directed to the applicant.

"(d) No employee shall engage in any employment outside his official hours of duty or while on leave status if such employment will:

"(1) In any manner interfere with the proper and effective performance of the duties of his position

"(2) Create or appear to create a conflict of interest, or

"(3) Reflect adversely upon the Department of Justice.

"(e) A professional employee may, in off-duty hours and consistent with his official responsibilities, participate without compensation for his services, in a program to provide legal assistance and representation to poor persons. Such participation by professional employees of this Department shall not include representation or assistance in any criminal matter or proceeding, whether Federal, State, or local, or in any other matter or proceeding in which the United States (including the District of Columbia Government) is a party or has a direct and substantial interest. Notice of intention to participate in such a program shall be given by the employee in writing to the head of his division or (in the case of an Assistant U.S. Attorney) to the U.S. Attorney in such detail as that official shall require.

"[Order No. 350-65, 30 F.R. 17202, Dec. 31, 1965, as amended by Order No. 379-67, 32 F.R. 9066, June 27, 1967]"

The Department of Justice also has a general conflict of interest regulation covering employee activities. 28 C.F.R. Section 45.735-4 provides:

"§ 45.735—4 Conflicts of interest.

"(a) A conflict of interest exists whenever the performance of the duties of an employee has or appears to have a direct and predictable effect upon a financial interest of such employee or of his spouse, minor child, partner, or person or organization with which he is associated or is negotiating for future employment.

"(b) A conflict of interest exists even though there is no reason to suppose that the employee will, in fact, resolve the conflict to his own personal advantage rather than to that of the Government.

"(c) An employee shall not have a direct or indirect financial interest that conflicts, or appears to conflict, with his Government duties and responsibilities.

"(d) This section does not preclude an employee from having a financial interest or engaging in a financial transaction to the same extent as a private citizen not employed by the Government so long as it is not prohibited by statute, Executive Order 11222, this section or § 45.735-11."

All of these matters relate to the functions of the Department of Justice, and particularly to the Attorney General, with respect to the impeachment investigation currently in progress against President Richard Nixon. The Department of Justice through Solicitor General Robert H. Bork took the position in a memorandum submitted in the Agnew case that the President was immune from indictment until the President had been impeached, convicted and removed by the Senate. See, Memorandum For the United States Concerning the Vice President's Claim of Constitutional Immunity, In Re Proceedings of the Grand Jury Impaneled December 5, 1972: Application of Spiro T. Agnew, Vice President of the United States, U.S. District Court, District of Maryland, Case Number Civil 73-965.

Clearly, the deferral of possible indictment until the culmination of impeachment proceedings could create a serious conflict, particularly if the Attorney General (or even a former Attorney General) as the chief legal officer of the United States were to appear at a Senate impeachment trial in defense of the President of the United States. It is not well settled that a President is not indictable despite arguments advanced around *Mississippi v. Johnson*, 4 Wall. (71 U.S.) 475 (1867). See, "The President, Congress, and the Courts," by Raoul Berger, 83 Yale L. J. 1111, at 1123.

ATTORNEY GENERAL SAXBE'S POSITION

It appears that a number of these considerations have been contemplated by the present Attorney General, William B. Saxbe, regarding his possible role in the impeachment proceedings under way against President Richard Nixon. Shortly after his appointment, Mr. Saxbe was asked a number of questions at his first press conference on January 11, 1974 relating to impeachment. The following is an excerpt from the question and answers given at the press conference:

"QUESTION. Mr. Attorney General, how do you envisage your role in the continuing House impeachment investigation; and if it gets to the Floor of the House, what will your role be?

"Attorney General SAXBE. I have looked into this both before I came over here and since I have been here; and I find no role for the Attorney General in this area.

"Now, certainly, any evidence that Mr. Jaworski comes up with, working under the Department of Justice, which is a part of this office, will be involved. But other than that, I see no role, either on the prosecution, if it happens or on the defense.

"Traditionally, as you know, the Attorney General is the official lawyer for all agencies of government, including the President. But in this particular area, a situation arises which divorces itself from the traditional role of government.

"QUESTION. You would be entirely neutral?

"Attorney General SAXBE. I don't think I have any choice; and I think that I have to draw the line very carefully, and I intend to.

"The Department of Justice is—could be in a prosecutorial situation if the Jaworski Committee or if the impeachment committee comes up with crimes that would have to be prosecuted.

"Now, the services that can be afforded the White House under the role of the lawyer available to all government agencies is not going to be shirked.

"At the same time, if it reaches that point, of impeachment, I think that it would traditionally and should go to independent defenders, defenders of the President.

"QUESTION. Sir, can I ask you to elaborate on that? I believe there are three Justice Department lawyers now working in the so-called legal group in the White House, which would defend the President if impeachment proceedings go forward.

"Are you saying those three will be pulled out of that group?

Attorney General SAXBE. As I recall these—and this is something that I have learned of this week—these are three lawyers that are not—they are research lawyers that are doing research and are being supplied—and I am not even sure they are in the White House—but they are doing work over there and have been there for some time.

QUESTION. Well, my question is, are they going to help the President in his defense in impeachment proceedings?

Attorney General SAXBE. I think not. I think not; if it reaches that point.

QUESTION. May I then ask you about other lawyers from other agencies of the government, the Department of Justice—of Defense and such. Would it be proper for them to be loaned to the White House to defend the President?

Attorney General SAXBE. I think when it comes down to defense, you are presuming that it proceeds to impeachment. I think at that time, there will have to be set up an independent defense lawyers group; and it would not be proper to take them from any other department of government.

QUESTION. Pardon me, sir.

And finally, is it proper for the taxpayers to pay for those lawyers through the White House budget?

Attorney General SAXBE. At the time of impeachment, of an impeachment trial?

QUESTION. Yes, sir.

Attorney General SAXBE. No; and I don't think they would be.

QUESTION. You mean the President would have to pay it out of his own pocket?

Attorney General SAXBE. I think there would have to be established a defense fund.

QUESTION. Could you give us some idea of how this public defender, if that's the term—the concern of how you might function or how you envision this sort of office or official—

Attorney General SAXBE. A public defender?

QUESTION. That seemed to be what you were pointing to in the case of possible impeachment.

Now, how——

Attorney General SAXBE. Oh.

QUESTION. Now, how—what type of man himself is that?

Attorney General SAXBE. Well, at the time of our only Presidential impeachment, which was Andrew Johnson, the then Attorney General resigned from his office as Attorney General and as a private citizen, put together a defense group that were not paid by government, and operated separately.

QUESTION. Now, how could you see that function as of today? Do you think that it would still be private?

Attorney General SAXBE. I would think so, at that point of an impeachment trial; yes.

QUESTION. Mr. Attorney General, would you consider resigning yourself and set up the President's defense and, if so—if not, why not?

Attorney General SAXBE. Well, for one thing, I am not qualified to be that kind of a lawyer, I don't believe. I think that this is a particular area of law which demands substantial experience. I have usually been involved in the side that I am in right now. My—I have had criminal trials, but I am certainly not qualified to go into an impeach-

ment trial, n..r would I feel called upon to do so.

QUESTION. So you would not consider resigning?

Attorney General SAXBE. No.

President Nixon responded to this and other statements of the Attorney General Saxbe. In his News Conference of March 6, 1974 President Nixon was asked:

"Mr. President, Attorney General Saxbe has expressed the opinion that at some point in the impeachment procedure you might have to start paying for your own legal defense. Sir, do you have any plans to hire your own lawyers at your own, rather than public, expense?"

President Nixon responded to that question as follows:

"If the Attorney General should rule that I should pay for my own defense, I shall, of course, do so.

"I should point out, however, that I am not a defendant until the House passes a bill of impeachment. I would then be a defendant, and if the Attorney General of the United States should rule that the President should pay for his defense, I will find somebody to loan me the money." (Laughter) See, Weekly Compilation of Presidential Documents, Monday, March 11, 1974, Volume 10, Number 10, at 295.

It would appear that Attorney General Saxbe has given thought to many of the considerations about the role of the Attorney General which may have been made in the impeachment trial defense of Andrew Johnson.

WHITE HOUSE STAFF LAWYERS

Beyond the Attorney General, there are certainly a number of other attorneys in the employ of the United States Government who might be capable or available to provide a defense for President Nixon in an impeachment trial.

There is statutory authority for the detail of various Governmental employees to the White House under the provision of 3 U.S.C. Section 107:

"Employees of the executive departments and independent establishments of the executive branch of the Government may be detailed from time to time to the White House Office for temporary assistance."

Although this authority is somewhat ambigous in that it fails to specify who may direct such a detail, it would seem that as a practical matter, if not as a matter of law, that this authority may be exercised by the President.

Just how this detail process actually works is not specified under the statutory authority, but it is clear that detail of executive departmental personnel has been and is made to the White House. In Senate Hearings Before the Committee on Appropriations, on Supplemental Appropriations for Fiscal Year 1974, H.R. 11576, 93d Congress, First Session, Part 1, at pages 349–351 a list of personnel on detail to the White House in 1973 listed 92 employees who had been detailed to the White House in 1973. Although no explanation is given as to whether these persons were on full-time detail or only partial detail to the White House, 28 of the personnel are indicated to have been detailed in such a manner so as to provide reimbursements to the parent agency, and the remainder were listed as nonreimbursable personnel on detail. Among the nonreimbursable personnel on detail was listed the name of J. Fred Buzhardt on detail from Office of Secretary of Defense. This may be of interest to the immediate discussion because Mr. Buzhardt also served at that time, and apparently continues to serve, as legal counsel to the President.

What all of this means in terms of impeachment defense counsel is that the President appears to possess the authority to detail executive personnel to the White House without reason and to assign them background research or other duties in connection with the preparation of a defense at an impeachment trial.

Whether or not limitations on appropriations or other limitations would prevent these detailed persons from actually appearing before the Senate as counsel for an impeached President is not clear.

In addition to those executive department personnel who might be detailed to the White House, there is of course the regular staff of the White House. Here again whether or not limitation on appropriations or other limitations would prevent White House staff members from actually appearing before the Senate as counsel for an impeachment trial is not clear. What is clear, however, is that White House staff could be, and probably is being, used for the purpose of advising on various legal matters related to possible impeachment.

One source of interesting information regarding the expenditure for White House staff is the information included in the Appendixes to the Budget of the United States Government for the Fiscal Years 1974 and 1975.

EXECUTIVE OFFICE OF THE PRESIDENT

FISCAL 1974 BUDGET, AT 57, APPENDIX

OBJECT CLASSIFICATION (IN THOUSANDS OF DOLLARS)

	1972 actual	1973 estimate	1974 estimate
Personnel compensation:			
Permanent positions	7,169	7,408	6,797
Positions other than permanent	76	100	100
Other personnel compensation	476	541	541
Total personnel compensation	7,721	8,049	7,438
Personnel benefits: Civilian	582	600	552
Travel and transportation of persons	166	138	138
President's travel	58	75	75
Transportation of things	2	1	2
Rent, communications, and utilities	311	294	294
Printing and reproduction	351	320	350
Other services		16	16
Supplies and materials	145	179	150
Equipment	6	95	95
Total obligations	9,342	9,767	9,110

PERSONNEL SUMMARY

Total number of permanent positions	540	510	480
Full-time equivalent of other positions	4	5	5
Average paid employment	519	510	480
Average GS grade	7.5	7.6	7.6
Average GS salary	$10,425	$10,825	$11,112

FISCAL 1975 BUDGET, AT 57, APPENDIX

OBJECT CLASSIFICATION (IN THOUSANDS OF DOLLARS)

	1973 actual	1974 estimate	1975 estimate
Personnel compensation:			
Permanent positions	7,380	8,491	9,664
Positions other than permanent	105	200	300
Other personnel compensation	585	600	725
Special personal services payments		86	203
Total personnel compensation	8,070	9,377	10,892
Personnel benefits: Civilian	589	695	842
President's travel	75	100	100
Travel and transportation of persons	154	200	200
Transportation of things	3	4	4
Rent, communications, and utilities	311	335	2,680
Printing and reproduction	371	385	550
Other services	2	16	35
Supplies and materials	138	150	175
Equipment	12	16	32
Total obligations	9,745	11,278	16,510

PERSONNEL SUMMARY

Total number of permanent positions	510	510	540
Full-time equivalent of other positions	15	15	[illegible]
Average paid employment	510	510	[illegible]
Average GS grade	7.6	7.8	7.8
Average GS salary	$10,825	$11,885	$12,470

Although these charts represent funds for the purpose of providing the President with staff assistance and for providing administrative services to the White House, they do not identify what functions or tasks may be assigned to persons whose salaries are paid out of these funds. It does appear that the President possesses a large degree of discretion with respect to work assignment of staff members.

There are however some interesting matters which might be noted with respect to these two similar charts from the Fiscal 1974 Budget and the Fiscal 1975 Budget. In the 1975 Budget an item identified as "11.8 Special personal service payments" appears for the first time and it is indicated that $86,000 is estimated to be spent this fiscal year and $203,000 is estimated for Fiscal 1975. It might also be noted that without exception all items listed under "Personnel compensation" in the 1975 Budget show a substantial increase in the 1975 estimates over previous years and also show an increase for the 1974 estimate in the 1975 Budget over the 1974 estimate in the 1974 Budget. What all of this means is that the White House appears to be spending more money for personnel now than it has since 1972.

Another source of information about the operation of White House staff with respect to impeachment activities is the published Hearing before the Committee on Post Office and Civil Service on H.R. 14715: "Authorization For Staff Support in the White House Office and for the Executive Duties of the Vice President," May 23, 1974, House of Representatives, 93rd Cong., 2d Sess.

That Hearing was held for the consideration of the administration proposal, H.R. 14715. Information about White House staffing, employees detailed from federal agencies and matters relating to the legal staff are included in the hearing. Mr. Roy Ash, Director of the Office of Management and Budget was the sole witness to testify at the hearing.

When asked about whether H.R. 14715 would authorize money for Presidential defense in impeachment proceedings, Mr. Ash responded, in part:

"These are not amounts to defend the President. These are amounts to provide information, a response generally to congressional and judicial requests for information from him (President Nixon). *Hearings, supra*, at 33."

One is left to conclude that money is possibly being used to pay persons hired on the staff or detailed as reimbursable personnel from executive agencies for work in connection with the impeachment investigation of President Nixon, and perhaps in preparation for possible impeachment trial in the Senate.

CONCLUSION

The amount of work necessary for the preparation of an impeachment trial in the Senate is likely to necessitate counsel with a rather sizable staff. In realistic terms that means the defense will cost a good deal of money.

There appears to be little question that certain members of the White House staff, detailed employees from executive departments, and perhaps the Attorney General by virtue of his statutory duties may advise the President on a wide range of matters relating to impeachment. Certainly all of the

above, except the Attorney General, could be used to marshall evidence, prepare memoranda of historical precedents, prepare briefs and all of those things preparatory to the actual appearance of defense counsel in the Senate.

However, with respect to the actual appearance of counsel at the Senate, the practice has been that only privately retained defense counsel, and not persons in the salary of the federal government, have appeared on behalf of the respondent. Certainly, the Andrew Johnson precedent is most relevant to Presidential impeachment. Adhering to that precedent would require the retention of private counsel after Articles of Impeachment are adopted by the House of Representatives and the payment of private counsel by the respondent.

APPENDIX A—COUNSEL FOR RESPONDENT IN SENATE IMPEACHMENT TRIALS

Officer, counsel, and Hinds' and Cannon's section:

William Blount, appeared through Jared Ingersoll, Esq., A. J. Dallas, Esq., section 2305.

John Pickering, no appearance entered,[1] section 2333.

Samuel Chase, appeared with Robert G. Harper, Luther Martin, Philip B. Key, Joseph Hopkinson, Esquires, as counsel, section 2351.

James H. Peck, appeared with William Wirt and Jonathan Meredith, section 2374.

West H. Humphreys, no appearance was made, section 2395.

Andrew Johnson, entered appearance by letter naming counsel Henry Stanbery, Benjamin R. Curtis, Jeremiah S. Black, William M. Evarts, Thomas A. R. Nelson, W. S. Groesbeck, of counsel,[2] section 2424.

William W. Belknap, appeared with counsel Matt H. Carpenter, Jeremiah S. Black, Montgomery Blair as counsel, section 2452.

Charles Swayne, appeared through counsel Anthony Higgins, John M. Thurston of counsel, section 2481.

Robert W. Archbald, appeared with Robert W. Archbald, Jr., M. J. Martin, Alexander Simpson, Jr., A. S. Worthington of counsel, section 458 Cannon's.

Harold Louderback, appeared with Counsel James M. Hanley, Esq., Walter H. Linforth, Esq., section 518 Cannon's.

Halsted L. Ritter, appeared with counsel Frank P. Walsh, Esq., Carl T. Hoffman, Esq., Senate Document No. 200, 74th Cong., 2d Sess. (1936), p. 27.

FOOTNOTES

[1] No appearance was made at the Senate trial by John Pickering or by counsel acting on his behalf. However, Jacob S. Pickering, son of John Pickering, appeared and submitted a petition with respect to the insanity of the accused.

[2] Mr. Black was designated originally as a counsel. See, Hinds' Precedents, Section 2424. Later, Mr. Groesbeck's name was added to pleadings and Mr. Black's omitted. See, Hinds' Precedents, Section 2430.

APPENDIX B—MANAGERS FROM THE HOUSE OF REPRESENTATIVES FOR SENATE IMPEACHMENT TRIALS

Respondent, Managers, and Citation:

William Blount, Messrs. Sitgreaves; James A. Bayard, of Delaware; Harper; William Gordon, of New Hampshire; Thomas Pinckney of South Carolina; Dana; Samuel Sewall, of Massachusetts; Hezekiah L. Hosmer, of New York; John Dennis, of Maryland; Thomas Evans, of Virginia; and James H. Imlay, of New Jersey, section 2299, Hinds' Precedents.

John Pickering, Messrs. Nicholson, Early, Caesar A. Rodney, of Delaware; William Eustis, of Massachusetts; John Randolph, Jr., of Virginia; Roger Griswold, of Connecticut; Samuel L. Mitchell, of New York; George W. Campbell, of Tennessee; William Blackledge, of North Carolina; John Boyle, of Kentucky; and Joseph Clay, of Pennsylvania. section 2323, Hinds' Precedents.

Samuel Chase, Messrs. John Randolph, Jr., of Virginia; Caesar A. Rodney, of Delaware; Joseph H. Nicholson, of Maryland; Peter Early, of Georgia; John Boyle, of Kentucky; Roger Nelson, of Maryland; and George W. Campbell, of Tennessee, section 2345, Hinds' Precedents.

James H. Peck, James Buchanan, of Pennsylvania; Henry Storrs, of New York; George McDuffie of South Carolina; Ambrose Spencer, of New York; and Charles Wickliffe, of Kentucky, section 2368, Hinds' Precedents.

West H. Humphreys, Messrs. Bingham, John Hickman, of Pennsylvania, George H. Pendleton, of Ohio; Charles R. Train, of Massachusetts; and Charles W. Walton, of Maine,[1] section 2386, Hinds' Precedents.

Andrew Johnson, Thaddeus Stevens, of Pennsylvania; Benjamin F. Butler, of Mass.; John A. Bingham, of Ohio; George S. Boutwell, of Masachusetts; James F. Wilson, of Iowa; Thomas Williams, of Pennsylvania; John A. Logan, of Illinois; section 2417, Hinds' Precedents.

William W. Belknap, Messers. J. Proctor Knott, of Kentucky; Scott Lord, of New York; William P. Lunde, of Wisconsin; John A. McMahon, of Ohio; George Jenks, of Pennsylvania William A. Wheeler,[2] of New York; and George F. Hoar, of Massachusetts,[3] section 2448, Hinds' Precedents.

Charles Swayne, Messers. Henry W. Palmer, of Pennsylvania; Samuel L. Powers, of Massachusetts; Marlin E. Olmsted, of Pennsylvania; James B. Perkins, of New York; Henry D. Clayton, of Alabama; David A. DeArmond, of Missouri; and David H. Smith, of Kentucky,[4] section 2475, Hinds' Precedents.

Robert W. Archbald, Henry D. Clayton, of Alabama; Edwin Y. Webb, of North Carolina; John C. Floyd, of Arkansas; John W. Davis, of West Virginia; John A. Sterling, of Illinois; Paul Howland, of Ohio; and George Norris, of Nebraska, section 500. Cannon's Precedents.

Harold Louderback, Hatton W. Sumners, Gordon Browning, Malcolm C. Tarver, Fiorello H. LaGuardia, and Charles I. Sparks,[5] section 517, Cannon's Precedents.

Halsted L. Ritter, Hatton W. Sumners of Texas; Randolph Perkins, of New Jersey; Sam Hobbs, of Alabama, Senate Document No. 200, 74th Cong., 2d Sess. (1936), p. 17.

FOOTNOTES

[1] All but Messrs. Train and Walton were members of the Judiciary Committee and all of the committee except Mr. Pendleton appear to have been of the majority party in the House.

[2] Mr. Wheeler, of New York asked to be excused from service and the request was granted by the House. Mr. Elbridge G. Lapham, of New York was nominated and chosen as a manager.

[3] Five managers were members of the majority party and two were members of the minority party.

[4] Four managers belonged to the majority party in the House and three to the minoirty. All but two were members of the Judiciary Committee.

[5] This list was appointed on February 27, 1933 in the 72nd Congress. On March 22, 1933 Randolph Perkins and U.S. Guyer were appointed to replace LaGuardia and Sparks who were no longer members of the House at the convening of the 73rd Congress. Malcolm C. Tarver resigned on March 27th, 1933 and J. Earl Major and Lawrence Lewis were added to the managers.

Mr. ABOUREZK. I think one of the salient positions here is, on page 28:

Whether or not limitation on appropriations or other limitations would prevent these detailed persons—meaning people detailed for the President's defense—from actually appearing before the Senate as counsel for an impeached President is not clear.

I think it is of critical importance that we realize what we are about to approve.

This bill will add 30 additional positions to the White House Office at the request of the White House to meet the demands being made of that office by various investigations and legal proceedings.

Now, Mr. President, my question is, is it to be the policy of the Senate that, in the event the Senate is later confronted with an impeachment trial, the President may retain defense counsel at the public expense?

Conceding that some of the persons employed in the legal group in the White House are engaged in responding to the legitimate requests for information made by the Special Prosecutor and various defense counsels for indicted former White House employees, the question still stands as to how much of the White House budget is going to pay for the preparation of the President's defense?

If the Senate votes the increase in personnel as proposed in the bill before us, does it not then follow that the Senate has acquiesced in the President's budgetary requests for defense funds, and in effect, permitted the establishment of a new precedent for future impeachment trials contrary to every prior impeachment trial—where counsel has been privately retained?

I should like the Senator to respond if he would.

I have one other question that I would like to ask.

Mr. MONTOYA. I might say, during the course of the hearings I went into this with the Director of the Office of Management and Budget:

GOVERNMENT VERSUS PRESIDENT'S FUND FOR LEGAL EXPENSES

Senator MONTOYA. At what point would you consider these legal expenses the President's personal expenses?

Mr. ASH. That is a judgment that probably ought to be left up to somebody more legally qualified than I, and I would think that even General Counsel Ebner would probably want to leave it to others as well; would you like to comment otherwise?

Mr. EBNER. I would prefer to leave it to others. Certainly up to this point, Mr. Chairman, we have no problem justifying the expenditure of these dollars for legal and support activities. There may come a point of course where it will have to be reconsidered.

Senator MONTOYA. There is quite a concern as to whether the President should have that many lawyers representing him at the present time. That has not been resolved anywhere.

Mr. ASH. As it does go on, we note the number asking the questions seems to be increasing. Sometimes it takes more time to answer the question than it does to ask one. So, there is a need to maintain a proper relationship between the lawyers asking questions and the lawyers answering questions, which is one of the things that is behind the request for 30 additional spaces because we think that relationship is not balanced at this time.

Then I proceeded to say:

DETAILS TO THE WHITE HOUSE OFFICE

Senator MONTOYA. I will insert in the record at this point a summary of employees detailed to the White House Office during fiscal 1974 through May 11, 1974. The summary shows that 25 employees are presently detailed to the White House staff offices from other agencies, seven persons are detailed to the President's Foreign Intelligence Board and two persons are detailed as White House Fellows.

So that was the substance of the colloquy which I had in the committee hearings with Mr. Ash. One of the main reasons why I am bringing this colloquy to a head here with respect to this is because I still have great concern that taxpayers' money's are being used by the President in his own defense. I am concerned about the legality of this.

Certainly, if the articles of impeachment are approved by the full House and the President is impeached and the trial then is necessary here in the Senate, I would not want the President to use one nickel of the funds allocated to the White House in this bill for use in his defense. I would certainly object to it.

As I stated before to my colleague from South Dakota, I will maintain surveillance over the employment of these funds and I will insist at all times that they be used for purposes outlined in the justifications and not for any other extraneous purpose.

Mr. ABOUREZK. I thank the Senator from New Mexico. I have one other general question on this line.

At what rate is James St. Claire being compensated by the White House Office for his services as Counsel to the President?

Mr. MONTOYA. $42,500.

Mr. ABOUREZK. Should not the Senate go on record as disapproving any compensation in excess of level V—$36,000—comparable to the rate of pay for counsel to the House Judiciary Committee, Doar?

Mr. MONTOYA. I might say to the Senator from South Dakota that I do not think it would be practical to limit the President to this salary limitation. The White House legislation that is in conference this afternoon would give him general authority to employ his assistants and to set their salaries, at not to exceed $42,500, of course. Perhaps the Senator might want to amend that one, but this is not the bill to place any limitation on any particular salaries.

Mr. ABOUREZK. I have one other question for the distinguished Senator from New Mexico.

J. Fred Buzhardt is apparently on loan from the Defense Department as nonreimbursable expense.

Should the White House legal group not be required by the committee to respond to the question of exactly who is being compensated from what funds, at what rate, and for what purpose, that is, detailed, on loan or direct employee?

Mr. MONTOYA. I asked for that information at the hearing and found that Mr. Buzhardt was put on the White House rolls effective January 4, 1974. That information appears in the hearings record. Unfortunately, I might say that we were unable to print the hearings this year. They will be printed eventually, but the Government Printing Office is so loaded with requests from the Watergate Committee for printing and from the House Judiciary Committee that our hearings have a low priority.

Before too long, we expect to have the full hearings record, but I do have the galley proof here for inspection.

Mr. WEICKER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 41, line 13, after the (a), insert the following:

Section 613. None of the funds available under this act shall be used for the purpose of obtaining copies of, or information contained in, the financial records of any customer from a financial institution by a subpoena not including notice to such customer.

Mr. WEICKER. Mr. President, I only wish to speak briefly, for a few minutes, but I wonder if I might have order in the Chamber.

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats.

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

Mr. WEICKER. I yield to the distinguished Senator from New Mexico.

Mr. MONTOYA. I have read the Senator's amendment and I have consulted with the ranking minority member of our subcommittee. We are prepared to yield back the remainder of our time and accept the amendment.

The PRESIDING OFFICER. Does the Senator from Connecticut yield back his time?

Mr. WEICKER. I would like to speak for 1 minute, if I might.

Mr. President, the time has come to clamp down on Government investigators who rummage through bank accounts of American citizens behind their backs.

We have all witnessed the massive attempts in recent years to use the vast powers of Government against the individual citizen. All too often these attempts had some success, and much needs to be done to guarantee that they never be tried again. But that isn't the end of it.

Others on some future day will indeed try again. And when they do, every American must have the greatest possible opportunity to defend himself.

The greatest defense known to our system is the right to face your accuser, the right to be informed of the accusation made against you, thus guaranteeing a full opportunity to defend yourself.

Our Constitution clearly recognizes this right, in the words of the sixth amendment:

. . . The accused shall enjoy the right . . . to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him . . .

While the sixth amendment pertains specifically to criminal charges, the principle is more than appropriate for investigations such as those undertaken by the IRS.

The American taxpayer has every bit as much interest in defending himself against a reckless IRS investigation as an accused has in defending against a baseless criminal charge.

Even aside from the constitutional principle and the requirements of due process of law, this practice raises questions as to just what kind of government we want.

Today, field investigators from the IRS, other investigative branches of Treasury, the Post Office Department, and the Executive Office can subpena bank records of any citizen, organization, or corporation, enter the bank vaults, find out all about your personal transactions, use that information any way they please—and you will never be told about it.

The amendment I am offering today would stop that, absolutely. If the Government wants to examine your records, they would have to tell you.

We do not need, and we do not want, a government that sneaks around, doing business in the dark.

We not only do not want that kind of government, we also do not want a government that does not play by the same rules that apply to everybody else. I refer now to the whole history and scope of subpena practices.

In every other instance where subpenas are used to gather evidence, the target of that subpena knows full well what evidence he must hand over. Whether it be your personal property, or whether it be your testimony, you are extended the protection against someone going in the back door and gathering information of a personal nature.

Only bank records, records that contain some of the most personal information about you, are unprotected. Just because your confidential information resides in a bank vault is no reason to change the rules.

To those who say government has to hide its activities, I say what is there to hide. If our Government cannot explain what it is doing, then it has no business doing it. Above all, why should it only be allowed to hide when it comes to bank records. Apparently investigators in all other areas have been able to function; there is no reasonable basis for believing that normal investigative techniques would not work in the area of bank records.

To those who say it is no problem, let me refer them to the mass of evidence this Senator presented on April 8, 1974, before a joint hearing by three subcommittees of the Judiciary and Foreign Relations Committees. That testimony contained documentary proof that in mid-1969 the IRS set up an Activists Organizations Committee, to investigate "ideological" and "other" organizations.

One of the goals of that committee, according to a briefing paper dated August 20, 1969, was to: "Attempt to determine sources of funds flowing into the organizations."

To give an example of how such a technique works, on October 28, 1971, the entire bank records of the Unitarian Church, which records were held at the

New England Merchants Bank in Boston, were subpenaed. The Unitarians happen to own Beacon Press, which had recently published the Pentagon Papers. Their publication was based on the papers as read into the Senate RECORD by Senator GRAVEL, not on the basis of any contact with Dr. Ellsberg.

Nevertheless, 16,000 financial records of the church, including complete lists of all their contributors, were gone through before a bank official who knew an official of the Unitarian Church decided, on his own, to tell the church about the subpena. The church took immediate legal action and stopped the search.

In any event, one can imagine how nervous a member of the church would feel about giving a charitable contribution, upon learning that his act of charity would make him part of a Government investigation, with no chance to explain that his only interest was religious.

This is not some fiction. This is fact; it is real life; but it is not the kind of life Americans expect or deserve.

Mr. President, I ask that once and for all we act to bring the awesome investigative powers of the Federal Government out into the open, and that the rights of the individual be preserved even as we pursue the legitimate functions of government.

I do hope that the distinguished Senator from New Mexico and the distinguished Seantor from Oklahoma will do their best in the conference to carry this amendment. It is a small amendment, but I think it is enormously important in keeping government in proper perspective with the rights of privacy of the average citizen.

Mr. MONTOYA. Mr. President, I can assure the Senator from Connecticut that I will certainly insist on keeping this amendment in the bill if it is approved by the Senate and we go to conference with it.

Mr. WEICKER. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was agreed to.

The PRESIDING OFFICER. Are there further amendments to the bill?

If no further amendments, the third reading of the bill.

Mr. DOLE. Mr. President——

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. I send to the desk a motion to recommit.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

> The Senator from Kansas (Mr. DOLE) moves that the appropriation bill for the Treasury Department and the Postal Service, H.R. 15544, be recommitted to the Senate Appropriations Committee with the following instructions to the committee:
>
> That they reduce the total amount of expenditures under the act to $5,432,000.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I think it was demonstrated yesterday in voting on the agriculture appropriation bill that there are a great many Senators concerned about inflation and concerned about Federal spending as the cause of it. I think we all agree that something must be done.

Mr. President, we are in a period of severe inflation. Inflation and its economic and financial impact has become the issue of greatest concern in Kansas and throughout the Nation today. Recommendations have come from the administration and the Congress that Federal expenditures be curtailed to reduce inflation. If this objective is going to be accomplished, we must take a stand to limit expenditures now—on this bill and on the bills we consider in the future.

I move that the Treasury appropriation bill be recommitted to the committee with instructions to cut expenditures to 3.3 percent below the budget request, or to $5,432,796,000.

A 3.3-percent cut, if followed consistently on all appropriation bills, would result in the $10 billion reduction in Federal spending that has been recommended.

I say to my friends that if we believe what we say about reducing inflation, we should act according to what we say. And if we believe what we read about the necessity for cutting Federal spending, sooner or later we are going to have to start doing it. It is the position of the Senator from Kansas that the time to start is now.

According to the 1975 budget scorekeeping report published by the Joint Committee on Reduction of Federal Expenditures on June 21, 1974, the Congress has already enacted a $727 million increase over the budget request. The report also shows that appropriation and legislative bills already passed by the Senate would increase expendiutres above the budget request by $3,677,296,000. This level of increase is more than 10 percent above the budget request and in view of this, I believe a 5-percent reduction in the Treasury appropriation bill is not unrealistic.

Yesterday I voted against the Agriculture appropriations conference report. Nothing in my State is more important than agriculture. I know of nothing more painful politically than voting against an agriculture appropriation bill.

But if we are serious about inflation and about the impact it is having on farmers, consumers, and everyone else in America, we must stand up and say "No," however painful. We just cannot have it both ways.

The bill we are considering is already about $55 million less than the budget request. While I commend those on the Appropriations Committee for their efforts to hold down spending requests, I suggest they should have done more. They would cut the appropriation by another $131 million under this motion.

This year, with this budget, we have to start somewhere if we are really serious about doing something to combat inflation. I urge the Senators from every State to support this motion.

Mr. MONTOYA. Mr. President——

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. MONTOYA. I will state my position very briefly. This bill is perhaps the most important bill that we will pass in the Congress. Here we have the sinews and the muscle to collect the revenue and avoid the deficits and pay for the expenditures about which the Senator from Kansas seems to be so alarmed.

If this cut goes through, that means we are going to cut down on auditing functions of the Internal Revenue Service; we are going to cut down on compliance programs in the Internal Revenue Service; we are going to cut down on the collection of customs and duties. That is what this means. We are cutting the very fiber of our existence in this bill.

If the Senator wants to do anything about cutting expenditures, he ought to use another vehicle rather than this bill. This is a money-raising bill. He ought to resort to other appropriations where the emphasis is more on spending than raising the revenues.

Mr. President, I resist the motion to recommit, and I ask the Senate to vote it down.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BELLMON. Mr. President, I join with the distinguished chairman of the subcommittee in opposing this motion. I would like to list very briefly some of the activities that are funded by this bill, which are also described in the report which is on every Senator's desk.

We are talking about IRS, the Customs Service, the Bureau of Alcohol, Tobacco, and Firearms, and all the other agencies that go about raising the revenues that we have to have. It simply makes no sense to cripple those agencies and thereby reduce the flow of funds to the Federal Treasury, as well as increase the temptation for dishonest citizens to cheat on their tax payments.

This simply makes no sense at all. If we are going to cut, let us cut somewhere besides cutting the muscle out of Government agencies that help to provide the funds we need.

I yield back the remainder of my time.

Mr. MONTOYA. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Kansas yield back the remainder of his time?

Mr. DOLE. I do.

The PRESIDING OFFICER. All time has been yielded back. The question is on the motion of the Senator from Kansas.

The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG) and the Senator from Nebraska (Mr. HRUSKA), are necessarily absent.

The result was announced—yeas 42, nays 56, as follows:

[No. 339 Leg.]

YEAS—42

Abourezk	Curtis	Metzenbaum
Bartlett	Dole	Nelson
Beall	Domenici	Nunn
Bentsen	Dominick	Pearson
Biden	Fannin	Proxmire
Brock	Fulbright	Ribicoff
Brooke	Goldwater	Roth
Buckley	Gurney	Schweiker
Burdick	Hansen	Scott, William L.
Byrd, Harry F., Jr.	Helms	Taft
Chiles	Hollings	Thurmond
Church	Hughes	Tower
Cook	Johnston	Tunney
Cotton	McClure	
	McGovern	

NAYS—56

Aiken	Haskell	Moss
Allen	Hatfield	Muskie
Baker	Hathaway	Packwood
Bayh	Huddleston	Pastore
Bellmon	Humphrey	Pell
Bennett	Inouye	Percy
Bible	Jackson	Randolph
Byrd, Robert C.	Javits	Scott, Hugh
Cannon	Kennedy	Sparkman
Case	Long	Stafford
Clark	Magnuson	Stennis
Cranston	Mansfield	Stevens
Eagleton	Mathias	Stevenson
Eastland	McClellan	Symington
Ervin	McGee	Talmadge
Gravel	McIntyre	Weicker
Griffin	Metcalf	Williams
Hart	Mondale	Young
Hartke	Montoya	

NOT VOTING—2

Fong	Hruska

So the motion to recommit was rejected.

Mr. BUCKLEY. Mr. President, the Dole motion to recommit with instructions to reduce the appropriation by 3 percent was a reasonable, responsible measure. Because it failed to carry, because individual items within the appropriations bill reflect "fat" in the form of increases well beyond those attributable to inflation—the inflation that is a direct result of the reckless refusal to reexamine and economize that is reflected by this appropriation bill.

Mr. BIDEN. Mr. President, I rise today to voice a complaint frequently heard in this body. I hope to refrain from the boilerplate language which usually is part and parcel of critiques of the mail service provided in this country. Yet, by the same token, I cannot accept the logic that the issue of ineptitude and insolvency at the Post Office should be left alone because it has become such a perennial pincushion that criticism of the mail service has totally demoralized the Nation's second largest bureaucracy. The very consistency of complaints from every part of the country ought to be compelling proof of the need for concern about the state of the mail by every Member of Congress.

It is now more than 200 years since the colonial legislature of the counties of Delaware, on October 23, 1773, created a Committee of Correspondence, by which to gather and transmit news of the growing discontent with English rule among similarly appointed colonial legislatures. These bodies, whose efforts led directly to the popular uprising of the patriots whose Bicentennial we anticipate in 1976, achieved their ends entirely through determined letter-writing. This crucial correspondence between the colonists, according to the contemporary historian, Jared Sparks,

> . . . increased their mutual intelligence, gave them confidence and encouragement, harmonized their sentiments, and sowed the seeds of union.

For this reason, the Founding Fathers took care to establish a Post Office as one of the first Cabinet Departments, and elevated their most respected elder statesmen, Benjamin Franklin, to be the first Postmaster General. Since that time, Mr. President, the government monopoly which provides us with mail service has burgeoned into the Federal Government's second largest bureaucracy. As Ronald Kessler pointed out in his seven-part essay on the U.S. Postal Service in the Washington Post,

> To most Americans, the Postal Service is the only branch of Federal Government that touches them directly each day. The mailman walking his route on a tree-lined residential street has become a symbol of America.

Indeed, Mr. President, for many Americans, elderly retirees and lonely students, homesick travelers and the ones they left behind alike, the arrival of the mail constitutes the high point of the day. The four or five deliveries per day to the offices of Senators are the prime source of constituent contact for the Members of this body. Yet, the vital exchange of ideas by mail, after decades of political manipulation of the administration of the agency, and a classic failure of the oversight responsibilities of Congress, resulted in 1966 in the closing of the Chicago Post Office because of a mail glut with which the U.S. Post Office as then constituted and managed, was unable to cope.

This collapse had long been forecast, and resulted in 1970 in the authorization of a tax-supported, privately governed government corporation, the U.S. Postal Service, similar to the Tennessee Valley Authority. Today, the Senate is being asked to appropriate $1.5 billion to pay the debt that this $700,000-man, $9.8 billion postal operation will run up in the 1975 fiscal year.

The concept of overnight delivery, embodied by Paul Revere's ride through Middlesex County has been abandoned by the new Postal Service. Two surveys, both this year and last, conducted by my staff found that letters traversing the 100 miles from points in Delaware to Washington, D.C. took 3 to 6 days to make the journey. The concept of an efficient national postal service by which to speed the flow of ideas and information, a concept specifically contained in the Constitution, has, I am afraid, gone by the board as well. The subsidization of certain classes of mail, through an inequitable postage rating system has driven the Postal Service into perennial deficits which show no signs of abating. And, finally, most unfortunately the concept of a reformed, nonpartisan Postal Service, for which many Members of Congress held so much hope, has seemingly vanished in the gleam of the plush new headquarters of the USPS at L'Enfant Plaza.

Insensitivity at the management levels of the Postal Service to the fact that their organization is a largely black, labor-intensive operation, combined with the disregard for personal property consigned to the near-vandalous trusteeship of the parcel post system, has shattered not only a good many valuable packages, from chocolate chip cookies to family heirlooms, but also the hopes of many of the most ardent supporters of the reformed Postal Service. Mr. President, at this point in my remarks, I would like to insert seven articles from the Washington Post, written about the Postal Service by Ronald Kessler, and the remarks of an esteemed colleague from the House side, Mo UDALL, the father of postal reform in that body, from a speech he delivered to the National Press Club day before last. Together, they provide a damning indictment of the agency which today asks Congress for a billion and a half dollars.

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

(See exhibit 1.)

Mr. BIDEN. Mr. President, the Postal Service is protected by law from competition by other firms in the carrying of letters, which is fortunate, since their inefficiency would lose them that business, as it has the parcel business, were it the other way. Furthermore the USPS is allowed to raise funds by sale of bonds to the public, unlike any other agency. Even so, service in the Postal Service has declined by around 20 percent, while postal rates have doubled the rate of inflation to increase by 66 percent in the last 5 years, since the inception of the Federal corporation. And still, the Postmaster General cannot break even, and still the Congress has to bail out the USPS. I cannot support this blank-check subsidy of ineptitude, and have introduced a bill S. 2134 on behalf of the victims of the Postal Service all over the Nation. It would require the agency to return to the Congress each year and put its head on the fiscal chopping block to justify the need for taxpayer support of its supposedly improving and increasingly self-sufficient operation.

Mr. President, I intend to vote against this appropriation. There are a number of good reasons to do so. It is a $54 billion bill. Yet less than 10 percent of the funds contained in this item, though it represents nearly one-sixth of the entire Federal budget, are controllable by the Congress. The Appropriations Subcommittee, led by my able colleague Senator JOSEPH MONTOYA, in its scrupulous analysis of the bill, could make cuts in only about $5 billion worth of the total amount requested by the administration. Thirty-one billion dollars of this bill is earmarked to pay the interest on the national debt for this year.

Congress has no say about that, since inflation and the Nixon budget for 1975 will drive the Nation into the red by about $18 billion more, to near the legal limit of $490 billion by next June 30. Another billion and a half will be required by the Civil Service Commission to pension off its retired and disabled workers, and to pay for public servants' health benefits. This too, is beyond the ability of the Appropriations Committee to do anything about, except act as a rubber

stamp. The costs of this item by 1980 are feared to range up to $11 billion a year, assuming only 3 per cent inflation. As a member of the newly-appointed Committee on the Budget, I cannot in conscience vote to continue this madness, which will surely bankrupt the Treasury unless Congress can somehow control bills such as this one.

There is $16.3 million in the White House salary fund to hire 30 additional staff to help defend the President against impeachment at public expense. Though there has been a reduction of 4 people from the staff of the National Security Council's 79 members, their salaries and expenses item has increased by $88,000 to $2.9 billion this year. This does not include the pay for the numerous staff persons who have been assigned on temporary duty to the NSC for periods of years, and are still at work there. Similarly, the President's Commission on Personnel Interchange has been funded with an additional $353,000 for 12 more positions.

Mr. President, I cannot justify a vote for such appropriations to my constituents, and intend to cast my vote "nay" on final passage of H.R. 15544.

EXHIBIT 1

[From the Washington Post, June 9, 1974]

FIRST-CLASS LETTER WRITERS PAY JUNK MAIL USERS' DEFICIT

(By Ronald Kessler)

The new U.S. Postal Service has deliberately slowed delivery of first class mail and has overcharged first class mail users by an apparent $1 billion a year while undercharging commercial mail users, a Washington Post investigation has found.

Delivery of first class mail—the class used by most Americans for letters—has been slowed by a Postal Service policy of putting aside mail arriving from out of town during the night for sorting during the day.

The policy, which delays mail by a full day, was put into effect largely to avoid paying extra salary for night work. But the total cost of extra night salary is about 1 per cent of the postal budget, and the new policy has saved only a fraction of this cost.

While the Postal Service saves night salary by allowing sacks of first class mail to pile up in post offices throughout the country, it continues to pay the extra salary for sorting non-priority mail carrying less postage than first class letters. This includes slow-moving fourth class parcel post and commercially oriented junk mail and second class newspapers and magazines.

A transcript of a high-level meeting of postal officials in 1969, when the new policy for first class mail was begun, shows a decision was made to no longer strive for overnight mail delivery and to keep this a secret from Congress and the public.

The transcript shows that Frank J. Nunlist, then an assistant postmaster general, told regional postal officials:

"Now if we announce that we are going to do this (lower overnight standards) there are 700,000 guys (postal workers) that are going to run to their congressmen and say, "You can't have a postal corporation these guys are not going to serve the American people."

"So," Nunlist continued, "we have got to be a little tight about this, and you can't even say to your employees in the post office, 'Don't promise prompt service.' We have got to play this game pretty carefully."

While the Postal Service has slowed first class delivery, the agency also has overcharged this class of mail and undercharged those classes generally used by special commercial interests, six postal cost studies, including two by the Postal Service show.

One study, by the U.S. Postal Rate Commission staff that represents the public shows an over-charge to first class mail users in fiscal 1972 of about $1 billion, or 2 cents per letter. (The figure does not include the overall postal deficit for which no particular class of mail pays).

The study shows undercharges to third class, so-called junk mail, second class newspapers and magazines, and fourth class parcel post.

The Postal Service is required by law to avoid favoring or discriminating against any mail user and to charge rates that cover all costs reasonably assigned to each class of mail.

The Postal Service denies it overcharges, and it cities as evidence a seventh study it has performed, which shows that third class junk mail pays for itself. This study has been rejected as failing to show true postal costs by both the chief administrative law judge of the separate U.S. Postal Rate Commission, which helps set postal rates, and by the General Accounting Office, the audit arm of Congress.

Some postal officials who have publicly defended the official Postal Service cost study say privately it was designed to cover-up losses run up by cheaper classes of mail generally used by commercial interests. The reason, they say, is that users of more expensive first class mail, who include both individuals and businesses, do not have the political clout of the special interests.

The Washington Post investigation has also found that:

Since the new policies of the Postal Service were established in 1969, first class mail has been slowed 14 per cent to 23 per cent, according to the agency's own mail sampling system. During about the same time, the price for first class service has risen 66 per cent, or about double the rate of inflation.

A $1 billion parcel sorting network being built by the Postal Service to try to stop loss of business to its private industry competitor, United Parcel Service (UPS) promises to offer slower service than UPS. The Postal Service has acknowledged internally that a chief reason for the success of UPS is a package damage rate a fifth that of the Postal Service. But sorting equipment in the new parcel network will, in the course of processing parcels, drop them a foot, compared with what UPS says is no drop during its processing.

A mechanized letter sorting system said by the Postal Service to produce savings of billions of dollars has been found by the GAO to be more costly than the existing, old-fashioned system. The Postal Service internal auditors have reported confidentially that the new system sorts letters at a rate slower than the system used by Benjamin Franklin, the first postmaster general, who placed letters, one by one, in pigeon holes.

The Postal Service has spent more than $140 million on contract cost overruns since the assertedly cost conscious policies of the new agency were established in 1969. About half the contracts for $5,000 or more awarded by the Postal Service in 1973 were let without competitive bidding involving formal advertising. Although competitive bidding is not required by law, it is the method considered cheapest and fairest by the GAO and the Postal Service itself.

These and other findings resulted from a four-month Washington Post investigation of the Postal Service. The investigation included visits to five of the six largest post offices in the country, interviews with hundreds of present and former postal officials, technical experts, mail users, and postal oversight officials, and examination of hundreds of internal Postal Service memos, reports, studies, and letters, as well as congressional and rate hearings, government audit reports, and private consultants' reports.

What emerges is a portrait of how one of the largest government agencies works—or doesn't work—for the tax- and postage-paying citizens it is supposed to serve.

Asked for a comment on The Post's findings. Postmaster General Elmer T. Klassen said he would defer to comments made by his deputies on specific matters because he is not familiar with all the details of postal operations.

E. V. Dorsey, senior assistant postmaster general for operations, acknowledged that first class mail arriving from distant points at night is not sorted until daytime. He disputed, however, that this delayed mail.

"We have priorities," he said. "We have other things to do." He said the policy saves the 10 per cent extra night pay and some equipment costs.

Arthur Eden, director of rates and classification, denied first class mail users are overcharged. He said rates are set in accordance with law, and cited a Columbia University professor who agrees with the agency's method of determining costs of various classes of mail.

Asked to cite improvements since the Postal Service was created, Klassen said in a letter it has "improved the speed and reliability of service." He said productivity has increased, field managers have been made accountable for service and costs, and postmasters are no longer selected because of their political connections.

"In short," Klassen said in the letter, "we've come a long way. We have made some mistakes, but they are far outnumbered by the things we have done right. Through the diligence of a great number of dedicated men and women, we are well on the road to making the Postal Service an organization of which every American can be proud."

To most Americans, the Postal Service is the only branch of federal government that touches them directly each day. The mailman walking his route on a tree-lined residential street, as depicted by Norman Rockwell on covers of the old Saturday Evening Post, has become a symbol of America.

To the nation's businesses, the Postal Service is essential. Without it, the economy would quickly become paralyzed. Recognizing this, the Founding Fathers specifically provided in the Constitution for operation of a national postal service.

The present Postal Service is a big business. Its $9.8 billion budget would rank it among the nation's 10 largest industrial firms. Its 700,000 employees make it second only to the Defense Department as the federal government's largest employer.

Although the Postal Service is a big business, it has never had the same incentives to achieve efficiency that a business has. If its service was slow and customers complained, there was no reason to think they would turn to a competitor. Congress historically had prohibited private companies from competing with the Postal Service for first class mail delivery.

If the postal agency wasted money, its employees did not fear losing their jobs in a bankruptcy proceeding. Congress would always bail the agency out with more subsidies.

Public dissatisfaction with this method of doing business reached a head in 1966, when the Chicago post office became so glutted with mail that it closed down.

Lawrence F. O'Brien, then postmaster general, proposed that a presidential commission study reform of the old Post Office Department. In 1968, the panel, headed by former American Telephone & Telegraph Co. chairman Frederick R. Kappel, recommended reorganization of the department as an independent branch of government.

The idea, the commission's report said, was that the agency could use modern business methods to move the mail if it were insulated from politics and given independent control over its funds. Such methods would save at least 20 per cent of the agency's costs, the commission estimated.

The agency that evolved from this recommendation is a branch of government with certain special privileges. Unlike other government departments, it does have control of its own funds and may raise additional money by selling bonds to the public. It is prohibited from making appointments based on political considerations.

Finally, it is required to become financially self-sufficient—free of subsidy from Congress—in 1984.

The agency does not report to the President. Instead it is run by a board of governors whose members are appointed by the President with the consent of the Senate, much as the Federal Trade Commission is run.

Although Congress enacted the Kappel Commission proposals into law in 1970, and the new agency chose to change its name in 1971, most of the new policies followed today by the Postal Service did not require legislation and were implemented in 1969 by Winston M. Blount, President Nixon's appointee as postmaster general.

But five years later, a key finding of the Kappel Commission remains true:

"The commission has found a pattern of public concern over the quality of mail service. Delayed letters, erroneous deliveries, damaged parcels, and lost magazines and newspapers are everyday experiences."

Rep. Thaddeus J. Dulski, chairman of the House Post Office Committee, wrote to Postmaster General Klassen last December, "No one expected the transition from the Post Office Department to the U.S. Postal Service to be easy, but on the other hand, neither did any one expect it to be catastrophic."

Dulski and others have charged that rather than improving mail service, the new agency has spent millions of dollars on advertising and public relations efforts to make the public think it is getting better service.

This approach was illustrated by an internal Postal Service memorandum written last year by James L. Schorr, director of advertising.

Schorr, whose department spent $2.5 million on advertising last year, argued in the memo that advertising being tested in St. Louis should be extended nationally.

The reason, Schorr wrote, was that although the advertising promoted such special postal products as money orders and stamp collecting supplies, it had the effect in St. Louis of improving the public's overall view of the Postal Service.

"This is particularly significant," he wrote, "in that the actual level of (mail) service in St. Louis fell off worse during Christmastime than in the rest of the country."

Indeed, Schorr wrote, favorable opinions of the Postal Service were found to be higher in St. Louis than in cities with better service that had not been exposed to the advertising.

Like a number of other postal officials, Schorr declined to be interviewed by this reporter.

Instead, Schorr said questions would be answered by the agency's public relations department. But one can learn little about the Postal Service and why the mail is so slow by going through official channels.

Klassen, in testimony before the Senate postal committee last year, said service was actually "somewhat better than on July 1, 1971, when the Postal Service came into being."

What Klassen did not tell the committee was that nearly all the mail processing policies followed by the new agency were started in 1969, and the 1971 date he used for comparison represented little more than a change in the name of the department.

He did not say that when compared with the last year of the old Post Office policies, service had deteriorated.

"The method of presenting statistics is highly selective," said a former postal official who helped write some of Klassen's speeches and congressional testimony.

"We're always desperate to find something good to say about service," said a current postal official who has gathered information for Klassen's statements in agency annual reports.

The difficulty is not surprising. The agency's internal mail sampling system confirms what thousands of complaints to the agency and Congress have charged; that rather than improving service, the new Postal Service has made it worse.

Nor does the sampling system, known as Origin-Destination Information System (ODIS), necessarily portray the full extent of the deterioration.

The system records postmarks before letters are given to carriers for delivery to homes and businesses.

This means it does not measure delays that occur before letters are postmarked—when they are picked up from collection boxes, trucked to post offices, and initially sorted. It also means the system does not measure delays after letters are received by letter carriers.

In one test, the GAO found the ODIS figures would show a 10 per cent longer delivery span if it measured time from deposit of letters to delivery.

The postmarks used in the ODIS system are recorded by clerks who work for local postmasters. Since the postmaster's performance is being measured by the system, this arrangement does not necessarily provide incentives for doing an accurate job.

"The standard procedure is to disregard late mail," says Melvin Wilson, a Los Angeles postal clerk who recorded ODIS mail until 1970.

If late mail were included in daily reports, Wilson said, "They'd call you down and say, 'Do they (the figures) look right to you.' That means change it."

Carolynne M. Seeman, the statistician in charge of ODIS, acknowledged that cheating occurred. "We've seen information erased (from reports) to make the service look better," she said.

She said she does not have the staff to question the accuracy of the reports, and she said she does not believe cheating is a "major problem."

Despite the opportunities for cheating the ODIS figures show a 23 percent increase in average first class mail delivery time from the last three quarters of fiscal 1969—the last year of the old Post Office—to the same quarters in fiscal 1973. (The first quarter was not tabulated.)

The figures show service improved slightly in fiscal 1974 but remained 14 percent slower than under the old Post Office.

The agency handled 89.7 billion pieces of mail in fiscal 1973, compared with 82 billion pieces in fiscal 1969.

What the figures mean to the average user of the mails is that there is no assurance that a letter will be delivered overnight anywhere in the country.

The chances of overnight delivery of out-of-town mail in the most recent fiscal quarter were only two in five for local mail, the chances were about nine in 10.

There is, of course, no way of knowing whether a particular letter will be one of those delivered overnight, and the chances of getting overnight delivery are slimmer when letters are addressed to cities in distant states.

ODIS figures show that in the postal fiscal quarter ended March 29, first class letters mailed from Washington, D.C., and from Manhattan, N.Y. received overnight delivery to specific cities in these proportions:

[In percent]

To:	From Washington	From Manhattan
Akron	9	4
Boston	19	14
Brooklyn, N.Y.	17	60
Chicago	9	6
Cincinnati	17	2
Detroit	17	6
Los Angeles	10	2
Miami	5	1
Richmond	74	7
San Francisco	15	2
Manhattan, N.Y.	44	73
Washington, D.C.	90	21

Despite this performance, the Postal Service periodically tells Congress and the public that it is meeting or nearly meeting its overnight delivery standards. What the Postal Service defines as overnight delivery is often quite different from what one would expect.

Overnight delivery of air mail is promised only if it meets certain tests. It must be deposited in special, white-topped collection boxes; it must be zip coded; it must be mailed before 4 p.m. and it must be addressed to certain cities generally not farther away than 600 miles.

Since the identity of these cities is known only to the Postal Service and is constantly changing, a mail user has little chance of knowing whether his letter will be delivered the next day.

Indeed, says Miss Seeman of the ODIS system, only about 2 per cent of total air mail volume meets the overnight standard of the Postal Service.

For first class mail, the Postal Service has established a standard for local delivery that represents an erosion of service when compared with the standard of the old Post Office Department.

The old standard promised overnight delivery within a state. The new one promises it only within local delivery areas, only if letters are mailed before 5 p.m., and only for 95 per cent of the mail.

A substantial portion of business mail is deposited after 5 p.m., postal officials said, and some question whether a 95 per cent standard is good enough for the mailer who wants to know his letter will get there the next day.

For out-of-town mail, the Postal Service standard allows as many as three days for delivery. In part because of this generous time span, the agency was able to claim that a historic subpoena requesting President Nixon's appearance in a Los Angeles courtroom arrived only a day late—although it took six days to make the trip from Los Angeles to the D.C. Superior Court.

The Postal Service did not count two of the days because they were holidays.

Despite the leniency of the standards, the ODIS figures show they often are not met. This has not deterred the Postal Service from claiming they are.

The basis for the claims is often a different measuring system that uses specially prepared envelopes sent through the mails by postal employees. These envelopes—called test letters—generally portray service in a more favorable light than the ODIS system.

The GAO has reported that air mail test letters bore markings that made them readily indentifiable as test letters to the clerks who sorted the mail. The clerks singled them out and gave them speedy treatment, including dispatching them in specially marked pouches.

On the basis of these purported tests, Klassen claimed in the fiscal 1971 report the agency was "close to the attainment of its performance standards for air mail." Postal officials made similar claims in 1972 Senate hearings.

The unreliability of the tests is no secret. Marie D. Eldridge, former statistical director of the Postal Service, said internal auditors periodically reported that clerks ran across work room floors carrying the special letters.

Nevertheless, the Postal Service spent $4 million in a little over a year to send air mail test letters, GAO reported. Although these tests have been stopped, local post offices continue to send test letters to measure the service they provide local residents.

The D.C. post office sends about 600 of the letters a week. They are small prestamped envelopes that bear the notation, "MAS," which stands for Methods and Standards, the department that sends them out.

Robert H. Brown Sr., a clerk in the D.C. post office, said supervisors instruct employes to look for the letters and speed them on their way. "It is a farce," he said.

A supervisor whose suburban Washington home is a recipient of the letters said they have never taken more than a day to be delivered.

L. A. Hasbrouck, who sends the letters from the D.C. post office, said, "I don't deny that the mailings could be identified as test letters."

Asked why taxpayer money is being spent to send them, Hasbrouck did not reply directly. Instead, he said the "MAS" notation is gradually being removed from plates used to print adresses on the letters.

If the test letters appear to be a dubious expenditure, the $200 million spent by Americans last year on air mail represent, in the view of Rep. Lester L. Wolff (D-N.Y.), a "fraud."

When air mail was first flown in 1918, paying the extra postage for an air mail stamp was the only way to get air service. Today, nearly all mail sent outside local delivery areas goes by air.

The Postal Service claims the extra 3 cents for an air mail stamp buys the fastest possible service to any point. Special, white-topped air mail collection boxes bear stickers promising overnight service even in local delivery areas.

But the ODIS figures show the extra air mail postage generally buys slower service. Air Mail was delivered overnight 21 per cent of the time in the most recent postal fiscal quarter, or about a third as often as first class.

Even local mail that carries air mail postage—as suggested by air mail collection boxes—gets there far slower than first class, the ODIS figures show.

The figures also show that air mail has a slight advantage over first class if it goes more than about 400 miles, but the Postal Service promises speedy air mail service over any distance.

The answer to the mystery of slow air mail service, according to postal experts, is that the special, costlier treatment given air mail has the effect of slowing it.

"You divert air mail to a separate center, and in the meantime the first class is running like hell through the system," says M. Lile Stover, who was director of distribution and delivery until 1969.

In addition, Stover and others said air mail addressed to nearby cities with no air service is sent back to the first class section for delivery.

Indeed, said Mrs. Eldridge, the former statistical director, "Air mail often goes back and forth several times."

Terming air mail a "fraud on the American consumer," Rep. Wolff of New York last year asked the Federal Trade Commission to investigate the Postal Service for possible violation of deceptive advertising laws.

The FTC declined on the grounds it cannot investigate another government agency.

"A government agency should be more responsible than companies in the private sector," Wolff said. "It seems to me incredible that a government agency is allowed to get away with defrauding the American public."

Those who pay 60 cents extra for special delivery service also might not get what they pay for.

Clerks in the special delivery section of the D.C. post office said special delivery for downtown businesses is delivered with regular mail, and special delivery for residences is specially delivered only if the regular carrier has already left.

In New York, only 35 per cent of special delivery mail received special service on a typical Tuesday, a House postal subcommittee was told in 1970. Most of the special deliveries were of packages.

"If a private company charged extra for special delivery and didn't specially deliver, it would be referred to the Attorney General for investigation," said Rep. Edward I. Koch (D-N.Y.). "As far as I'm concerned, it's fraud."

[From the Washington Post, June 10, 1973]

LETTER PROCESSED IN 47 STEPS—AND EACH CAN DELAY IT

(By Ronald Kessler)

If you get a sinking feeling that the letter you deposit in a mail box might not reach its destination the next day or even the next week, your apprehension is well founded.

When your letter will be delivered will depend largely on luck as it goes through 47 processing steps, each capable of delaying it. During its journey, your letter will be sacked, dumped, culled, sorted, flown, unloaded, sorted, and sorted again.

It could get chewed by machines. It could get missent. Or it could get lost.

If it reaches its destination, the arrival date could be a day, a week, or even a month or more after it is sent.

It is this uncertainty about when a letter will be delivered that was identified by the Kappel Commission, which recommended postal reform, as the public's primary concern about mail service.

A businessman or housewife who needs overnight delivery but cannot feel assured he or she will get it from the Postal Service must turn to more costly alternatives—telephones, telegrams, private messengers and special delivery systems.

In recent years, the use of these alternatives has grown rapidly while the letter mail volume has risen an average of 2 per cent a year.

At the same time, the cost of delivering a letter has risen 66 per cent faster than the increase in inflation. This has been caused largely by a second problem identified by the Kappel Commission—the Postal Service's almost total reliance on human labor, rather than machines, to move the mail.

In a comment that could be made today, the Kappel Commission observed in 1968:

"The Post Office's inefficiency is starkly apparent to anyone who walks across a workroom floor. In most offices, men and women lift, haul, and push mail sacks and boxes with little more mechanical assistance than the handcart available centuries ago. In this electronic era, the basic sorting device remains the pigeonhole case, into which letters are placed, by hand, one by one."

In contrast to the Postal Service, the telephone company has automated so that all local calls, and more than 80 per cent of long distance, calls, are dialed by customers without assistance from operators.

This saves customers' time and the telephone company's money. Indeed, American Telephone & Telegraph Co. estimated it would need a million operators if it had not introduced dial telephones.

Each letter handled by the Postal Service, on the other hand, is sorted by humans as many as seven times before it is delivered.

The Postal Service has installed an increasing number of machines for sorting letters, but they still generally require humans to read addresses.

Jacob Rabinow, chief of invention and innovation for the National Bureau of Standards, said Postal Service mechanization is still in the Dark Ages. Rabinow, who has testified before the Postal Rate Commission on what he calls his personal views, said the agency uses "stupid, horrible equipment."

"If you can collect, clean, and inspect eggs by machine, there is no excuse for not being able to sort mail entirely by machine." Rabinow charged. "It's just that private manufacturers care, and the Postal Service doesn't."

The agency's machines have had little effect on its degree of labor intensiveness. Rather than decreasing the proportion of the postal budget devoted to salaries and benefits—a measure of labor intensiveness—has increased under the new postal management from 82 per cent to 85 per cent.

To find out why costs are high and service slow, your letter can be followed from its deposit in a D.C. mail box to a destination on the West Coast.

Your letter faces an immediate delay of a day if it is mailed after the last collection for the day.

Residential mail boxes were generally collected three times a day under the old Post Office according to a report by the General Accounting Office, the audit branch of government. The new Postal Service has reduced most pickups to one a day, the GAO said.

Since these pickups are generally in the morning, your letter will be delayed a day if it is mailed in the afternoon.

It will be delayed if it is mailed after the 5 p.m. or 6 p.m. pickup from business collection boxes. The GAO found the old Post Office generally picked up as late as 9 p.m. from business areas.

When it is picked up, your letter is stuffed in a canvas bag or sack, a container that a number of industry experts said increases costs and delays letters.

Coleman W. Hoyt, distribution manager of Reader's Digest, said that while industry generally transports goods on wooden pallets that can be loaded by fork-lift trucks. Postal Service bags must be lifted by hand.

Hoyt said letters sometimes become lost in the folds of the sacks for weeks at a time and often become damaged so they cannot be handled by labor-saving machines. "Letters should never go in bags," Hoyt said in an interview.

The problem is exacerbated by a Postal Service policy requiring that empty mail sacks be shipped in tightly rolled wads. Each sack is individually rolled, and 19 of the rolled sacks are stuffed into a 20th sack. The Postal Service said the policy keeps bags from going astray, but the number of jobs created by the need to roll and unroll the sacks each day can easily be imagined.

The sack with your letter is trucked in the early evening to the columned D.C. Post Office at Massachusetts Avenue and North Capitol Street, where mail is sorted for D.C., Bethesda, and Chevy Chase.

To anyone who has visited an automation manufacturing plant, where ingredients go in raw one end and come out the other as finished products, a postal sorting operation comes as a shock. "I was appalled," said James E. Josendale, a businessman who was deputy assistant postmaster general for operations from 1969 to 1971, of his first visit to a post office. "Everything was done by hand."

Four or five men drag the sack containing your letter from the back of a truck and throw it on a hand cart. Another crew of men throws the sack from the cart down a chute in the loading platform at the back of the D.C. Post Office.

The process continues on the main floor, where the sack emerges. Crews of men lift, throw, push, and dump the sacks until your letter ends up on a conveyor belt.

By installing equipment used by industry to move mail within post offices, productivity of many post offices could be raised 50 per cent, the Kappel Commission estimated in 1968.

The conveyor belt on which your letter is thrown is tended by some eight employees, who sift the mail to pick out special rate classes, such as air mail, special delivery, and third class, so-called junk mail. The special classes are thrown in bins for separate handling.

The Postal Service has some 40 rate categories, each with its own regulations and requirements, often requiring extra labor to verify that the regulations are met and the proper service given. The Kappel Commission recommended reducing the number of classes to four, but the Postal Service has plans to complicate the system further by adding more classes.

The rates charged for each of the classes have little to do with the cost of handling the mail. A magazine may be charged rates varying by 100 per cent and more depending on how much advertising it carries, whether it goes over a county line, what type of subscription list it has, and whether its publisher makes profits.

Letters are charged according to their weight, even though weight has little or nothing to do with the cost of delivering mail.

What does affect cost is whether a piece of mail is too large, bulky, or irregular in shape to be handled by machines. An internal Postal Service study showed last year, for example, that the cost of handling a large envelope, which cannot be handled by a machine, is about double the cost of handling an ordinary letter, which goes through machines. Yet the charge is the same for both. (The agency proposed charging extra for large envelopes, but the request has not yet been approved by the Postal Rate Commission.)

The emphasis on weight makes it easy for postal customers to cheat, since the cost of weighing each letter would probably wipe out any extra postage collected. As a result, the Postal Service has no regular procedure for weighing letters.

Indeed, letters with no postage at all are not returned to the sender. Instead, they are stamped "postage due" and forwarded to the person to whom they are addressed. Whether the postage is collected depends largely on whether the recipient is at home and the mood of the letter carrier.

In a test, the GAO found postage due was not collected by letter carriers on half the letters it mailed with no postage or insufficient postage. By contrast, the telephone company will not complete a pay telephone call unless a customer first pays for it.

The GAO has also found abuses of the complicated rules governing rates for other mail classes. For example, the Postal Service lost $1.5 million in postage because 115 mailers improperly claimed they were non-profit organizations, GAO reported.

After the special rate classes are removed from the mail stream in the D.C. post office, your letter is piled on a hand cart and pushed to another conveyor.

Unlike production lines in manufacturing plants, postal sorting operations generally are not physically connected, and the capacity of the machines is not necessarily the same as others in the sorting process.

As a result, mail often is delayed or machines are not operated at full capacity, increasing costs as much as 20 per cent, Communications & Systems Inc., a private consulting firm, told the Postal Service in 1969.

The second conveyor where your letter is dumped is manned by additional workers, who pick out mail too bulky to go through the canceling machine. These items, which include bank statements, tissue-thin air mail envelopes, and circulars, must be canceled on slower machines or by hand with rubber stamps.

The canceling machine imprints postmarks on letters faster than the eye can see, but in visits to post offices from Boston to Chicago and New York to Los Angeles, these machines were observed to jam on an average of every 10 to 15 minutes. When the machines jam, a handful of letters are ripped, and these letters must be mended by hand in a separate section.

"It was a beautiful machine when it was invented over 30 years ago," said Rabinow, the National Bureau of Standards official, of the canceling machine. "It's now obsolete."

For one thing, noted Rabinow, the machines cannot tell if a stamp has previously been canceled. This means stamps can be re-used, he said. Some say that canceling stamps is obsolete and could be replaced with a variety of more efficient procedures.

After being canceled, your letter is sent to be sorted by clerks who place letters in pigeon holes according to zip codes. Those letters without zip codes—about 7 per cent of the total handled in D.C. last year—are sorted by special clerks who have memorized the postal distribution system.

An Associated Press mail test last year found using zip codes does not speed your mail. However, postal experts say that if a significant portion of the population stopped using them, the mail system would collapse, since most clerks do not know the distribution system and rely on the codes when sorting mail.

In D.C., your letter has a one in three chance of being sorted by machine. The letter sorting machine is described by the Postal Service as "the equipment of the future".

The 91-foot-long sorting device is far from being automated, however. It is manned by 20 employees, most of whom read zip codes on each envelope and punch the codes into keyboards. The machine shunts letters to appropriate bins.

Nor is the principle behind the machines new. The Postal Service experimented with a keyboard device in 1918 and installed such devices in a Providence, R.I., post office in 1960. The Providence post office, which was characterized by the postal officials as a "mechanized" operation, did not work because of mechanical failures.

Postal Service figures show that the present machines handle slightly more mail per man hour than hand sorting. The machines sort to more bins, and this can save subsequent sorting.

But the GAO said the machines also are an important cause of erratic mail delivery. The reason is that they have an error rate as high as 17 per cent, which means that letters are routed to the wrong place 17 per cent of the time.

Each time a letter is missent—say, to Chicago instead of Miami—it can be delayed as many as five days while being re-routed, in addition to regular delivery time, GAO said. In addition, missorting adds to costs by requiring nearly twice as many handlings in the process of routing letters back to their proper destinations, GAO said.

The GAO found that in recent six-month periods, 13 million letters were missorted by the machines in a New York City post office, 56 million letters were missorted by the Boston post office, and 8 million letters were missorted by two Florida post offices.

Dr. James C. Armstrong, a former postal official who is manager of corporate planning for AT&T, said this and other problems of the Postal Service would be eliminated if the agency required mail users to write zip codes in boxes printed on standard-size envelopes.

Dr. Armstrong said the envelopes could be made by commercial envelope manufacturers and sold in stores just as envelopes are sold now. Similar systems are used by Japan and Russia, he said.

Those persons who wanted to use conventional envelopes without zip code boxes would be charged extra, Dr. Armstrong added.

Because the envelopes would come in a standard size easily handled by machines and would show zip codes in the same place on each envelope, the letters could be sorted by relatively inexpensive machines, Dr. Armstrong said. These machines would read the zip codes through optical scanners without need of human operators.

Rabinow estimated each such machine would cost $350,000, compared with $300,000 for the current machines that require 20 operators. He said another machine that the Postal Service has been testing for sorting costs $3 million. This machine handles about twice the mail as one of the conventional machines.

Rabinow, who invented the current letter sorting machine in 1956, said that in addition to reducing the Postal Service's labor intensiveness, preprinted zip code boxes would eliminate missent letters. Because human operators would not read zip codes, he said, there would be no errors.

These and other experts said further savings would occur if zip codes had 10 digits so that each residence would have a number.

Although most of the technical experts interviewed for this series agreed such a system would be the best solution to rising costs and declining service, the Postal Service said it does not believe the method would work.

J. T. Ellington Jr., assistant postmaster general for planning, said he doubted the public would accept the constraint of using special envelopes.

Merrill A. Hayden, a former Sperry Rand Corp. executive vice president who was deputy postmaster general in 1971, contended the public would accept zip code boxes as easily as it accepted direct long distance dialing.

"People soon learned to dial direct on telephones because of the extreme saving in cost and time," Hayden said. "The present mechanization (in the Postal Service) is so costly because of the lack of standardization."

Josendale, the former deputy assistant postmaster general, who is chairman of Wire Rope Corp. of America in St. Joseph, Mo., said use of zip code envelopes would mean "all the mail could be delivered overnight."

Many postal experts, such as M. Lile Stover, who was director of distribution and delivery until 1969, believe nearly all the mail could be delivered overnight—if the Postal Service had the will to do it.

But a Postal Service policy begun in 1969 dictated that first class mail arriving in post offices during the night from distant points should not be sorted until daytime to save extra night pay and some equipment costs.

As a result your letter from D.C., although it generally arrives in California during the early morning hours, is not delivered until the third day after it is mailed—assuming it is not missent or encounters other delays.

"It hurts me," said Stover, "that I spent 30 years trying to get the mail to move the fastest way, and now they're slowing the mail."

A transcript of a meeting of postal officials in 1969, when the new policy was established, shows they were not unaware that the idea of slowing the mail would not sit well with the American public.

Although the purpose of the new Postal Service was to speed rather than slow the mail, Winston M. Blount, President Nixon's appointee as postmaster general, told the officials at the meeting:

"I don't give a damn if 90 per cent of my mail doesn't get there for a week or three or four days, anyway, but that other 10 per cent, I want to know it is getting there."

Blount then cautioned the others, accord-

ing to the transcript: "We have been talking about that enough around here . . . Anything you talk about around this area gets in the paper."

The discussion was continued by Blount's deputy, Frank J. Nunlist, a former president of Studebaker-Worthington Inc., which once made Studebaker cars. The transcript shows that Nunlist, who died recently, made it clear there were no plans to establish a fast and a slow service for first class mail. Instead, he said, the idea was to cut costs by educating the public not to expect "prompt" service.

"I must point out to you," Nunlist said, "that there is an area here where, whether we like it or not, we are not yet a postal corporation. And we want to get that bill passed. And then we can do a lot of other things. So you tread a little bit diplomatically to get the Congress to vote for your reorganization bill."

He added, "I am afraid that we probably have got to be careful and not publicly announce that we are not going to be striving for perfection."

Two months after the meeting, Postmaster General Blount testified before a House postal subcommittee:

"I have been asked whether the new U.S. Postal Service would jeopardize the level of postal services existing today. Let me make it clear that nothing could be further from the truth . . ."

Following is a sampling of complaints from the files of the House Postal Committee:

". . . To say the USPS is less than satisfactory is putting it mildly. I mailed an insurance payment from National City, Calif., to San Diego, Calif., (seven miles away), and three weeks later it arrived in San Diego, and needless to say the insurance agent was beginning to doubt my word that payment had been made . . ."—Iva McLaughlin, Jamul, Calif.

". . . Within the past month, it required three weeks to get a small book from Sacramento to Paradise (Calif.), 100 miles. Three weeks ago it took four days to get a bank deposit from Paradise to Chico (Calif.)—15 miles in a zip-coded letter. . . ."—Paul H. Finch, Paradise, Calif.

". . . I want to add my voice to those who must certainly be writing to you every day to protest the deterioration of our postal service. It took five days for a letter mailed here in Butler (Pa.) to be delivered in New York City. . . . It took four days for a letter from Butler to be delivered in Pittsburgh, Pa., 35 miles away. . . ."—La Monte Crape, Butler, Pa.

". . . It . . . takes four days for a letter to get there from Washington (D.C.) which is outrageous. The Pony Express did better than the U.S. Postal Service today, and we didn't pay the taxes we do now . . ."—Margaret Hildt, Hobe Sound, Fla.

". . . The higher rates have come along but the service has dropped to such a low point that every now and then I think it can't get any worse, and then it does . . . A small parcel post package mailed to me from New York took more than three weeks for delivery.

"Material mailed to my office building containing information on a meeting held March 11 (1974) and mailed from Jacksonville, Fla., the last week in February arrived in Shreveport the last week in April. Bulletins mailed to my office from Chicago took more than three weeks for delivery . . ."—Sam B. Hicks III, Shreveport, La.

". . . I would like to know why it takes five long days for an airmail letter to get from Denver to Prescott, Ariz., a distance of around 600 miles? . . .—John L. Parker, Prescott, Ariz.

". . . It is my understanding that the Postal Service is being or has been reorganized to insure more efficient and expeditious service, but you would never guess it from my experience and those I have heard from others. I find that the postal service is worse today then it has been ever during my lifetime of 62 years . . ."—Russell S. Garner, Arlington, Va.

". . . Congressman (Morris K.) Udall (D.-Ariz.) mentioned the claim of the Post Office that, 'Airmail provides a service advantage over first class mail, and it is believed that many postal customers are not using it to their advantage.' As demonstrated by a survey we have conducted. . . . this claim is manifestly erroneous . . ."—Rolland Bushner, Council on Foreign Relations Inc., New York, N.Y.

". . . About two (2) months ago, our firm mailed a bid for a project in Castelberry, Fla. It was mailed ten (10) days prior to the specified arrival date. It was certified mail, return receipt requested. It did not arrive on time (and) therefore was not accepted. . . . This sale was valued at over $10,000 . . ."—Frank Costello, President, Slurry Seal Pavements Inc., Newington, Conn.

[From the Washington Post, June 11, 1974]

ACCOUNTING SYSTEM CHANGED: PROFIT CLAIMED FOR THIRD CLASS MAIL

(By Ronald Kessler)

At first glance, it appeared to be a miracle. Third class, so-called junk mail which had been causing a loss to the Postal Service of $152 million a year, was suddenly bringing in a tidy profit of $407 million a year.

Even more startling was that the actual revenues and costs of third class mail had not changed.

Indeed, the conflicting versions of whether third class mail made money or not applied to the same year—fiscal 1970. What had changed was the Postal Service's method of showing those costs.

On the basis of the new method, the Postal Service claims that third class mail paid for itself and that first class mail—the class used by most Americans—is not overcharged to subsidize it.

The agency has cited the new cost system to justify recent increases in the price of a first class stamp from 8 cents to 10 cents.

But the agency's claims are contradicted by six other postal cost studies, including two by the Postal Service itself. They showed first class mail was overcharged and subsidizes all, or nearly all, of the other classes, which are generally used by special commercial interests.

One of these studies, by the U.S. Postal Rate Commission staff assigned to represent the public in rate questions, showed an overcharge to first class mail in fiscal 1972 of about $1 billion, after the overall postal deficit, for which no class of mail pays, is eliminated.

This means first class mail users are paying an extra 2 cents a letter to subsidize others.

The Postal Service denied it overcharges any mail class, and it said its official cost study is the correct one. But one postal rate expert who has publicly defended the new system said it was designed to hide costs. "The purpose of the system," the expert said, "was to cover up losses on second, third, and fourth class mail for political and economic reasons."

Second class is used by newspapers and magazines, third class by so-called junk mailers, and fourth class by parcel post mailers, who include the general public and large mail order houses. First class is used by individuals and by business.

The expert added, "First class was just Joe Doaks. They weren't worried about first class."

Postmaster General Elmer T. Klassen said in a Wall Street Journal interview that when postage rates are raised, first class mail would bear the brunt. "To the housewife mailing six or eight letters and bills a month, that's insignificant," Klassen said, referring to a possible first class increase from 8 cents to 10 cents.

"I'm more concerned about the big mail user. . . . Big mail users are much more vocal" than consumers in fighting rate rises, Klassen said.

Klassen recently discounted the interview as "misrepresenting" his views. He said he could not recall what he had said.

The question of overcharges and undercharges has long been a point of contention. Through the years, third class mailers had been accused of not paying their way, but they argued they saved the post office money because they presorted their mail. One industry consultant figured third class mail requires 30 fewer handlings than does first class.

To those not familiar with the Postal Service's old method of determining its costs, the argument made sense. Third class mail is presorted, and does save costs.

But as Congress was told by the General Accounting Office, its audit branch, the old method took presorting into account.

The cost figures were based on observations of time spent by clerks handling the various mail classes. If clerks spent less time on third class mail, it showed up in the cost figures, GAO said.

The figures still showed third class was losing money, and the issue became of more than academic interest when Congress, in creating the new Postal Service in 1970, said all classes must pay their full costs.

This meant third-class rates would have to be substantially raised. But during the debate on the postal reform bill, the cost system was changed.

Where third class had been losing money, it was now making money. Indeed, Winton M. Blount, President Nixon's appointee as postmaster general, called third class mail the agency's "most profitable class of business."

Was a deal made to change the cost system for third class mailers if they would support the Nixon administration's bill?

Robert M. Huse, executive director of the Mail Advertising Services Association, a third class industry group, said, "I think the promise to change the cost system made reform a little more palatable. The new cost system showed that third class mail was not only paying its way but making a profit."

What the new system did, in effect, was to change the rules defining costs.

The old system—known as a fully allocated system—charged all the costs of running the Postal Service to the various classes of mail.

Time spent by clerks sorting third class mail was charged, based on salaries, to third class mail. The cost of maintaining sections of buildings used for sorting parcels was allocated to fourth class parcel post. A postmaster's time tending to first class mail was assigned to first class.

The new Postal Service system—called short-run incremental costs—allocates to the various classes of mail only about half the expenses of running the agency. The remaining costs are charged to the mail classes largely according to the Postal Service's judgment of how much they can be charged without driving customers away.

Since first class mail customers have nowhere else to go because the Postal Service has a legal monopoly on the delivery of letters, the Postal Service has allocated the highest proportion of these extra costs to first class mail.

Economists and accountants interviewed for this series said most companies, federal regulatory agencies, and government agencies use the Postal Service's old cost system—fully allocated costs—for determining their expenses. They said some companies use another cost method, called long-range incremental costs.

But they said the Postal Service's new system—using short-run incremental costs—is

rarely used. When it is, they say, it is only for special, limited purposes.

For example, a manufacturer may have extra plant space available for a year. He might use a short-run system to figure his extra cost for making a new product line in the extra space while it is free. For this purpose, he would estimate the extra costs of salaries and equipment, but would exclude the cost of building and maintaining the plant, since this cost would continue regardless.

Obviously, if the manufacturer decides to continue making the new product line, he would have to take a long-range approach and figure in his plant costs. If he did not, he might think he is making money when he is losing it.

The new Postal Service method does not include the cost of buildings. It includes only costs that the Postal Service believes would increase or decrease within a period of a year if mail volume increased or decreased in the same period.

Since an increase in mail volume would not produce a new building within a year, buildings are not considered costs caused by any particular mail class, said Nathan W. Schachter, the Postal Service accountant who developed the new cost system. Schachter recently retired from the agency but continues as a consultant on rate matters.

For similar reasons, Schachter said, the new system does not charge to individual mail classes the costs of supplies, building maintenance, stamps, or most salaries of letter carriers, postmasters, and clerks who sell stamps.

A $1 billion expenditure on new buildings for sorting second, third, and fourth class bulk mail will be charged to first class mail users as well, said Arthur Eden, the agency's director of rates and classification.

If a home owner planned to charge rent for his home only on the basis of annual maintenance costs without including the cost of a paint job every five years, would he lose money?

Yes, Eden said.

Will the Postal Service lose money if it does not charge bulk mail users with the cost of painting buildings that sort bulk mail?

No, Eden said. Using an analogy, he said that if an apartment owner had difficulty renting his apartments, he would forget about the cost of constructing them and charge rents low enough to attract tenants.

Does this mean the new bulk mail facilities will lose money? No, Eden said, they will save money.

Seymour Wenner, chief administrative law judge of the U.S. Postal Rate Commission, found much of the Postal Service's reasoning to be anomalous. He ruled the agency's cost system does not show "the real costs the various classes impose on the system's capacity."

Wenner said the agency must change its cost system, but to date it has not done so. While six cost studies show first class mail is overcharged, the Postal Service has continued to base its rates on its new cost study, which shows first class is not overcharged.

In addition to Wenner's ruling, the new study has been found lacking by the GAO, which is expected to report this year that it fails to show the true costs of the mail classes.

Asked to cite any experts who agree with the Postal Service cost system for rate-setting, Eden of the Postal Service named two economists.

One, Dr. William S. Vickry, a Columbia University economics professor, said he generally agrees with the Postal Service method, but acknowledged that all of the federal rate-setting agencies that have heard his views—including the Federal Communications Commission and Interstate Commerce Commission—have rejected them.

"I'm a voice crying in the widerness," said Dr. Vickry, who is a paid Postal Service consultant.

The second expert, Dr. Alfred E. Kahn, a Cornell University economics professor, said he did not agree with the Postal Service method. To use short-run costs for setting rates, Dr. Kahn said, "would mean that you could be losing money when you think you are making it."

He added, "To fail to put the bulk mail costs on the bulk mail users is to subsidize bulk mail at the expense of first class mail users."

Since the new U.S. Postal Service was established, it has been engaged in a running battle with magazine and newspaper publishers over the issue of second class postage rates.

Government policy since the founding of the country had encouraged preferential rates for newspapers and magazines as a way of stimulating the flow of ideas and information. Benjamin Franklin, the first postmaster general, himself took advantage of this policy to send his own publications through the mails.

When Congress passed the act establishing the new Postal Service in 1970, it said the new agency should charge rates that cover as much as possible all the costs of a class of mail.

As a result, the newly established U.S. Postal Rates Commission approved increases in second class rates charged newspapers and magazines by an average of 138 per cent. Because of the sharpness of the increase, the new rates were to be phased over five years beginning in 1971.

Publishers, stung by increases amounting to millions of dollars, attacked the rate rises as an invitation to bankruptcy for some publications and an infringement of freedom of the press. They lobbied for legislation which recently passed the Senate, to delay the rate increases for a longer period.

The New Republic, which had traditionally opposed government subsidies of private industry, editorialized that what was at stake was whether "a multiplicity and diversity of periodicals is in the public interest."

Robert J. Myers, publisher of The New Republic, said he saw no conflict in the magazine's positions on subsidies. He said each subsidy must be evaluated on a "case-by-case basis."

"You either believe dissemination of free ideas in a free society is important or you don't," Myers said.

Not all publishers saw the issue that clearly, and some questioned the cries of financial doom.

"If the press' existence is determined by a government handout that can be taken away at will, I don't see that we've got much freedom of the press," said William G. Mullen, secretary and general counsel of the National Newspaper Association, which represents publishers of some 6,000 small daily and weekly newspapers.

According to James Milholland Jr., chairman of American Business Press, which represents business magazine publishers, "Postage rates, in our opinion, have not put any newspaper or magazine out of business:"

Disagreeing, Stephen E. Kelley, president of the Magazine Publishers Association, cited the deaths of Life and Look as examples of the effect of the postal rate increases. The increases will "restrict the dissemination of information, ideas, opinions and education matter" and will stifle the birth of new magazines, Kelley told a congressional committee last year.

But a number of publishing industry executives said the mass circulation magazines were in trouble long before the Postal Service was established, and they said they often lacked the successful editorial focus of such magazines as Time, Newsweek, Cosmopolitan, New Yorker, Reader's Digest, Psychology Today, and Playboy.

While the rate increases were steep by any standard, they do not appear as large items in publishers' budgets.

Newsweek magazine, published by The Washington Post Co., owner of this newspaper, spent about 4 per cent of its 1973 budget on second class postage. This was one percentage point higher than in 1970, before the rate raises.

Second class postage for the average copy of Time magazine will increase to 4.7 cents after the five-year phased rate increase from 1.8 cents before, Andrew Heiskell, chairman of Time, Inc., told a House postal subcommittee.

The additional cost to a subscriber of Time, if the full increase were passed along to readers rather than advertisers, would be $1.50 a year. Heiskell said. He predicted, however, that the added cost would come to more than this figure because of an expected drop-off of circulation caused by higher subscription prices.

The rate increases have been stiffened further since the estimate was made.

Kelly of the Magazine Publishers Association has warned that if the second class rate increases had been in effect in 1970, the magazine industry's average pretax profit of 3.1 per cent would have turned into a $59 million loss.

But magazine industry consultant James B. Kobak, in a speech distributed by Kelly's group, pointed out the 3.1 per cent profit margin came from a survey whose results were heavily weighted by the losses of magazines such as Look. Other, profitable magazines were not included in the survey, he said.

In a forum less public than congressional testimony, Kelly has been more sanguine.

"We in the magazine field," he was quoted last year as saying in Folio, a magazine industry trade publication, "look ahead with strong convictions of further growth within the industry."

Figures compiled by Kelly's organization lend weight to his optimism. Thirteen consumer magazines ceased publication in 1973, while 128 new ones were started, they show.

[From the Washington Post, June 12, 1974]

$1 BILLION FOR SECOND-RATE PARCEL POST

(By Ronald Kessler)

The new U.S. Postal Service is spending $1 billion to build parcel sorting facilities that promise slower and more damage-prone service than the agency's parcel post competitor, United Parcel Service.

The network of new facilities, called the bulk mail system, are under construction and are expected to be finished in 1975. One of the buildings is now in operation in Jersey City, N.J., and the parcel sorting center for the Washington area is expected to be completed in Largo, Md., in September.

The Postal Service has promised that the new facilities will give the public "vastly improved service" by reducing parcel damage and speeding deliveries.

Presently, although the Postal Service does not disclose the fact to persons mailing packages, the average parcel mailed from Washington to Los Angeles takes more than eight days to be delivered, according to internal reports for the latest fiscal quarter for which figures are available. This is longer than the Pony Express trip from Missouri to California in 1861.

The Postal Service also does not tell the public that the chances of a package arriving at its destination unscathed are less reassuring. Internal reports show that, in a Postal Service test, about half the fragile items mailed by parcel post arrived broken.

The reason for the breakage is not hard to find. Although the new Postal Service told the press in 1972 it is "no longer throwing packages," visits to post offices from Boston to Cincinnati and from Miami to Los Angeles reveal it is rare when a package is not thrown.

Since sorting bins are placed 5 to 25 feet from clerks who sort the parcels, the alternative to throwing a package is a long walk to sort each one.

In the Chicago post office, clerks throw packages under a sign warning, "The parcel you toss may be your last." Clerks in the New York general post office are told, "Parcels must not be thrown more than five feet."

Although another sign warns that packages marked "fragile" are not to be thrown, these parcels were observed to be treated like any other.

"A private company that did that wouldn't last in business or would be investigated for consumer fraud," said John D. Swygert, executive assistant to the deputy postmaster general until 1969 and a consultant to large mailers.

If the shortcomings of the Postal Service's parcel post are obvious, so are the advantages of the private United Parcel Service (UPS).

Although the Postal Service publicly denies it, the government agency's internal reports show that one important reason for building the $1 billion bulk mail system was to attempt to stop an accelerating loss of business to UPS.

UPS, a private company started in 1907 as a messenger firm and owned largely by its managers, now handles about twice as many parcels as the public Postal Service. Seven years ago, the situation was reversed.

Internal Postal Service studies list the reasons for this success. UPS service is faster and more reliable than parcel post; its rates are generally cheaper; and its damage rate is one-fifth that of the Postal Service.

In addition, the studies say, UPS offers services the Postal Service does not: it gives free insurance on every parcel up to $100, it keeps a record on each parcel, and it picks up from homes and offices for an extra $2 fee.

While the Postal Service makes one attempt to deliver, the reports say, UPS makes three.

The Postal Service at times has publicly attributed UPS' success to what it calls "cream skimming" of the most profitable business. Unlike UPS, the public agency said, it must deliver every package of crumbling cookies and fruit cakes to every point in the nation, no matter how out-of-the-way.

There is some truth to this. The less profitable parcel business generated by households accounts for one-quarter of the Postal Service's volume, compared with less than 5 per cent of UPS'.

On the other hand, the majority of both entities' business comes from large, commercial mailers, and the Postal Service has never presented evidence to contradict UPS' claim that it picks up and delivers anywhere in the 43 states it is authorized by the Interstate Commerce Commission to serve.

"For the many reasons, disclosed on this record," John B. Drury, ICC administrative law judge, ruled last year on a UPS application to expand its jurisdiction, "it is abundantly clear that UPS is providing the American people with a broad service, designed to meet the public need, that is far superior to that of the (Postal Service's) parcel post or of any other carrier herein of record at a comparable, and oftentimes lower, cost."

Despite UPS' lower rates, it made an after-tax profit in 1972 of $77 million, or about 7 per cent of its $1 billion revenue. In about the same year, the Postal Service, which does not pay taxes, had a loss on its fourth class, largely parcel post, business of nearly $300 million, as calculated by the U.S. Postal Rate Commission's staff assigned to represent the public.

The Postal Service proposed in 1969 to change all this. To carry out the mechanization recommendations of the Kappel Commission, Winton M. Blount, President Nixon's appointee as postmaster general, said the Postal Service would build separate, modern systems for handling letter and bulk mail.

Processing both types of mail under the same roof, he said, was like "trying to manufacture tractors and sports cars on the same assembly line."

Blount said the bulk mail network would handle second-class newspapers and magazines that do not require speedy delivery, third-class mail, and fourth-class parcel post.

They would use modern sorting machinery designed to keep damage to a minimum. They would be located outside congested areas and near major transportation lines. To reduce handling and speed the mail, they would consolidate sorting now done in more than 500 post offices into 33 centers, including 12 auxiliary stations.

Five years later, the bulk mail system is being built under the direction of Blount's successor, Elmer T. Klassen. Despite Blount's original claims, the GAO has found the $1 billion network promises to give slower service than UPS and, in some instances, than the existing parcel post system.

While the Postal Service has claimed the new system would save money when compared with the existing system, the GAO has found the agency has no evidence to support its contention.

While UPS has designed its facilities to keep damage to a minimum by eliminating any free-fall drops of parcels, the Postal Service has designed its new buildings with drops of at least a foot.

When they designed the new bulk mail system, postal officials had before them the successful UPS facilities as models, but there is little resemblance between the two systems.

While the new bulk mail system will handle a large portion of parcels in canvas sacks, UPS uses no sacks.

"One of the problems with a canvas sack," said a UPS spokesman, "is that corrugated boxes are designed to withstand pressure if they're on their bases: in a sack, packages may or may not be sitting on their bases."

To empty parcels from the sacks, the bulk mail system uses a machine that tips them upside down and allows parcels to fall on a flat conveyor with impact-absorbing cones. Parcels near the lip of the sacks drop a foot. Those near the tops of the sacks drop as much as four feet.

A Postal Service analyst who helped design the system said, "There are an awful lot of ways to handle parcels besides dropping them from sacks. It's madness."

Employees in the Jersey City facility, which sorts parcels for the New York metropolitan area, said some parcels get caught in the folds of the sacks and later drop seven feet to the floor. They say other parcels are crushed in the sorting machinery or burst open when bounced against other parcels by high-speed sorting equipment.

"Parcels are breaking open like crazy," said an operator of one of the machines. Others say glassware, clothing, and books often spew on the floor, and extra workers have been assigned to rewrap damaged packages.

Repeated requests to tour the $130 million Jersey City facility were turned down by the Postal Service on the grounds the employees were too busy to give tours and the plant is not fully operational.

George R. Cavell, manager of the facility, did not return a reporter's telephone calls. Cavell selected the company that made the sorting equipment after he had been paid as a consultant to the company. He also determined that no other companies should be allowed to bid on the $8.4 million contract.

Cavell's secretary referred calls to Julie B. McCarthy, a headquarters employee, who said that although she had not seen the equipment sort parcels, the damage rate in the plant "has not been a problem which has occurred in any general sense."

She said parcels that drop four feet from sack-shaker machines are cushioned because they slide out on top of other packages. She said other machines are still be tested and improved.

In an interview, E. S. Brower, assistant postmaster general for bulk mail, acknowledged he did not know what the maximum drop in a UPS facility is.

When told it was zero, Brower, who claimed in 1972 that the Postal Service no longer throws packages, said he did not think the one-foot, designed-in drop in the new bulk mail facilities is unreasonable.

Brower said many parcels that do not arrive in sacks will drop only nine inches. He said tests have shown the equipment does not significantly damage parcels. He would not make available copies of the study, however.

Brower said the new system will offer service "as good or better than UPS." However, the GAO has found the new system promises slower service than UPS.

For example, UPS promises to deliver packages locally in one day, compared with two days promised by the bulk mail system. (The Postal Service recently amended its standard to call for one-day delivery of 76 per cent of local parcels.)

From Washington to New York, UPS promises two-day delivery, while the bulk mail network promises to make the trip in three days.

The Postal Service found in a 1971 test that UPS does not always adhere to its standards. Parcels that were supposed to be delivered to one area in three days took an average of 3.3 days, the test determined.

The bulk mail standard for the same distance is four days.

Much of the slower service of the new bulk mail system will be caused by its consolidation of more than 500 sorting centers into 33, the GAO has reported.

To Americans brought up on the proposition that bigness means efficiency, the consolidation makes sense. But in service industries like the Postal Service, bigness often means delays and higher costs. The largest post offices in the country, for example, have productivity rates as much as 50 per cent lower than smaller post offices.

In the bulk mail system, packages will often be slowed because they will travel longer distances before being sorted at the consolidated centers, GAO says. A parcel mailed the 103 miles from Pensacola to Panama City, Fla., will travel 1,536 miles through New Orleans, Memphis, and Jacksonville, GAO has reported.

Brower called GAO's conclusion that the new system will in some instances offer slower delivery than the present system "not true." He said the degree of consolidation of the new sorting facilities is "really not different from UPS."

However, Charles W. L. Forman, executive vice president of UPS, said that UPS has three times more sorting centers to serve 43 states than the Postal Service will have for 48 states. In the New York metropolitan area, he said, UPS has five centers, compared with the Postal Service's one in Jersey City.

Large centers, Foreman said, have been found by UPS to reduce productivity and increase service time.

Although the Postal Service has told Congress the new bulk mail centers would use modern sorting equipment, Brower acknowledged the machines work on the same principle as those used in post offices in 1968. They route parcels to appropriate bins based on address information punched into keyboards by clerks who read labels on packages.

Brower said the new equipment would cut costs because they sort to more bins than the old machines, reducing the number of addition sortings needed.

The Postal Service did not attempt to develop new sorting devices because "we wanted to make sure it would work," Brower

said. He indicated new machines might not work because they would be untried.

The GAO has found that much of the sorting equipment installed in Jersey City still does not work.

An internal agency memorandum by Robert E. Ruckman, a research analyst, says the equipment was designed on a rush basis. The official in charge of the project, Harold F. Faught, formerly a senior assistant postmaster general, was committed to starting construction of the system "too soon—before he could locate or design them (the buildings) with valid systems data," the memo says.

The number and location of sorting centers was determined by a computer based on "obsolescent" information, the memo said. Because of the "strange locations" chosen by the computer, the 12 auxiliary stations had to be added to fill in blank spaces on the map, the memo added.

Cavell, who was then in charge of the national bulk mail system, wanted the network designed in three months, ". . . other things, such as how the system would work, being add-on details later," the memo said.

Cavell, the memo said, decided to use "current processing hardware—no new development of machinery . . ."

The memo quoted Cavell as suggesting the new buildings could be used for five to seven years, then "write it off and ask for new facilities . . ."

The system was designed, the memo said, by "the blind leading the blind."

Asked why a mailer would want to switch his business from UPS to the Postal Service after the facilities are built, Brower said, "The main advantage over UPS is that they (persons mailing packages) can mail (parcels) with their other mailings."

Like other postal officials, Brower disclaimed any intention of building the facilities to compete with UPS. In part, postal sources said, this position is a reaction to congressional criticism of the unseemly appearance of spending $1 billion in public funds to compete with a private business that is, by all accounts, doing a good job.

"Is there any reason," postal officials were asked in 1972 hearings by Rep. Robert N. C. Nix (D-Pa.), "for the public to be concerned about the fact that a private company has taken parcel business from the Postal Service? Is there any reason to spend $1 billion on such an enterprise?"

Despite the claim that this was not its purpose, the Postal Service's internal reports devoted considerable space to charts depicting how the new system will stop the loss of business to UPS. Postal officials said that if the system does not do so, it will have no parcels to sort.

The system's capacity of 1.2 billion parcels is the combined volume of the Postal Service and UPS in 1971. Postal Service volume since slid to 475 million parcels, or less than half the capacity of the bulk mail network.

Brower said the new system will save money when compared with the present network even if parcel volume dropped further to 230 million packages. He declined to make available a copy of the study predicting the savings.

Brower said it had been reviewed by GAO, which "agreed" with it. However, GAO, it was learned, had told Brower that the study represented "speculation." Brower did not return subsequent telephone calls from a reporter.

A number of postal officials said the agency knew almost from the start that the new system might not justify its $1 billion cost. They said Blount, and later Klassen, were intent on showing visible improvement in the form of bricks and mortar.

"It was a shell game," said Dr. James A. Armstrong, a former postal official who is director of corporate planning for American Telephone & Telegraph Co. "No one knew when it was going to blow up."

James E. Josendale, who was deputy assistant postmaster general for operations from 1969 to 1971 and is now chairman of Wire Rope Corp. of America, said: "If I did that in my company and didn't show where I'm going to receive the money (to justify the investment), they'd throw me out."

[From the Washington Post, June 13, 1974]

MECHANICAL BUGS FOIL MAIL DELIVERY

(By Ronald Kessler)

A maintenance man recently stood on top of a letter sorting machine in a Cincinnati post office and poked it with a broom handle in an effort to make it work. A half hour later, the man was still poking the machine, while a second worker fed it letters one by one.

The machine was not a leftover from the old politics ridden Post Office Department. It was part of a new computerized letter sorting system that the new U.S. Postal Service claimed last year would save $1 billion annually.

Despite the claim the difficulty observed on a recent visit to the new letter sorting machine system in use in Cincinnati was not unusual.

Government audits have detailed a series of horror stories about the new equipment, from a high rate of missent letters to frequent jamming of letters in the machinery.

Last year, the General Accounting Office, the audit branch of Congress, reported that rather than saving money, the new system would be more costly than the present, largely manual system.

A confidential report by the Postal Service's internal auditors concluded that the system correctly sorted 1,100 letters per man hour. In contrast, the agency says about 1,700 letters per manhour were sorted by the D.C. post office last year using the method employed in 1775 by Benjamin Franklin, the first postmaster general: manually placing letters, one by one, in pigeon holes.

Ever since Franklin's time, postal officials have dreamed of replacing the pigeon holes with modern machinery.

While the telephone company replaced operators with dial equipment and manufacturers built automated plants, the Postal Service found itself largely bypassed by the industrial revolution.

Today, a majority of the mail continues to be sorted by hand. The Kappel Commission, which proposed postal reform, identified this reliance on hand labor as a chief cause of poor service and rising rates. The commission said the new Postal Service must be established as an independent government agency so it can raise money for mechanization.

In 1969, Winton M. Blount, President Nixon's appointee as postmaster general, promised he would give the public "sharply improved service" by building two mechanized systems—one for bulk mail, the other for letter mail.

Five years later, the bulk mail system, which will largely benefit special commercial interests, is being built, while the letter mail system, which would benefit individual citizens and all businesses, is not.

Without referring to the critical audit reports, Postmaster General Elmer T. Klassen told postal managers in a February, 1973, memorandum that a decision on implementing the letter mail system would be delayed until the Postal Service establishes it can successfully operate the bulk mail system.

While he calls the letter mail system that had been planned by the Postal Service "ill-conceived," Murray Comarow, who was senior assistant postmaster general for policy until earlier this year, said the lack of any mechanized system means "a continuation of the rising costs and erratic service that the new Postal Service was supposed to stop." Comarow was executive director of the Kappel Commission, which recommended postal reform in 1968.

Many postal officials are talking privately about the possibility of a 15-cent first class stamp, and congressional committees are talking about an increase in government appropriations to close the widening gap between revenues and costs.

The story of how the Postal Service arrived at this impasse illustrates what many postal officials say are some of the agency's most basic problems. It also sheds light on what mail service might be like in the future, since the Cincinnati equipment may one day be installed in post offices throughout the country.

At the heart of the Cincinnati project—the prototype of the proposed mechanized letter mail system—are two machines that sort letters into bins according to zip code.

One relies on human operators to read the code on each envelope and punch the information into keyboards. The second replaces the operators with computerized, optical scanners that read the codes.

Both machines imprint bar codes on letters to enable machines at subsequent points in the mail system to sort them more easily. The codes, which may be seen on some return envelopes oil and credit card companies provide for paying bills, contain address and zip code information.

Both machines currently are used in other post offices outside Cincinnati, and both have their shortcomings.

The machine that relies on human operators has an error rate as high as 17 per cent, the GAO has found. Each time a letter is missorted. It might be delayed as many as five days in addition to normal delivery time, the GAO said.

The optical scanner does not read handwritten or typewritten mail. It will not read mail addressed by machine if the addresses are in the wrong type face or ink, if the envelopes are the wrong color or carry printing or if anything besides the address shows up in a transparent address window.

A more sophisticated version of this machine being tested in New York reads typewritten mail but costs $3 million per copy and still requires 16 operators.

In contrast, the conventional letter-sorter reads all mail, costs about $600,000, and requires about 40 operators to handle about the same volume of mail as the computerized machine in New York.

The two machines used in Cincinnati were developed in the 1950s after then Postmaster General Arthur L. Summerfield began a policy of attempting to mechanize the mails.

Jacob Rabinow, chief of invention and innovation for the National Bureau of Standards, said no effort was made to develop a better machine when the Cincinnati project was started in 1969. "They decided they wanted something quick off the shelf because they wanted results to show the public," he said.

"An awful lot of planning (for the letter mail system) was done in a vacuum in the sense that they looked at isolated engineering possibilities rather than looking at the whole system," said Dr. James C. Armstrong, a postal official at the time who is now manager of corporate planning for American Telephone & Telegraph Co.

"The research and development effort at the Postal Service was largely a collection of hobby shops where people worked on pet projects that interested them," Armstrong added. "The idea of putting all the machinery under one roof hadn't occurred to them."

Indeed, the Cincinnati project is, in effect, half a post office. It does not sort letters until they have been initially sorted and canceled by a conventional post office on a different floor.

The Postal Service poured $49 million into

developing the Cincinnati project, and according to the outside consultants hired to evaluate the system, the expenditure was well worth it.

A study by Computer Sciences Corp. showed the system, if installed in 180 new postal buildings, would bring the Postal Service a net savings of $12 billion over 10 years with a $4 billion investment.

The system would even save money if installed in the 588 existing mail sorting post offices, the report, a one-inch thick document bound with the Postal Service seal, said.

The report, however, was based on a computer analysis and a computer analysis is only as good as the figures put into it. The GAO found they left much to be desired.

The figures did not include half the cost of erecting the new buildings, GAO said. They did not include additional transportation costs caused by carrying the mail further to reach consolidated sorting centers. And GAO said they were based on the system's theoretical, rather than actual performance.

The gap between theory and practice was wide. An internal Postal Service audit report said last year that the system rejected 20 per cent of the mail fed into it, even though the mail generally was selected as it would be handled easily by machines.

Rejected mail is delayed and adds to costs because it must be handled a second time by conventional sorters.

Because of frequent breakdowns, about 75 per cent of the cost of operating the Cincinnati project was spent on maintenance, the audit report said.

Often postal management did not know why machines were broken. It also did not know the total costs of operating the project, the report stamped "limited official use," said.

As recently as July, Ralph W. Nicholson, senior assistant postmaster general for finance, asked in an internal memo if the Postal Service knew exactly what the system consists of and what is expected of it.

The GAO found that about one-third of the letters sorted by the system could not be sorted according to plan at subsequent points in the mail network because they had been missorted, miscoded, or jammed in machinery.

Rather than speeding mail service, the GAO found the system might slow it in many areas because mail would be concentrated at large sorting centers.

This would mean longer trips before mail reached sorting centers, GAO said. In addition Postal Service internal figures show the productivity of larger post offices such as Chicago and New York is often half that of smaller post offices.

Despite the audit findings, Alden J. Schneider, assistant postmaster general for research and engineering, said recently that the Cincinnati project is not dead. He said further improvements are being made, some of the equipment is being replaced, and fewer maintenance men are now needed.

Schneider recently resigned, and no successor has been named.

Internal memos also show the agency has considered constructing new mail-sorting buildings even if it is not sure what will go in them. This plan was questioned in a 1972 memo by J. T. Ellington Jr., assistant postmaster general for planning. He pointed out that the computer analysis predicting savings from new buildings was based on the assumption they would contain the equipment used in Cincinnati.

"If so," Ellington wrote to other high-ranking postal officials, "we would appear to be deploying facilities to house equipment we may not use . . ."

By April, 1973, Ellington's doubts had been resolved. "I am satisfied," he wrote in another memo, "that the location of the facilities as currently developed is not materially affected by the type of mechanization," assuming it is not far different from equipment in Cincinnati.

Ellington said recently some of the new buildings planned would be necessary, anyway, to replace outmoded facilities. Asked what would happen if new machines that might be developed could not be used in the new buildings, Ellington said they would not be installed.

An official of Computer Sciences, which predicted savings from a network of new buildings, called the Postal Service reasoning "poor thinking." The official who asked not to be named, said, "First you choose the system then you build the buildings."

[From the Washington Post, June 14, 1974]

NEW POSTAL CONTRACTS COST $140 MILLION IN OVERRUNS

(By Ronald Kessler)

The new U.S. Postal Service has spent more than $140 million on contract cost overruns since the assertedly cost conscious policies of the new agency were adopted in 1969, a computer print out obtained by The Washington Post shows.

The print-out shows that overruns amounting to $128 million occurred on contracts that had not been competitively bid through formal advertising. The overruns on these contracts amounted to 40 per cent of the original contract prices.

In fiscal 1973, Postal Service figures show, only about half the contracts let by postal headquarters for $3,000 or more were given after formal, competitive bidding. The items purchased without bidding ranged from fork-lift trucks to carpeting for Postmaster General Elmer T. Klassen's office.

The law that created the new postal agency does not require competitive bidding. It does require it to operate efficiently. Both the postal agency and the General Accounting Office, the audit branch of Congress, have said competitive bidding is generally the cheapest and fairest way of procuring goods and services.

When it was informed of The Post's findings on Postal Service contracting, the GAO said it would begin an investigation of the agency's procurement practices.

Robert H. McCutcheon, assistant postmaster general for procurement and supply, said, "I don't feel the figures (from the computer printout) are an objective portrayal of procurement in the Postal Service." He added, "I'm not trying to cover up any messes."

McCutcheon contended that formal advertising is not the only way of securing competitive bidding. He said a different procurement method—called "negotiated" contracting—is also competitive.

Under the "negotiated" method, the agency selects companies to submit bids. The bids are not sealed, and the agency is not bound to accept the lowest one.

McCutcheon said two-thirds of the negotiated contracts let by the postal agency in a recent period were first listed in a publication that is read by potential contractors.

Asked about McCutcheon's comments, a GAO official cited by the agency as an expert in government procurement said, "Negotiation is not pure competition the way we would like to see it."

Although he was singled out by the GAO public information office as an official spokesman, the expert asked not to be named.

McCutcheon also said many cost overruns apparently had occurred because the Postal Service had changed the requirements of some of the contracts in question. He said other increases might have occurred because the agency ordered additional quantities under a contract allowing extra items to be purchased at the original price.

McCutcheon cited two examples of these contracts, but both turned out to be with another government agency rather than with a company. Those contracts were not included in The Post's analysis. A postal contracting source called the number and value of such contracts "minimal" and McCutcheon declined to cite the total amount of such contracts, saying it would require too much manpower.

In general, the GAO official said, any increase in the price of contract is an overrun and should not occur. It does not make any difference, he said, if the increase is caused by the contractor or the Postal Service. If changes occur often, he said, "It's poor management and poor planning."

Even a price increase caused by an increase in quantities ordered may not represent efficient procurement, the GAO official said. If each quantity desired were bid as a separate contract, he said, the agency should get a better price.

Almost from its inception, the Postal Service has been engaged in controversy over its contracting methods.

For example, the postal agency chose an underwriter to handle the sale of $250 million in bonds it sold to the public in 1971 without competitive bidding.

Congressional hearings later revealed that the underwriter, Salomon Bros. in New York, hired the former law firm of President Nixon and former Attorney General John N. Mitchell to handle the legal work for the offering.

The law firm was hired by William E. Simon, then a Salomon Bros. partner and more recently federal energy chief and Treasury Department secretary. Simon has acknowledged he is a friend of Mitchell.

Another contract for $8.4 million was given without competitive bidding to the Speaker Sortation Division of ATO Inc. by a postal official who had been a paid consultant to the company.

The Postal Service official, George R. Cavell, justified giving the contract to Speaker on the grounds it had the required equipment without the need for substantial development work. The GAO later said the postal agency knew at the time that Speaker's equipment—package sorting machinery for a bulk mail facility at Jersey City, N.J.—required further development.

Indeed, the GAO said much of the equipment has continued to require modifications even after it was installed. The Postal Service refused to allow this reporter to see the machinery.

More recently, the Postal Service spent $32 million to buy a new headquarters building in Washington's L'Enfant Plaza because its old building on Pennsylvania Avenue was too large and inefficient. Many postal officials now complain that the new building is too small.

Just before he took over as postmaster general on Jan. 1, 1972, Klassen pledged to tighten contract procedures. "We must do something from inside to provide better controls to avoid this kind of criticism from Congress," he said.

Since that time, Klassen himself has been found to be involved in giving contracts to acquaintances without competitive bidding.

Postal Service files show Klassen instructed postal officials to give contracts eventually amounting to more than $700,000 to a New York marketing firm headed by Charles N. Burnaford, a longtime Klassen business associate.

Burnaford said recently that Postal Service auditors had disallowed $135,000 in payments to his company. "The government steps on you." he said.

Although the Postal Service's contracting manual provides that goods and services should be purchased through competitive bidding with formal advertising unless it would interfere with "prompt, reliable, and efficient postal service," a memo in the

Burnaford file shows how the requirements are circumvented.

The memo, between postal contracting officers says a $43,000 contract must be given to Burnaford without competitive bidding because of the "crash nature" of the work to be done.

The project preparation of documentary films for the 1973 Postal Week program.

Another method of avoiding competition is illustrated by a $3.7 million contract given by the Postal Service in 1971 to Westinghouse Electric Co.

Why the job was given to an outside contractor is not clear. The job—to evaluate job positions to determine if they fit job duties—had previously been performed by postal employes.

"The feeling," said one postal official who asked to remain unidentified, "is you have to cover your ass, and if you give work assigned to you to someone else outside the agency), you can't be blamed if something goes wrong."

On the surface, the Westinghouse contract appeared to be routine. Indeed, then Postmaster General Winton M. Blount claimed in 1971 congressional hearings it had been competitively bid with formal advertising.

As a House postal subcommittee later reported, the contract was far from routine. "The evidence is overwhelming," it said, "that the Postal Service made up its mind long before the bids were solicited that the contract was going to Westinghouse."

How this happened provides a fascinating case history of procurement methods sometimes used by the Postal Service.

The House subcommittee found that more than a month before bids were solicited, the agency approached Westinghouse and began drawing up a contract to do the job. Robert W. Eidson, the postal official who gave the contract, told his superiors in a memo, "I can now say this will be Westinghouse for the contractor . . ."

The postal agency's legal department, however, blocked the attempt to give the contract without bidding.

Eidson then solicited bids from six companies, including Westinghouse. By soliciting bids, rather than advertising for them, Eidson was using the negotiated contract method.

The subcommittee reported that specifications in the solicitations for bids were tailored to fit the proposal already submitted by Westinghouse. It also found that the firms were given less than a week to submit bids after being told the agency's requirements.

When the bids were received, the one from Westinghouse turned out to be the highest in price. It exceeded the lowest bid by $1.8 million.

Eidson justified giving the contract to Westinghouse on the grounds it was most experienced in doing job evaluations and had the necessary qualified personnel.

However, a Westinghouse official later testified that his firm, which makes electrical equipment and appliances, had previously performed only one job evaluation. In contrast, several of the other bidders considered by Eidson to be less experienced had performed thousands of such evaluations, the subcommittee reported.

Eidson had also acknowledged before he rated the bids that Westinghouse was "not knowledgeable in the job evaluation area," according to the testimony of a former postal official, Anne P. Flory. She said Eidson told her Westinghouse would have to be trained by another firm to do the job.

Another firm was hired to train Westinghouse—at Postal Service expense. An official of that firm, Fry Consultants Inc., testified it could have performed the entire job evaluation contract for $2.2 million less than Westinghouse charged.

The official said his firm had never heard of an organization hiring a company to train another company to complete a contract.

Eidson also said the Westinghouse bid was superior because it complied with one particular requirement of the solicitation: that the contract be performed in 3,132 man weeks.

One of the bidders, Booz, Allen & Hamilton, was eliminated because it said it could do the job in about 2,000 man weeks.

Eidson acknowledged under subcommittee questioning that he did not know how many jobs the Postal Service had to evaluate when he arrived at the requirement of 3,132 man weeks.

"Yet you come up with not an approximation, not approximately 3,000 or approximately 2,000, but you come up with a figure of exactly 3,132 man weeks?" Eidson was asked rhetorically at subcommittee hearings.

The subcommittee referred its findings to the Justice Department for "appropriate action," but no action has been taken by Justice.

Westinghouse defended the Postal Service decision to give it the contract on the grounds that its bid complied with the man-weeks requirement. In addition, Westinghouse said previous experience in job evaluations was not necessary, so long as those assigned to the job had intelligence and general industrial experience.

Eidson, asked for comment recently, declined to say why he chose Westinghouse. He then refused to discuss any aspect of the episode.

When Eidson gave the contract to Westinghouse, he was in a department headed by Harold F. Faught, who had previously been employed by Westinghouse for 21 years and continued to receive deferred compensation from Westinghouse.

Faught said in subcommittee hearings that Eidson was temporarily detached from his staff while the Westinghouse contract was being negotiated. Although Eidson knew Faught had worked for Westinghouse, and the two men saw each other often, Eidson never mentioned the contract, Faught testified.

Last summer, Faught left the Postal Service as senior assistant postmaster general to become a vice president of Emerson Electric Co., which has a $4 million competitively bid contract with the Postal Service.

Emerson's chief executive, Charles F. Knight, is the son of the chairman of Lester B. Knight & Associates, an architectural engineering firm that has received nearly $6 million in postal contracts without competitive bidding.

Faught acknowledged recently that while at the Postal Service, he had helped select the Knight firm as a contractor, but he said any claim of a connection between the contracts and his jobs is "ridiculous."

[From the Washington Post, June 15, 1974]

POSTAL WOES START AT TOP

(By Ronald Kessler)

"The will of the Congress, and the will of the people, is clear," President Nixon declared in 1969, when he proposed reform of the Post Office Department. "They want fast, dependable, and low-cost mail service. They want an end to the continuing cycle of higher deficits and increasing costs."

Five years later, the record of the new Postal Service shows mail service has become slower rather than faster, deliveries more erratic rather than more dependable, and costs and government subsidies larger rather than smaller.

The new U.S. Postal Service has not been without achievements. It has appointed postmasters on merit rather than political considerations. It has decentralized operations to allow field managers to make more decisions based on local needs. And it has encouraged managers to think for themselves instead of relying on rule books.

But the agency has failed to fulfill its mandate of improving service and reducing costs and much of the debate over this failure has centered on a philosophical argument: Is the Postal Service a government agency created to serve the people or a business created to make a profit."

The debate stems from the agency's own congressional mandate—it must operate as a "service to the people" and strive to become financially self-sufficient by 1984.

The argument largely misses the point. A private company that gives poor service will eventually lose its customers, and with them, its profits in business as in government, service comes first and cost-cutting second.

The Postal Service has often forgotten this, but a majority of the present and former postal officials, congressmen and their aides, technical experts, and mail users interviewed for this series of articles said they believe the agency's problems go deeper than a reversal of priorities.

The problem, in their view, is not the basic legislation creating the Post Service. Although the legislation could be improved, they said, a return to the old Post Office Department would be a step backward.

Instead, the problem, in the view of most of those interviewed, is a lack of direction by the postal agency's management and the lack of a remedy in the congressional act for dealing with poor management.

The postal management does not see it this way. It contends that service has improved and costs have been cut, but there is less to these claims than meets the eye.

The agency said the postal deficit has been reduced, but a look at the annual report shows this has been accomplished because government appropriations have been increased.

It said productivity has gone up, but internal agency memos show the improvements have often been at the expense of service—for example, reducing collections from mail boxes. The 14 per cent increase in productivity—pieces of mail handled per man-year—has been offset by a 48 per cent increase in average compensation paid per man-year.

The agency said it has avoided crippling strikes, but union and postal officials said this has been achieved by giving the unions almost everything they demanded.

It said it has cut its work force by 5 per cent, but the reductions have been of temporary workers in response to union demands, while the number of costly, full-time workers has gone up. While the work force has been cut, payment of overtime has risen 13 per cent under the new management of the agency.

The Postal Service said it now treats mail users as "customers," but when it decided to strive no longer for overnight delivery of all mail, the agency made a deliberate decision not to tell the public or Congress.

The agency said improvements in service should now begin to show up, but it has been making similar claims almost since it was created.

Rep. Thaddeus J. Dulski (D-N.Y.), chairman of the House Post Office and Civil Service Committee, wrote to Postmaster General Elmer T. Klassen last December:

"I have been given repeated assurances that solutions to the collapsing postal system were at hand. But the promises keep falling by the wayside; instead of improvements, new complications arise, and things grow steadily worse."

Some of the reasons are relatively easy to pinpoint.

Service reached its lowest point since the agency began to measure it o_ a consistent basis in 1968 after Klassen ordered a hiring freeze in 1972.

The freeze applied equally to post offices with rising and declining mail volume. Since the agency is almost totally dependent on human labor to move the mails the resulting decline in service was not a surprise.

The lesson was not new. Although the old post office publicly blamed the historic pile-up of mail in the Chicago Post Office in 1966 on factors largely beyond its control,

former high-ranking postal officials said it was caused by a refusal by then-Postmaster General Lawrence F. O'Brien to soften a freeze on overtime. O'Brien said recently he could not recall his decisions on the matter.

Klassen now concedes his freeze was "wrong," but he blames aides for not warning him. One former aide said he told Klassen, but the advice was ignored.

Although the reasons for imposing a hiring freeze are readily understandable, many of the postal management's decisions outlined in this service are more difficult to explain.

How does one explain a decision to deliberately slow down first-class mail delivery? Or to spend $1 billion for parcel sorting facilities that promise slower service than one's competitor? Or to spend five years and $49 million on new mechanized letter sorting equipment without knowing what the equipment is supposed to do or what its full costs are? Or to charge first-class mail users for buildings not used by first-class mail?

Perhaps the most perplexing decision is a non-decision not to seriously explore requiring the public to use envelopes preprinted with boxes for zip codes. Most experts interviewed said these envelopes would solve most of the Postal Service's problems because they could be sorted easily by relatively inexpensive machines. Those who did not wish to use the envelopes could pay extra postage, the experts said.

The Postal Service said it does not believe the public would accept such a system, but it acknowledges that it has not asked.

Many present and former postal officials explained these shortcomings by citing the effects of a bureucracy, of the Postal Service's lack of either public accountability or a profit motive, of its inability to attract the top government job applicants, and of its lack of direction from the top.

"The basic inclination is to destroy intelligence and initiative," said a consultant who has worked closely with what he calls the "postal bureaucracy."

"There are more Ph.D.s, analysts, economists, and mathematicians on my floor at AT&T than in the whole Postal Service," said Dr. James C. Armstrong, a former postal executive who is manager of corporate planning for American Telephone & Telegraph Co. in New York.

"Nobody at the Postal Service looks at the whole picture," said Merrill A. Hayden, a former Sperry Rand Corp. executive vice president who was deputy postmaster general in 1971. He said each department within the agency goes its own way, and no one coordinates them.

Most of those interviewed said that rather than solving these problems, Klassen, the 65-year-old head of the Postal Service, has exacerbated them.

Klassen had risen from office boy to president of American Can Co. when he was named deputy postmaster general by President Nixon in 1969. He was subsequently appointed by Mr. Nixon to the newly created Postal Service board of governors, and in 1971, the board named him to succeed Winton M. Blount as postmaster general.

Critics, who refused to be identified, said Klassen does not take time to learn the workings of the Postal Service, inhibits aides from giving candid advice, gives short-shrift to long-range planning, and blames others for problems he often creates himself.

Former aides, who also insisted on anonymity, said Klassen takes frequent vacations and spends long weekends at his summer home.

Klassen's apparent lack of knowledge of postal operations has not gone unnoticed in Congress, where he is quizzed periodically on why the mails are so slow.

Referring to aides Klassen brought to help answer questions at a hearing last year, Rep. Charles H. Wilson (D-Calif.), said, "You have 40 or 50 people here, and yet you seem to have difficulty answering some of the questions."

Present and former aides of Klassen said his lack of attention to detail is aggravated by eyesight that becomes strained when reading normal-size print. Because of this, they say, reports given to him are often in large-size type, or he is given oral reports illustrated with slides.

Klassen denies he has a reading problem, and he has said he has been given bad advice by his subordinates. "There are too many people who want to tell the boss what they think he would like to hear," he said at a Senate postal hearing.

"Klassen says he's lied to. He's right. The reason is they're frightened of him. He says you do something, and I'm going to fire your ———," a former aide said.

Klassen denied he intimidates aides, and he cited meetings he initiated in February, 1973, to elicit criticism from postal managers. However, when the criticism turned to him, recalled a former aide. "He chewed them out."

While Klassen often talks of cost-cutting and modern management techniques, he has been criticized for lavishly furnishing his office ($1,500 for a receptionist desk $11,000 for carpeting) and his performance at American Can has come in for attack on Wall Street.

Under the structure established by an analyst for Merrill Lynch, Pierce, Fenner & Smith, the stock brokerage firm, American Can was "poorly managed" and "lacked a sense of direction."

An analyst for Smith, Barney & Co., a New York investment banking firm, said American Can was "one of the worst managed companies in existence" under Klassen. "They just did everything wrong," he said.

In recent interviews, Klassen, a gruff plain-spoken man who towers above most of his visitors, said, "I agree that American Can is poorly managed now. I brought the company from $2.70 per share to $4.18 per share."

(Earnings rose from $3.57 a share when Klassen became president in 1955 to $4.24 a share when he left in 1963.)

American Can's chairman did not respond to telephone calls.

Alternately hostile and conciliatory, Klassen said, "All you're really trying to do is smear the Postal Service, including Klassen." Softening, he offered, apparently only half in jest, to hire this reporter as a consultant.

Klassen denied subordinates are afraid to tell him the truth. "People speak their ——— piece," he said.

"Sure I'm impatient," he said. "I want to turn this thing around."

Under the structure established by Congress, Klassen reports to a board of governors, whose members are appointed to nine-year terms by the President. The board alone has the power to hire or fire a postmaster general. If service is slow, only the board can take action to correct it.

Those who have worked with the board said it has little understanding of how the Postal Service operates and is dependent on Klassen and his staff for information.

The board cannot take action if it does not think service is slow, and whether it is aware that service has declined under the policies of the new Postal Service is an open question.

Board members are paid $10,000 a year plus expenses and $300 per meeting. They make decisions affecting billions of dollars in public funds. But half the board members did not return telephone calls made to determine if they were aware service had declined.

Of those who did return calls, one said he would answer only questions in writing and the remaining members talked only in generalities or praised the Postal Service.

"I think the management is doing a good job," said Crocker Nevin, a former chairman of Marine Midland Grace Trust Co. in New York. He declined to discuss service.

Dr. John Y. Ing, a Honolulu oral surgeon, said he thought service had improved "considerably" since Klassen became postmaster general. (Postal Service sampling figures show it has remained unchanged—far worse than in fiscal 1969, the last year of the old Post Office management.)

Asked about Postal Service plans to spend $1 billion on bulk mail sorting facilities and $4 billion on letter sorting centers, Dr. Ing confessed he was "not too familiar" with the letter system and had not received "detailed" information on the bulk mail system.

The vice chairman of the board, Myron A. Wright, chairman of Exxon Company, U.S.A. the oil company, was among those who did not return calls.

The board chairman, Frederick R. Kappel, the former AT&T chairman whose report led to postal reform, said he would grant a personal interview only if it would "help" the Postal Service.

Kappell, 72, continues to maintain an infrequently used office at AT&T headquarters and owns AT&T stock and pension rights. In a brief telephone conversation from his Bronxville, N.Y., home, Kappel referred to "they" in the Postal Service and "we" in the telephone company.

Asked if he is aware postal service has declined. Kappel said he was not familiar with the figures but believes Klassen has provided proper leadership and "turned around" the agency.

He said, "If the Postal Service had spent less time sitting before congressional committees, they'd have better service."

MEMO SENT TO POSTAL MANAGERS

PHILADELPHIA, PA.
Jan. 1, 1974.

To: District Managers:

Please be alert to the fact that Washington Post investigative reporter Ron Kessler is visiting major offices. He just hit Cincinnati, apparently looking for trouble spots.

Between incessant and detailed questions posed about the Washington, D.C. Post Office, he did an expose on the President's real estate in San Clement, CA.

Kessler could well show up at a post office under tour jurisdiction. Do not tell him we won't furnish him any information. Do alert your key people to tell him that the post office is a restricted area and that the postmaster has certain regulations to follow. After he has been ushered in to see the postmaster, it should be very tactfully suggested he should take his inquiries through the office of assistant postmaster general for communications Jim Byrne at headquarters.

——— ———.
Director, Public & Employee Communications.

BOARD OF GOVERNORS—10 SHAPE POSTAL POLICY

Following is a list of the board of governors of the Postal Service:

Frederick R. Kappel of Bronxville, N.Y.; chairman; former chairman of American Telephone & Telegraph Co. and of the Kappel Commission, which recommended postal reform.

Myron A. Wright of Houston, Tex.: vice chairman; chairman of Exxon Company, U.S.A.

Elmer T. Klassen of Bethesda; postmaster general; former president of American Can Co.

Charles H. Codding Jr. of Foraker, Okla.; owner of a cattle ranch and cattle breeding research firm.

Robert E. Holding of Cheyenne, Wyo.;

president and general manager of Little America Refining Co.

Andrew D. Holt of Knoxville, Tenn.; retired president of the University of Tennessee.

Dr. John Y. Ing, Honolulu, Hawaii; oral surgeon.

George E. Johnson of Chicago; president of Johnson Products Co.

Crocker Nevin of New York, N.Y.; consultant to Marine Midland Grace Trust Co.

Hayes Robertson of Flossmoor, Ill.; attorney.

(The 11th position on the board is vacant because the position of deputy postmaster general is unfilled.)

[From the Washington Post, June 15, 1974]

REPORTER ON POSTAL TRAIL PLODS THROUGH "RAIN, SLEET, SNOW"

(By Ronald Kessler)

In theory the new U.S. Postal Service is a government agency whose policies and operations are open to public scrutiny. In practice, a reporter who attempts to probe behind the agency's official claims can learn little by asking questions directly of officially designated spokesmen.

A Postal Service source familiar with its public information policies said, "They're cooperative when they think it will help them, and they verge on secrecy if they think they can get away with it when you're getting into areas that could embarrass them."

A request for operating and financial statistics on the D.C. Post Office was met with a claim by Carlton G. Beall, Washington district manager, that most of the figures requested do not exist.

Beall said in a letter that figures on salaries and number of workers per shift "is not the type that is needed or compiled in the day-to-day operations of the Washington Post Office."

He said the information "could only be supplied as a result of in-depth statistical studies." The studies would require "considerable" extra expense for which the D.C. Post Office is not budgeted, he said.

When postal headquarters was informed that this reporter had seen much of the information that Beall said did not exist, Herbert L. Wurth, a news information officer, acknowledged the information did exist but would have to be obtained from a computer in Philadelphia.

Wurth promised the information would be supplied, but several months later, it had not arrived. Additional complaints elicited statistics that had not been requested.

When the requested information eventually arrived after new complaints were made, the Postal Service refused to make available for questioning those persons who had prepared it.

The Postal Service allowed this reporter to see files on a postal contract given to an old business associate of Postmaster General Elmer T. Klassen.

But Bernard J. Roswig, director of public and media communications, requested that this reporter return copies made of documents in the file. The reason, he said, was that they had to be reviewed by the agency's legal counsel to determine if they should be given out under the Freedom of Information Act.

James H. Byrne, assistant postmaster general for public and employee communications, did not respond to a request that the agency cite an exception from the act to justify its refusal to make public the documents.

Charles J. Kidwell, an attorney in the legal department, later said his department had reviewed the documents and ruled they should be given out under the Freedom of Information Act.

During preparation of this series, Byrne issued a teletyped instruction warning the major post offices in the country that they might be visited by this reporter.

"Do not tell him we won't furnish him with any information," the memo said. "Do alert your key people to tell him that the post office is a restricted area and that the postmaster has certain regulations to follow. After he has been ushered in to see the postmaster, it should be very tactfully suggested he should take his inquiries through the office of assistant postmaster general for communications, Jim Byrne, at headquarters."

When this reporter attempted to tour a new bulk mail sorting facility at Jersey City, N.J., he was turned away by guards at the gate on the orders of E. S. Brower, assistant postmaster general for bulk mail.

Brower said employees in the $100 million installation were too busy to give tours, and he said it was not fully operational. A request that Brower cite a legal authority for refusing to allow a citizen into a public building was ignored.

When a reporter is permitted to tour a postal facility, he does not necessarily see what its employees see.

Prior to this reporter's planned visit to the Fort Worth, Tex., post office, for example, a local postal official warned his employees in a memo:

. . . Mr. Kessler, a columnist from a large newspaper, will be here for two days and two nights to criticize this office. The building will be cleaned thoroughly, and all supervisors will see that all employees are kept busy.

"Also, each employee must be prepared to answer any questions that might be asked. The maintenance unit will be kept in shipshape. If a work order is needed to correct a deficiency please ask for one."

Melvin Wilson, a Los Angeles post office tour guide said the agency generally prepares for visits by cleaning buildings and telling supervisors to make their employees "look alive."

"They do it for professors, reporters, film makers, and anyone from Washington," he said.

A reporter who wishes to get first-hand information from Postal Service employees responsible for key decisions often finds it difficult.

During preparation of this series, many high-ranking postal officials did not return telephone calls. Instead, the calls were returned by a public information officer, who said questions would be answered by the public relations department.

In this way, the officials avoided taking personal responsibility for the comments made about their own actions.

Those who would not talk ranged from Benjamin F. Bailar, a former American Can Co. official who is Postmaster General Klassen's top aide, to Paul N. Carlin, a former senior assistant postmaster general whose present title and duties for the postal agency could not be determined. Carlin would say only that he is doing a "special project for the postmaster general."

Other assistant postmasters general who declined to be interviewed included Robert E. Isaacs, who headed real estate and building until his recent resignation; William D. Dunlap, customer services; James C. Gildea, labor relations; and Darrell F. Brown, employee and labor relations.

Asked for comment, Byrne who is in charge of public information, did not respond to specific instances of non-cooperation. Instead, he said in a letter, "We have gone out of our way over the last three months to deal with Mr. Kessler on an almost daily basis in a spirit of openness and cooperation."

Byrne charged that this reporter had used "unprofessional and unethical tactics" that included calling postal officials "liars," acting as "an advocate rather than as a reporter seeking the facts," and "vowing to hold us up to ridicule in his story if we did not jump at his commands."

The charges were denied by The Post's executive editor, Benjamin C. Bradlee.

[From the Washington Post, June 11, 1974]

REPRESENTATIVE WRIGHT ASKS POSTAL ACTION

(By Barbara Bright-Sagnier)

Rep. James M. Wright (D-Tex.), author of one of the 20 bills introduced in the House that would abolish the semi-private U.S. Postal Service and re-establish close Federal control over the Nation's mail system, called for congressional action yesterday against what he called the postal service's "cavalier disdain" for the public.

Citing the current series in The Washington Post, The Great Mail Bungle, Wright said on the House floor that "one of the biggest mistakes Congress has made in recent years was surrendering its authority over the postal service and turning this vital public function over to a semi-secret private group."

Richard Barton, staff director of the postal service subcommittee of the House Post Office and Civil Service Committee, said Wright's bill of May, 1972, is one of 20 that would repeal the Postal Reorganization Act of 1970 establishing the present postal system.

Barton said the subcommittee is "trying to work out amendments to improve" that act rather than to repeal it.

He said Rep. James C. Hanley (D-N.Y.) would introduce within two to three weeks a series of amendments that would change the organizational structure of the Postal Rate Commission, increase the public service subsidy to the Postal Service, and clarify what may be sent through the mails.

Barton said an increase in the subsidy "would give Congress more control over how the Postal Service spends its money." A bill calling for annual congressional authorization of all appropriations to the Postal Service passed the House last year and is pending in the Senate, he said. The appropriation for fiscal year 1975 is about $1.5 billion.

Barton said the House subcommittee also is considering legislation that would allow the Postal Rate Commission, an independent government agency, to make the final decision on how much is to be charged for various classes of mail. The board of governors of the Postal Service currently has the final authority.

Other bills before the postal service subcommittee, said Barton, would establish nationwide standards of postal service and extend rural mail delivery.

He said the subcommittee expects to hold hearings in mid-July on recommended changes in the Postal Reorganization Act.

ADDRESS BY REPRESENTATIVE MORRIS K. UDALL BEFORE NATIONAL PRESS CLUB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. HENDERSON) is recognized for 15 minutes.

Mr. HENDERSON. Mr. Speaker, at noon today, my good friend MORRIS UDALL, a senior member of the Post Office and Civil Service Committee addressed the National Press Club here in Washington on the subject of the U.S. Postal Service. I ask unanimous consent that his address be printed here in its entirety in that it contains information of considerable import to this body.

I want to associate myself with the statement made and opinions expressed by my colleague, the gentleman from Arizona. Like him, I labored in the vineyard in support of postal reorganization. Like him, I supported this measure during a Republican administration, taking in good faith assurances given to us that it was the aim and goal of that administration to remove politics completely from the Postal Service.

Some people now suggest that maybe we should put the politics back in. Mr. UDALL does not buy that proposition and neither do I; but I agree with him that without substantial alteration of the present administrative framework, changes can and should be made to improve the Postal Service.

To the extent that legislative action may be required to accomplish these changes, I will work with Mr. UDALL and other like-minded colleagues on the House Post Office and Civil Service Committee to bring such legislation promptly to the House floor. The address follows:

ADDRESS BY REPRESENTATIVE MORRIS K. UDALL, NATIONAL PRESS CLUB, WASHINGTON, D.C., JULY 29, 1974

Somewhere, I ran across the anguished prayer of an anonymous politician: "Oh, Lord, give us the wisdom to speak gentle and tender words, for tomorrow we may have to eat them."

The subject I will address today is one I approach in sadness, humility, and a touch of anger.

Sadness because of a broken dream.

Anger, because a few men have lacked the vision and dedication that might have brought the dream closer to reality.

And humility—because I must admit I was too optimistic.

In just two weeks, we will mark the fourth anniversary of the signing of the Postal Reorganization Act of 1970.

August 12, 1970, was a day of optimism for me. The President's signature on the Act marked the climax of more than two years of intensive work, in which I was an enthusiastic participant. Many persons, inside and outside of Congress and the Post Office Department, private citizens and spokesmen for two Administrations, had contributed to what was a truly bipartisan reform effort. Though we had approached the problem from many different angles, we had converged on a common point that emerged as the Reorganization Act.

Our dream was somewhat like that of Franklin Roosevelt's in proposing the Tennessee Valley Authority: In 1933 he said Congress should create "a corporation clothed with the power of government but possessed of the flexibility and initiative of a private enterprise."

We did not exactly achieve such a plan. But we thought we had come close. We felt we had devised a mechanism that had great potential.

The best minds in the field had faith in what we had done. Postmaster General Winston M. Blount, and most of his living predecessors, were present for the bill-signing. Hopes were high.

Nobody predicted either overnight miracles or long-term perfection. But we did expect measurable improvement within a reasonable period of time.

During debate in the House on August 6, 1970, I told my colleagues, "There are cynics and skeptics who believe this new postal organization will fail. No one can say it will not. But I have high hopes."

I said the main thing was that the old system was not working and we had no choice but to try something else. Then I predicted, "During the coming years, I am sure modifications will be necessary, omissions will be discovered and corrected." But Congress could take care of that when the time came, I said.

Well, the time has come. It was three years ago this month that the United States Postal Service came into being. Three years of the new management team is a long enough trial period. And my disappointment cannot be contained.

During the past three years, I have often kept silent when I felt like speaking out. I have given my support when my doubts were rising. I have felt the sting from colleagues who followed my advice in those days of 1970, and who now feel misled and cheated by a postal service which seems to get ever worse. I have counseled patience when my own patience was nearly exhausted.

I wanted—and still want—to believe in the system we had created. After all, it was the product of one of the most intensive examinations of a government service ever conducted, involving the work of a highly talented Presidential Commission, aided by numerous private consultants, endorsed by nearly every living Postmaster General, and by two Administrations of opposite parties. I was impressed by these people—people like Lawrence O'Brien, who gave the problems of the Post Office Department his greatest effort and dedication, both as Postmaster General and later as co-chairman, with Thruston Morton, of a citizens' committee dedicated to reform.

I believed that the House Post Office and Civil Service Committee had done an outstanding job, and that the final product, hammered out on the floors of the House and Senate, represented the best combination of the ideal and the possible that the legislative process could produce.

So, I have waited and watched. And now the time has come to speak out.

Four years have gone by and I no longer have much hope. The time has come to say that the system we created isn't working, and it is now painfully clear to me that there are no solid improvements in prospect. This bright new machinery, under this present management, simply isn't flying.

It is as if we had built an engine with eight cylinders, four ran beautifully but the other four blew out, and the operator had never looked at the manual.

We designed politics out of the system, and insofar as we eliminated the political appointment of postmasters and, promotion of upper level supervisors, we largely succeeded. But when it came time to issue the first quarter-million dollars in bonds, I was horrified and felt almost betrayed to discover that the old Wall Street firm of Peter Flanagan, White House business liaison and operator-at-large, got part of the business. And then when they picked the lawyers to handle the lucrative legal work related to the deal, they blatantly picked none other than the old Nixon-Mitchell law firm. And when I complained, they behaved as though they couldn't understand what I was talking about!

This was one of the early jabs of disillusionment I felt, but there were to be more. It was the first clear sign of politics and cronyism, of a far more vicious and destructive sort than the lower-level kind we tried to eliminate, creeping in the back door.

We gave postal workers collective bargaining, and we have avoided much of the widespread employee discontent that plagued the latter days of the old system. But we have yet to see the emergence of the truly well-motivated work force that is essential if we are ever to achieve the kinds of productivity increases that we need so badly.

We have seen some progress in construction of new postal plants and in the introduction of some modern equipment. But there has been a stubborn inability to approach any meaningful level of automated efficiency.

I should add that the merits of some of these construction projects are somewhat dubious. For example, one feature of the bulk-mail program is that the building company headed by former Postmaster-General Wilson Blount is sharing in them to the tune of 90 million dollars, about 10% of the total construction program.

We took rate-setting procedures out of the hands of Congress. But the public still considers postal rates to be too high for the quality of service received.

It seems that for every success there has been at least one failure—and some of the failures have lacked a redeeming success.

So, what are the choices? What do we do? I can see a number of alternatives, but I have to say none of them is very good. We can't turn back the clock. My optimism of 1970 won't rise again.

For one thing, I now have deep doubts that any public service monopoly can function efficently in a society and an economy as complex and dynamic as ours. The forces of powerful labor unions and the pressures of rapid changes in society's needs and demands may be too great.

The Postal Service and all its troubles aren't, after all, unique. Those who've tried to get a plumber or have had a TV or washer repaired know that even in straight private enterprise fields service is lousy. And a casual look at the other more-or-less monopolistic public or quasi-public service industries that serve us—or which we wish would serve us—tell the same doleful tale.

The nation's railroad system; public education; law enforcement; sanitation; urban bus and taxi systems; some of the privately owned utility monopolies; even fire departments and the mundane agencies of urban government—each has shown a tendency in recent years to become balky, inefficient, heavy bureaucratic, unresponsive, even rebellious. Why? I doubt that anyone has all the answers—if they have, why have they not come forward with the solutions?

But I see some common denominators here that may help explain some of the basic causes of trouble. One is that these are all monopolies. And, true to all our capitalistic phobias about monopolies, they tend to do as they please when they discover they have no real competition—and this is compounded, the bigger and more vital they get.

A second common-denominator I see is that these public service monopolies tend to be highly labor-intensive. When we say the public service agencies and utilities are monopolies, what we are saying in large part is that the workers in those fields have a monopoly. They know, on one hand, that they can put tremendous pressure on public executives and legislators when they want to, usually when they want their way in a dispute over a labor contract. At the same time, given the lack of competition, they have no really effective source of outside pressure to make them perform in the most responsive manner for the public. The only way they can be brought to act responsively and responsibly is by making them feel motivated to do so. And the necessary motivations and incentives have too seldom been provided.

So, one possibility is to chuck the whole thing overboard and go back to the old system. There are those among my colleagues who would like to go this route. Some of them, in nostalgia, think those were really the good, old days when a presidential patronage system and its corresponding party in Congress substantially controlled and managed such a major enterprise.

But we have been down that road already. And the results were disastrous. No evidence can persuade me that a 535 headed Congress can exert effective control and make the system work now, when congressional control failed so miserably before.

Back in the "good, old days," we had severe and repeated labor discontent. We had politics intruding in all sorts of places where it didn't belong. We had annual rate battles and bottom-of-the-barrel financing of postal construction and improvement projects.

One of the men who had the burden of trying to run the system, Larry O'Brien, said during those days that the Post Office was "in a race with catastrophe." He was right, and despite reorganization, the system still is not winning the race.

Think of the problems we would have today if we had not changed.

We would have continued to have all the problems I just mentioned, and on top of that, the present Administration (or a Humphrey Administration, had 1968 gone differently) would have had time to load the system with 12,000 patronage postmasters!

There is a commonly made assumption that is never challenged and should be. That is, that if we had kept the bankrupt old system, it would somehow be giving us good or at least better service than we're now seeing. The critics of the new system simply forget how bad things were deteriorating when we tried to change them. We knew the old system was wrong, and it would have been wrong to keep it. The critics seem to imply that two wrongs would have made a right.

I think we can agree that things would not have been better if we had left things as they were—my guess is they might well have gotten worse. The problem is that they have not gotten enough better—quickly enough.

So, if the old way is not the solution, what about the other extreme? We have gone part-way to independence, creating a special agency of the Federal Government, not cut loose from government apron-strings, but on a longer tether. Why not follow the advice of the free-enterprisers and completely sever most of those strings?

Take the suggestion of Congressman Crane, for instance, and invite competition and free enterprise. After all, some priavte carriers are doing quite well, despite (or perhaps because of) the presence of the near-monopoly of government in this field.

In some areas of mail service, private enterprise probably could do a better job. But at what price? The rural areas where customers are far-flung would suffer immense cost increases. Many publications and non-profit organizations, which the present system subsidizes, would also suffer dearly. I see these as serious arguments againt putting postal services entirely in the hands of private enterpirse.

Yet, if what we had in the past didn't work, and what we have now isn't doing any better, we should not rule out any other alternative without at least giving it a full and fair hearing. We have come to a point where we must keep an open mind, re-evaluate all the old assumptions, and make room for some new approaches. I won't accept private enterprise right now as a solution; but I won't entirely rule it out as an eventual option, either.

There is also a third choice; it isn't very promising either. It is to take this new, malfunctioning machine that we build four years ago and remodel it—redesign some of it, give it some new working parts.

And, one more very important change—give it a new pilot and flight crew, a new management team that understands, better than the present one, what we are trying to accomplish and how to operate it.

A central reason for the failure of the new postal system to rise to our expectations has been, I am convinced, the failure of those who were placed in charge of it to fully understand how it was to function and what would make it go. Its managers never really grasped the concept we had.

Neither the present Postmaster General nor his predecessor, with both of whom I had good personal relations, demonstrated the range and depth of vision that I believe was called for, to translate the blueprints we drew in Congress into a fully and efficiently operating system.

The managers who were put in charge of it were mostly good capable men with commendable records as managers of private industry. They were honest, decent men; but, they never fully understood what we were trying to do. They never were able to shift gears, and make the change, from running a business to running a public service.

They and the board of directors that were brought in with them suffered from terribly narrow conceptions of the postal system. They were unable to grasp the central fact that they were running a highly labor-intensive industry. Labor accounts for something like 85 per cent of the dollar cost of the Postal Service. This they have failed to understand. Under these circumstances, the central, most vital single job of management is to devise methods of bolstering employee morale, incentive and productivity.

Yet, who has been in charge, attempting to lead this army of nearly three-quarters of a million people? The present Board of Governors includes a rancher, the head of a refining company, a former university president, a dentist and real estate developer, the head of a cosmetics company, a retired telephone company director, a banker and financier, and an oil company executive, plus the Postmaster General, the retired head of a container manufacturing firm. The experience value of these backgrounds appears to be of little relevance to trying to run the Postal Service.

These are men who have experience of essentially two kinds: they either come from highly mechanized industries, or from the financial world. They know how to manage machines and money, but not enough about managing men.

Their backgrounds seem to have hindered more than helped.

Most of these people are beyond their most active and productive years. They had given their best efforts to their private pursuits before coming to the Postal Service.

They come from the same narrow world of the big corporation. At the top of an organization that counts heavily on blacks and females as employees, there is not one female and the one black member is hardly representative of the rank-and-file blacks who handle the mail every day and who make up 40 per cent of the postal work force.

Such a lack of breadth and depth at the top is a severe handicap. But narrowness and shallowness are not the greatest handicaps that have hobbled the Postal Service's leadership. The last couple of appointments of the Board of Governors have carried the unmistakable taint of political influence. It is well known that powerful Members of Congress have in effect nominated, and the White House, through its ability to pull the strings and control appointments, has confirmed selections of members of the board.

So, what are the rewards of this kind of manipulation and political cronyism? For one thing, we get a leadership that totally lacks the ability to try new methods and explore new approaches to the difficult tasks that confront the Postal Service. The leaders of this sluggish army fail even to consider methods that others have tried and have found to work.

Consider, for example, the business management techniques lately being employed in other industries and in other countries. To cite just one example that has captured attention not only in business circles but in the popular media, the Japanese have developed management techniques that might potentially be highly effective in the Postal Service, but which to the average American corporate executive turns everything upside-down. It goes against the very grain and current of American management practice to give the initiative to people at the bottom of the management ladder, yet that is exactly what Japanese managers do, and at least one recent study has shown their methods significantly superior to ours.

Newsweek magazine recently published a report on the differences between the two systems and the successes the Japanese have had, even when using their methods in the United States, with American workers. To quote one management specialist named in the article, "The Japanese simply outmanage us when it comes to people. We've done very well coping with the inanimate elements of management. But a shocking number of American managers are really inept in dealing with people."

I don't know that the methods of the Japanese, or of other countries or industries that could be examined, would bring big, immediate improvements in the performance of our postal system. But it reveals a basic narrow-mindedness that the managers of the system have failed even to give the thought some serious consideration, and perhaps a field trial or two.

Another glaring deficiency, which indicates to me how the present management has failed to recognize the dominance of the human side of the Postal Service, is the lack of emphasis on having a good staff, or a director or two, who fully understand public service labor unions and how they work.

No matter how many billions of dollars are spent on machines and buildings, they won't do the job without also dealing with the human side that is 85 per cent of the system.

Besides being too homogenous, too lacking in the kinds of background, experience and perspective that were called for, the board of director has fallen down in fulfilling what should be one of its main functions: to stand up to the management of the system, to challenge its judgments, to stimulate new thinking, and to continually press for creative and appropriate solutions.

One reason for this is that the board of governors has been in effect, hand-picked by the White House and management—with the unfortunate help of some congressional stringpullers. As a result, it has served as a rubberstamp, a tool of the management it instead should be prodding and challenging.

I doubt that any of these men have ever been out in the work room when the mail rush is on, or has known a postal worker as a friend.

The board of governors should be part gadfly, part guiding light. Part coach and part umpire. It should include men who understand managing a system such as this; but it also should include spokesmen for the interests the system is there to serve and with whom it must deal—mail users, citizens, postal workers.

But the Board of Governors can not carry the load alone. They must have top managers who also understand what we are seeking and know how to achieve it. There have been some excellent appointments among the top managers to date—but these have been the exception rather than the rule. Too many of our senior managers both past and present, do not seem to understand the mission of the public service, which is precisely: to serve the public with efficient, reliable mail service. The Postmaster General and his main aides must understand that this isn't American Can Company, but a public service arm of government. An agency that is not here to turn a profit, but which hopefully can break even, and which has as its chief task to deliver the best possible service.

There have been lesser problems which also have contributed to the overall difficulties.

One has been an extremely high turnover rate among management personnel. We all have experienced the effect when there is a new letter carrier on our route—it slows down the mail for a few days. When there is constant change in personnel at the top, it has a similar effect, but with far wider ramifications.

Finally, we have seen some cases of extremely bad judgment on the part of top-level management. If the reports that have become public in recent weeks about cronyism and favoritism in the sales of bonds, the

buying of equipment, the letting of contracts, are true, then it is a double tragedy.

It is a tragedy because it is yet another rip in the lately tattered moral fabric of our government. And it is a tragedy because men who were entrusted with a job that is vital to the commerce and communications of their country placed self-interest above that trust and thereby held it in contempt. Had they been dedicated to getting the job done the best possible way, they would have acted otherwise.

But hand-wringing and mourning the failures of the Postal Service will not correct its problems. We need strong practical measures.

Many men have worked hard and with great dedication to try to reform this postal system, to create the new agency and start it down the road. Men like Chairman Dulski and Congressmen Jim Hanley and Charles Wilson of the Post Office Committee, and Tom Steed and Howard Robinson of the Appropriations Subcommittee on the Post Office, who supported passage of the bill, wished it well and worked hard to give it the financial tools to work with in its infancy.

In the Postal Service itself, we have had the full support and dedication of some fine and able men as well. General Counsel Lou Cox, Senior Assistant Postmasters General Ralph Nicholson and Edward Dorsey, Assistant Postmaster General Norman Halliday—these men and others have struggled against great handicaps to try to make the new Postal Service fulfill the hopes and intentions of its authors and supporters.

These men deserve every effort we can put forth, in recognition of what they have given, to try to correct the flaws that have become evident over the past four years, to try to make right what they believed in.

I for one feel a strong obligation to make what suggestions I have, if only because of my share of the responsibility for shaping the Reorganization Act.

Here are some steps I believe might improve upon the present structure and functioning of the Postal Service:

First, I have never been satisfied with the composition of the Board of Governors. We should keep it at its present size—nine members plus the Postmaster General and his Deputy. But I believe we should diversify the backgrounds of those members. We should consider including representatives of labor, mail users, perhaps Congress. While I have pointed out the Postal Service's heavy dependence upon human labor, it is important further to recognize that a large portion of that work force has been traditionally black. We should consider this, too, in choosing members of the Board of Governors.

In connection with this reform, I believe the independence of the board is essential to a healthy spirit of creativity and openmindedness. Giving the board its own small independent staff would be a step toward this objective.

Second, we must clarify and tighten up the rules for recruiting, hiring and compensating high-level management personnel. Though local postmasters are now recruited from the ranks of the work force, too few career postal workers have been placed in top management positions at the headquarters level.

Congress should specify the number of employees that are permitted in the $36,000-and-up salary ranges and require more strict justification for placement of personnel at those levels, and for outside recruitment.

Third, there should be Congressional action mandating that the Postal Service follow the contract-letting procedures required of other federal agencies under present law. When we wrote the Postal Reorganization Act, we deliberately exempted the Postal Service from these requirements. For the most part, I am told they are followed anyway, and I assume they are.

But the past four years or so have brought to American government some of the most discouraging examples of cronyism in a long, long time. We have learned of case after case in which public officials apparently just didn't understand that a public servant doesn't give government business to a favorite friend, just because he is a friend. Sadly, the Postal Service has not escaped these subversions of the public trust.

I have already mentioned how Peter Flanagan and the old Nixon-Mitchell law firm got a piece of the action when that first quarter million dollar bond issue was sold. The buddy system was at work with a vengence. James Hargrove, at the time a senior postal official, admitted that he and Flanagan were pals.

But I wouldn't want to leave out the fact that William Simon, who has risen from Nixon fund-raiser to manager of the public purse as Treasury Secretary, was previously connected with another firm that was favored with a chunk of the business.

There have been lesser examples; instances of contracts being let to firms that either previously or subsequently employed Postal Service officials.

In recent weeks we have seen a stream of news articles alleging a variety of questionable acts by high officials. These charges and revelations only serve to send employee morale plummeting lower while heightening the public's sense that it isn't service that counts after all, but promotion of personal gain.

When Congress exempted the Postal Service from the usual contracting and procurement restraints, it was done in the hope that this would provide a flexibility that would promote faster improvement in service. We gave freedom, but we did not intend free wheeling and dealing. It is time to pull in the reins.

Even if we could be assured that only the highest principles would govern future business transactions by the Postal Service, we must show the public and the postal work force that Congress won't stand for any more favoritism. Giving your pals the contracts may be the way private businesses operate—it may even be alright in the private sector. But public agencies can not be allowed to run that way.

It is disturbing that we turned to business to provide the management and leadership, and business has let us down. The reason may be that the Postal Service is a hybrid, only part business and the rest government bureaucracy, existing chiefly as a public service institution. This is a far more difficult kind of institution to manage than a private corporation. Being confined by requirements such as competitive bidding doesn't make it any easier.

But this only demonstrates and underscores the need for top-flight management that possesses a rare combination of knowhow in both business and government, that understands politics, and has the knack—so critical in labor-intensive organization—of managing and motivating people.

Fourth, Congress should adopt the rate-setting safeguards contained in the House version of the Reorganization Act, but modified in conference with the Senate. The Congress, under this provision, would retain veto-power over rate increases. This is one of the most emotional aspects of postal operations, and one in which I feel the public wants its elected representatives to have a final say.

Fifth, I believe the time has come for the American people to decide whether they want total freedom of variety in the form of the mail they send or whether they are willing to sacrifice some of this freedom—which seems to verge at times on anarchy—in exchange for greater efficiency.

We should carefully explore the feasibility of creating a new type of First Class Mail, which would be sent in standardized envelopes, possibly containing pre-printed Zip Code spaces that a machine could find and read. This would be strictly a private-letter class of mail.

This is not a new idea. Great Britain uses a standardized mail system somewhat of this sort. It is optional, but it goes at a reduced rate. We already follow a plan somewhat like this in the International Postal Union's letter system, with the dimensions of letters required to fall within a standardized range.

What logic is there in having hundreds of possible sizes and shapes of envelopes, and then wondering why we can not have automation? Variety may keep life interesting, but it keeps the life of the postal worker confusing and frustrating. Americans should decide whether they want good service or every size and shape of envelope the human mind can devise.

Please note that I am not even suggesting that all mail should be standardized. I am only talking about what is sometimes referred to as "Aunt Minnie Mail," personal letters. Yet, this accounts for fully one-fifth of all 1st class mail—about 10 billion letters a year. It would seem that finding a way to automate its handling would not only speed its delivery, but ease the burden of handling the other four-fifths.

While investigating this proposal, we should also consider freezing the postal rate for this kind of mail at the present 10 cent rate, for a fixed period of time, to avoid further increases in the cost of writing to Aunt Minnie.

Sixth, I believe we should seek the support of the postal workers in trying out, on a limited, pilot-test basis, a variety of incentive plans. These could range from piecework incentives (extra pay or benefits for handling or delivering more than some reasonable average number of pieces) to off-the-job benefits such as family recreation programs, group vacation plans and other ideas that would serve as fringe-benefits while building esprit de corps.

The Postal Service is not designed to make a profit—Heaven knows, we wish it would break even—so it would be difficult to attempt a profit-sharing incentive plan. But perhaps there are ways we could tie some employee benefits to improvements in efficiency and reduction of costs. This, too, should be at least explored.

Seventh, I believe both the Postal Service and the public deserve to know where Congress stands on the question of postal service standards. Congress should adopt a clear-cut statement on the levels of service it expects, both in speed of mail delivery in the various classes and in the services delivered at the Post Office window and to customers along the route.

True, writing this down in the book won't guarantee that these service levels will be met. But they will provide a guideline and a yardstick that should help the Postal Service in its attempts to raise its levels of performance, and help the public measure its success.

Eighth, finally, the general public is doubly frustrated in attempting to cope with the problems it perceives in the Postal Service.

Besides being frustrated when the system doesn't perform as well as the public thinks it should, citizens are frustrated when they attempt to express their frustration.

They complain to the local letter carrier and the hometown postmaster, who say they are doing the best they can, but policy is set in Washington. So the citizen writes his Congressman, and is told that Congress doesn't run the Post Office anymore. There was good reason for getting Congress out of the everyday operations of the postal system. But the Citizen still deserves to have a voice in the system.

To achieve this, I would suggest creating local citizen mail-users' councils, to meet regularly and discuss the operations of the

system, to have a say in changes in policy and procedures before they are put into effect—in short, put to a productive use the public's desire to have a say in the system.

We already do this to improve business mail service. The ordinary citizen deserves at least equal treatment.

Besides bringing the public into the picture in an orderly and constructive fashion, these councils would give postal officials a chance to express their frustrations and explain their problems. The result at a minimum would be greater understanding on both sides, and at best could bring some real improvements in service.

I also raise a suggestion that I approach with regret and reluctance. It deals with Postmaster-General Klassen, the man where the bucks stops.

I know Ted Klassen and I like him. His life story is one of struggle and success. I consider him a friend who would welcome forthright advice. He undertook a trying, difficult, second career when he could have the luxury of a leisurely retirement. With bluntness and courage, he has stood up to political pressures, including a good number from the White House. His stewardship at the Postal Service is not without success. I firmly believe him when he explains that the recent disclosures about a consulting fee he received in the interim between his two tours of duty in high Postal Service posts were in good faith—though I do fault him for a mistake in judgment and for not seeing how the transaction would appear to the public.

And so, not in rancor, but in friendship and with reluctance, I call on him to pick an appropriate time in the next six months when his pending projects are in order—and then to step aside. Not under fire . . . but with gratitude for giving his best, and in the best interest of the things he was worked for. I ask him to go at a time of his choosing—not in failure . . . but in recognition of the limitations of what he can hope to do.

For I am convinced that if the Postal Service is to surmount the unique challenges, it needs a new leader who can see things in a fresh perspective. If the United States Postal Service is to succeed it will take new concepts, attitudes, vigor, fresh thinking, and enthusiasm which he cannot be expected to provide.

The resignation of the present Postmaster General could open the way for an intensive search for an executive of proven talent and experience in a field which may have provided the kind of background needed in this extremely difficult position. We could search for someone with the peak of his—or her—career still ahead. Someone who could bring fresh ideas and vigorous leadership to the task. Someone capable of dealing with the needs of a highly labor-intensive industry that cries out for innovative thinking, new technology, new methods. Surely, somewhere in America, there is a man or woman in their 30's or 40's who can bring a sense of excitement, innovation, newness, change, enthusiasm to this troubled and extremely vital public service. Someone ready to give the best ten years of his or her life to the task, and to show us that we are wrong—to demonstrate that public service monopolies can find new ways to overcome their own handicaps and weaknesses, and can give us efficiency and service.

I am convinced that the choice of the person at the controls is among the most important factors in determining how the machine functions.

So, those are my modest suggestions:

A newly constituted Board of Governors, with wider diversity and viewpoint, greater independence and influence;

Tightened rules for recruiting, hiring and paying top management personnel, with more stress on drawing on career employees of the Service;

Tougher control over the contracting and procurement procedures;

Congressional veto-power over postal rates;

A new, optional, standardized class of mail for personal letters, with automation as a major goal;

Experiments with employee incentive plans;

Congressionally mandated standards of service;

A system of local private citizen mailusers' councils; and

A new, vigorous, innovative Postmaster General.

I am sure others also have ideas, and I would hope that Congress, in the coming months, would give full, open-minded consideration to all of them. I am pleased that the House Committee hearings are now underway and we must not leave any possible solutions outside our investigations. We must not accept any of the old assumptions without challenging them. We have replaced one system that didn't work with a new system, and found it doesn't work much better. We can't afford strike three.

As long as men write laws, laws will be imperfect. If that weren't true, we would have legislated ourselves out of business long ago.

We can only do our best, and then try to improve on it. We did our best with our postal reorganization plan. Now it is time to do better.

CUSTOMS SERVICE

Mr. HUMPHREY. Mr. President, I wish to commend the Appropriations Committee for including in this bill language specifically prohibiting the use of any funds available in this bill for the transfer of any functions, personnel or equipment out of the U.S. Customs Service or from the Bureau of Customs to any other agency of the Federal Government without the express consent of Congress.

This requirement relates, of course, to the efforts of the Office of Management and Budget to transfer the functions of the Customs Service between ports of entry along the Mexican border to the Immigration and Naturalization Service, and to carry out this transfer of statutorily assigned functions without the benefit of congressional approval. Last year the OMB was unable to obtain approval for all the transfers they wished to accomplish, so this year—lacking the power to transmit reorganization proposals any longer—they decided to carry out the transfer unilaterally, and to label it a "management" decision.

Last month, I introduced Senate Concurrent Resolution 92, which calls upon the Office of Management and Budget to desist from any actions intended to execute the planned transfer. In introducing that resolution, I noted that only Congress has the right to alter statutorily assigned functions, and that the OMB was attempting to bypass the Congress illegally. The chairmen and members of the Treasury Appropriations subcommittees in both the House and the Senate sent letters to OMB Director Roy Ash pointing to the illegality of his proposed actions, and demanding that he refrain from any further actions.

The limitations against the use of any funds appropriated in this bill for carrying out any facets of such a transfer are a further step in our effort to prevent this capricious avoidance of congressional authority by the OMB. It is not at all clear to me why the OMB should have found it necessary at a time like the present to engage in such an attack on the constitutional prerogatives of the Congress. But I would sincerely hope that the message we are sending to the OMB in this bill will be clearly heard and thoroughly understood.

Mr. MATHIAS. Mr. President, as the full Senate today considers passage of H.R. 15544, the Treasury, Postal Service, and general Government appropriation bill for fiscal year 1975, I am pleased to rise in strong support for this bill as reported by the Committee on Appropriations.

The bill we have before us represents the product of careful deliberation and close scrutiny by the subcommittee chaired by the distinguished Senator from New Mexico (Mr. MONTOYA) and by the full committee, on which I am privileged to serve. At a time of great inflationary pressure, I am particularly pleased that we have succeeded in trimming a total of $54,688,000 from the amount requested in the President's budget, and a total of $679,c59,000 below the amounts we appropriated for the same agencies and programs in the last fiscal year.

I believe this is clear evidence of the commitment of the Appropriations Committee—and the Congress as a whole—to keep a close watch on every taxpayer's dollar and to hold the line on excessive Government spending. At the same time, I am also convinced that these represent responsible cuts, so that the Government will not be hobbled or hindered from functioning efficiently and smoothly.

I would also like to commend the committee action with respect to two items of particular interest to me, both of which relate to the appropriation for the General Services Administration. The bill which passed the House, Mr. President, included two cuts or limitations in the GSA budget which were of grave concern to me.

The first was a substantial cut of $101.6 million in the request for real property operations. This cut, if not restored by the Senate, would have resulted in a critical reduction in the level of protection, cleaning and maintenance available for Federal buildings, and might have required the firing of as many as 8,500 blue collar workers responsible for providing these services.

For this reason, I strongly protested this House cut in a letter to Chairman MONTOYA and urged a full restoration of these funds. It seemed to me that we would be most ill-advised to make a cut so deep that we would, in effect, be asking our dedicated Federal employees to carry out their tasks in a steadily deteriorating work environment—which would hardly have been a useful way to encourage increased productivity by our civil servants.

While this view did not completely prevail in our committee deliberations, I am happy to note that we did at least succeed in restoring all but $25 million of this cut—which will be sufficient to

avoid laying off any existing employees, and to provide at least a minimal level of protection, cleaning and maintenance for Federal buildings.

Another issue of importance raised by this bill as passed by the House concerned the provision written into the bill which would have limited GSA's authority to execute purchase contracts—which finance the construction of Federal buildings—to a maximum of $250 million during this fiscal year. The Senate committee has wisely recommended an increase in this limitation to a level of $350 million, specifically pointing out in its report that this will allow a full go-ahead for financing of the construction of a much-needed new national headquarters building for the Social Security Administration in Woodlawn, Md.

For these reasons, Mr. President, I want to commend my fellow members of the Committee on Appropriations for reporting out a bill which is both fully responsive to the needs of our Federal employees and programs and at the same time fiscally responsible during this period of crucial Federal belt-tightening.

The PRESIDING OFFICER (Mr. BARTLETT). The bill is open to further amendment. If there be 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.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. MONTOYA. I yield back the remainder of my time.

Mr. BELLMON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

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 legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL) is necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG) and the Senator from Nebraska (Mr. HRUSKA) are necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii (Mr. FONG) would vote "yea."

The result was announced—yeas 82, nays 15, as follows:

[No. 340 Leg.]

YEAS—82

Aiken	Case	Hart
Allen	Church	Hartke
Baker	Clark	Haskell
Bayh	Cook	Hatfield
Beall	Cranston	Hathaway
Bellmon	Curtis	Hughes
Bennett	Domenici	Humphrey
Bentsen	Dominick	Inouye
Bible	Eagleton	Jackson
Brock	Eastland	Javits
Brooke	Ervin	Johnston
Burdick	Fannin	Kennedy
Byrd, Harry F., Jr.	Fulbright	Long
	Goldwater	Magnuson
Byrd, Robert C.	Griffin	Mansfield
Cannon	Hansen	Mathias
McClellan	Pastore	Stevens
McClure	Pearson	Stevenson
McGee	Pell	Symington
McGovern	Percy	Taft
McIntyre	Randolph	Talmadge
Metcalf	Ribicoff	Thurmond
Metzenbaum	Roth	Tower
Mondale	Schweiker	Tunney
Montoya	Scott, Hugh	Weicker
Moss	Sparkman	Williams
Muskie	Stafford	Young
Packwood	Stennis	

NAYS—15

Abourezk	Dole	Nunn
Bartlett	Gurney	Proxmire
Biden	Helms	Scott,
Buckley	Hollings	William L.
Chiles	Huddleston	
Cotton	Nelson	

NOT VOTING—3

Fong	Gravel	Hruska

So the bill (H.R. 15544) was passed.

Mr. MONTOYA. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. MONTOYA. 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 H.R. 15544.

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

Mr. MONTOYA. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MONTOYA, Mr. BAYH, Mr. EAGLETON, Mr. CHILES, Mr. MCGEE, Mr. MCCLELLAN, Mr. BELLMON, Mr. HATFIELD, and Mr. YOUNG conferees on the part of the Senate.

PRIVILEGE OF THE FLOOR ON H.R. 15323

Mr. PASTORE. Mr. President, I ask unanimous consent that the following members of the Joint Committee on Atomic Energy staff be allowed to be present during the debate and voting on H.R. 15323 being considered tomorrow: Edward J. Bauser, James B. Graham, Randall C. Stephens, and James T. Ramey.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House has passed the bill (H.R. 11108) to extend for 3 years the District of Columbia Medical and Dental Manpower Act of 1970, in which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has affixed his signature to the following enrolled bills:

H.R. 5094. An act to amend title 5, United States Code, to provide for the reclassification of positions of deputy United States marshal, and for other purposes; and

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 that 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 enrolled bills were subsequently signed by the President pro tempore.

HOUSE BILL REFERRED

The bill (H.R. 11108) to extend for 3 years the District of Columbia Medical and Dental Manpower Act of 1970 was read twice by its title and referred to the Committee on the District of Columbia.

ORDER FOR PRINTING OF S. 821, JUVENILE JUSTICE BILL

Mr. BAYH. Mr. President, I ask unanimous consent that S. 821, the Juvenile Justice and Delinquency Prevention Act of 1974, be printed as passed by the Senate on July 25, 1974.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House insists upon its amendments to the bill (S. 2510) to create an Office of Federal Procurement Policy within the Executive Office of the President, and for other purposes; disagreed to by the Senate; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HOLIFIELD, Mr. ST GERMAIN, Mr. FUQUA, Mr. HORTON, and Mr. ERLENBORN were appointed managers of the conference on the part of the House.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 8217) to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971, with an amendment in which it requests the concurrence of the Senate; and that the House recedes from its disagreement to the amendment of the Senate to the title of the bill and concurs therein.

ENROLLED BILL SIGNED

The message also announced that the Speaker has affixed his signature to the enrolled bill (H.R. 15472) making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1975, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. METCALF).

The message further announced that the House has agreed to House Concurrent Resolution 566 to provide additional copies of hearings and the final report of the Judiciary Committee on the impeachment inquiry.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 566) to provide additional copies of hearings and the final report of the Judiciary Committee on the impeachment inquiry was referred to the Committee on Rules and Administration.

EXEMPTION FROM DUTY CERTAIN EQUIPMENT AND REPAIRS FOR VESSELS

Mr. TALMADGE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 8217.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Rpresentatives to the amendment of the Senate to the bill (H.R. 8217) to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971, which was: In lieu of the matter proposed to be inserted by said amendment, insert:

SEC. 3. The last sentence of section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (as added by section 20 of Public Law 93-233 and amended by section 2 of Public Law 93-256 and by section 2 of Public Law 93-329) is amended by striking out "August 1, 1974" and inserting in lieu thereof "April 30, 1975".

SEC. 4. (a) The second sentence of section 204(b) of the Emergency Unemployment Compensation Act of 1971 is amended to read as follows: "Amounts appropriated as repayable advances and paid to the States under section 203 shall be repaid, without interest, as provided in section 905(d) of the Social Security Act."

(b) Section 903(b) of the Social Security Act is amended by striking out paragraph (3).

SEC. 5. Section 1631 of the Social Security Act is amended by adding the following at the end thereof:

"REIMBURSEMENT TO STATES FOR INTERIM ASSISTANCE PAYMENTS

"(g)(1) Notwithstanding subsection (d)(1) and subsection (b) as it relates to the payment of less than the correct amount of benefits, the Secretary may, upon written authorization by an individual, withhold benefits due with respect to that individual and may pay to a State (or a political subdivision thereof if agreed to by the Secretary and the State) from the benefits withheld an amount sufficient to reimburse the State (or political subdivision) for interim assistance furnished on behalf of the individual by the State (or political subdivision).

"(2) For purposes of this subsection, the term 'benefits' with respect to any individual means supplemental security income benefits under this title, and any State supplementary payments under section 1616 or under section 212 of Public Law 93-66 which the Secretary makes on behalf of a State (or political subdivision thereof), that the Secretary has determined to be due with respect to the individual at the time the Secretary makes the first payment of benefits. A cash advance made pursuant to subsection (a)(4)(A) shall not be considered as the first payment of benefits for purposes of the preceding sentence.

"(3) For purposes of this subsection, the term 'interim assistance' with respect to any individual means assistance financed from State or local funds and furnished for meeting basic needs during the period, beginning with the month in which the individual filed an application for benefits (as defined in paragraph (2)), for which he was eligible for such benefits.

"(4) In order for a State to receive reimbursement under the provisions of paragraph (1), the State shall have in effect an agreement with the Secretary which shall provide—

"(A) that if the Secretary makes payment to the State (or a political subdivision of the State as provided for under the agreement) in reimbursement for interim assistance (as defined in paragraph (3)) for any individual in an amount greater than the reimbursable amount authorized by paragraph (1), the State (or political subdivision) shall pay to the individual the balance of such payment in excess of the reimbursable amount as expeditiously as possible, but in any event within ten working days or a shorter period specified in the agreement; and

"(B) that the State will comply with such other rules as the Secretary finds necessary to achive efficient and effective administration of this subsection and to carry out the purposes of the program established by this title, including protection of hearing rights for any individual aggrieved by action taken by the State (or political subdivision) pursuant to this subsection.

"(5) The provisions of subsection (c) shall not be applicable to any disagreement concerning payment by the Secretary to a State pursuant to the preceding provisions of this subsection nor the amount retained by the State (or political subdivision).

"(6) The provisions of this subsection shall expire on June 30, 1976. At least sixty days prior to such expiration date, the Secretary shall submit to Congress a report assessing the effects of actions taken pursuant to this subsection, including the adequacy of interim assistance provided and the efficiency and effectiveness of the administration of such provisions. Such report may include such recommendations as the Secretary deems appropriate.".

SEC. 6. (a) Section 1611 of the Social Security Act is amended—

(1) in subsection (a)(1)(A), by inserting "(or, if greater, the amount determined under section 1617)" immediately after "$1,752";

(2) in subsection (a)(2)(A), by inserting "(or, if greater, the amount determined under section 1617)" immediately after "$2,628";

(3) in subsection (b)(1), by inserting "(or, if greater, the amount determined under section 1617)" immediately after "$1,752"; and

(4) in subsection (b)(2), by inserting "(or, if greater, the amount determined under section 1617)" immediately after "$2,623".

(b) Part A of title XVI of such Act is further amended by adding at the end thereof the following new section:

"COST-OF-LIVING ADJUSTMENTS IN BENEFITS

"SEC. 1617. Whenever benefit amounts under title II are increased by any percentage effective with any month as a result of determination made under section 215(i), each of the dollar amounts in effect for such month under subsections (a)(1)(A), (a)(2)(A), (b)(1), (b)(2) of section 1611, and subsection (a)(1)(A) of section 211 of Public Law 93-66, as specified in such subsections or as previously increased under this section, shall be increased by the same percentage (and rounded, when not a multiple of $1.20, to the next higher multiple of $1.20), effective with respect to benefits for months after such month; and such dollar amounts as so increased shall be published in the Federal Register together with, and at the same time as, the material required by section 215(i)(2)(D) to be published therein by reason of such determination."

SEC. 7. (a) Section 15(c)(2) of Public Law 93-233 is amended by striking out "December 1, 1974" and inserting in lieu thereof "March 1, 1975", and by striking out "July 1, 1975" and inserting in lieu thereof "March 1, 1976".

(b) Section 15(c)(5) of Public Law 93-233 is amended by striking out "March 1, 1975" and inserting in lieu thereof "June 1, 1975" and by striking out "October 1, 1975" and inserting in lieu thereof "June 1, 1976".

(c) Section 15(d) of Public Law 93-233 is amended by striking out "January 1, 1975, except that if the Secretary of Health, Education, and Welfare determines that additional time is required to prepare the report required by subsection (c), he may, by regulation, extend the applicability of the provisions of subsection (a) to cost accounting periods beginning after June 30, 1975" and inserting in lieu thereof "July 1, 1976".

SEC. 8. Section 249B of the Social Security Amendments of 1972 is amended by striking out "June 30, 1974" and inserting in lieu thereof "June 30, 1977".

SEC. 9. (a) Section 1902(a)(14)(B)(i) of the Social Security Act (relating to certain cost-sharing fees required to be paid by some individuals under medicaid) is amended by striking out "shall" and inserting in lieu thereof "may".

(b) The amendment made by subsection (a) shall be effective January 1, 1973.

SEC. 10. (a) Section 211(a)(1) of the Social Security Act is amended by inserting after "material participation by the owner or tenant" each time it occurs the following: "(as determined without regard to any activities of an agent of such owner or tenant)".

(b) Section 1402(a)(1) of the Internal Revenue Code of 1954 (relating to definition of net earnings from self-employment) is amended by inserting after "material participation by the owner or tenant" each time it occurs the following: "(as determined without regard to any activities of an agent of such owner or tenant)".

(c) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1973.

SEC. 11. (a) The staff of the Joint Committee on Internal Revenue Taxation shall conduct a comprehensive study and investigation of the operation and effect of the Renegotiation Act of 1951, as amended, with a view to determining whether such Act should be extended beyond December 31, 1975, and, if so, how the administration of such Act can be improved. The Joint Committee staff shall specifically consider whether exemption criteria and the statutory factors for determining excessive profits should be changed to make the Act fairer and more effective and more objective. The Joint Committee staff shall also consider whether the Renegotiation Board should be restructured.

(b) In conducting such study and investigation the staff of the Joint Committee on Internal Revenue Taxation shall consult with the staffs of the Renegotiation Board, the General Accounting Office, the Cost Accounting Standards Board, and the Joint Economic Committee.

(c) The staff of the Joint Committee on Internal Revenue Taxation shall submit the results of its study and investigation to the

Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate on or before September 30, 1975, together with such recommendations as it deems appropriate.

Mr. TALMADGE. Mr. President, I believe the Senate can be quite pleased with the House action on H.R. 8217. The Senate added 11 provisions to this bill. The House has accepted all or a significant part of nine of the Senate provisions. Of the three amendments with the greatest cost impact, the House has accepted the major part of two of the Senate provisions, concerning supplemental security income and unemployment benefits. The House was unwilling to accept at this time the third provision, relating to the retirement income credit, because the Ways and Means Committee has already proposed its own retirement income credit provision as a part of the tax reform bill they are working on now.

Let me describe briefly how the provisions in the House substitute amendment relate to the provisions in the Senate-passed bill.

RETIREMENT INCOME CREDIT

Under present law a retirement income credit of up to $1,524 multiplied by 15 percent—that is, $229—is allowed for single persons age 65 or over having retirement income. The credit is reduced by social security and certain other pension income, and it is reduced for persons under age 72 by 50 percent of earnings over $1,200 and 100 percent of earnings over $1,700. Under the Senate provision, the credit for a single person would be based on $2,500 instead of $1,524, and the credit would be reduced by 50 percent of all earnings above $2,100. The House was unwilling to accept this provision at this time because the Ways and Means Committee has already incorporated a provision liberalizing the retirement test in the tax reform bill they are now working on.

SUPPLEMENTAL SECURITY INCOME PROVISIONS

The Senate amendment included a provision which would make it possible for the Social Security Administration and the States to enter into arrangements whereby the States would provide payments to meet the basic needs of aged, blind, and disabled persons during the time while the Social Security Administration is processing their claims for benefits under the supplemental security income program.

Social security would then reimburse the States for these interim payments out of any retroactive SSI benefits otherwise due the applicant. The Senate amendment would have authorized these arrangements for a temporary period ending June 30, 1975, with a requirement that the Secretary of Health, Education, and Welfare report to Congress his recommendations concerning this provision 60 days prior to that date. The House agreed to this Senate provision with a modification which would move the expiration date from June 30, 1975, to June 30, 1976.

The Senate amendment also contained a provision which would provide for automatic cost-of-living increases in supplemental security income benefits starting in July 1975. Under this provision SSI benefits will be increased whenever social security benefits are increased automatically because the cost of living has risen. The Senate amendment would also have required States which provide additional State benefits over and above the Federal SSI benefits to pass on these automatic increases in SSI to the beneficiaries rather than offsetting them by reducing the amount of the State benefits. The Senate provision also included some Federal funding for States which would have incurred additional costs because of this requirement. The House of Representatives accepted that part of the Senate amendment which provides for automatic cost-of-living increases in the Federal SSI benefits, but rejected the requirement that States pass through these increases to beneficiaries without offsetting reductions in State benefits.

UNEMPLOYMENT BENEFITS PROVISIONS

Under existing law, extended unemployment benefits are payable for up to 13 weeks over and above the 26 weeks of benefits under the regular unemployment programs in States experiencing high rates of unemployment. To be eligible for 50 percent Federal matching, States must have both a 4-percent or higher rate of insured unemployment and a rate of insured unemployment which is at least 120 percent of the rate prevailing in the State in a comparable period of the prior 2 years. Because of persistent unemployment in certain areas of the country, however, many States which meet the first requirement of a 4-percent insured unemployment rate no longer are able to meet the second factor. Consequently, Congress has on several occasions acted to allow States, on an optional basis, to waive the 120 percent requirement. The most recent enactment permitting such a waiver will expire at the end of this month.

Under the Senate amendment, the authority for the States to receive Federal matching for extended benefits without meeting the 120 percent requirement would have been extended through the end of June, 1975. The House accepted this amendment with a modification under which the provision will expire on April 30, 1975 rather than on June 30, 1975.

The House also accepted, without change, a Senate amendment which would modify the procedure for reimbursing the general fund for certain advances which were made to the Unemployment Trust Fund to cover the cost of benefits under the Emergency Unemployment Compensation Act of 1971.

MEDICARE AND MEDICAID AMENDMENTS IN H.R. 8217

The House has accepted the three Senate provisions relating to the medicare and medicaid programs. The first provision extends for an additional 3 years 100 percent Federal funding of the costs for training and compensation of inspectors of long-term care institutions participating in medicaid. These inspectors determine compliance of skilled nursing facilities and intermediate care facilities with health and safety standards.

The second provision removes a requirement that States impose a premium or enrollment fee on medically needy persons using medicaid. The provision makes this premium optional with the State rather than mandatory.

The third provision extends the period for a study of appropriate and fair reimbursement for physicians in teaching hospitals until March 1976. The original study requirement was included in Public Law 93-233. Both the Department of Health, Education, and Welfare and the National Institute of Medicine, which is doing the study for HEW, indicated that a longer study period was needed to do a thorough job.

SOCIAL SECURITY COVERAGE OF FARM INCOME

The Senate amendment included a provision to make clear that a farm owner who does not himself participate in the operations of the farm will not be subject to social security tax on farm rental income because of actions taken by a farm management company which acts as his agent in leasing the farm to the tenant. The House of Representatives agreed to the Senate amendment with modifications of a technical nature.

PROVISIONS RELATING TO THE RENEGOTIATION ACT

The Renegotiation Act was recently extended for 18 months, through December 31, 1975. The Senate bill would have provided for an extension only through June 30, 1975, and it directed the staff of the Joint Committee on Internal Revenue Taxation to conduct a comprehensive study and investigation of the operation and effect of the Renegotiation Act. The House would not accept a modification in the expiration date of the Renegotiation Act, but they did agree to the Senate provision directing a comprehensive study of the act. This study must be submitted to the Committee on Finance and the Committee on Ways and Means by September 30, 1975.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. GRIFFIN. Mr. President, I wonder if the Senator will tell me who on their side is primarily concerned with this.

Mr. TALMADGE. It went to conference in the House, and was reported in technical disagreement. The House and Senate conferees were unanimous in their report. The House will propose certain amendments which embodied about 80 to 85 percent of the Senate amendments to the bill.

It was agreed to by the conferees on the part of the Senate, which I believe were Senator BENNETT, Senator CURTIS, and one other I do not recall at the moment. Senator BENNETT can speak for himself.

Mr. BENNETT. So far as I am concerned, I see no reason why we should not concur in the House amendment.

Mr. TALMADGE. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

ORDER FOR CONSIDERATION OF DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1975—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I should like to make a request while the distinguished Republican leader is on the floor. I ask unanimous consent that the Department of Transportation appropriation bill be the first order of business at the conclusion of morning business on Friday, with the time limitation being 1 hour, equally divided between the Senator from West Virginia and the Senator from New Jersey; that there be a time limitation on any amendment, debatable motion, or appeal of 30 minutes, and the division with regard to the control of time be in the usual form.

The PRESIDING OFFICER. Is there objection? If not, it is ordered.

INCREASED U.S. PARTICIPATION IN THE INTERNATIONAL DEVELOPMENT ASSOCIATION

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the papers on S. 2665 be messaged to the House of Representatives.

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

EXPORT ADMINISTRATION ACT AMENDMENTS OF 1974

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to consideration of S. 3792, the Export Administration Act.

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of Senate bill 3792, which the clerk will report by title.

The legislative clerk read as follows:

S. 3792, a bill to amend and extend the Export Administration Act of 1969.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Is further discussion of the pending business under a time limitation?

The PRESIDING OFFICER. Yes, the Senator is correct. The time for debate on this bill shall be limited to 2 hours, to be equally divided and controlled by the majority and minority leaders or their designees, with 30 minutes on any amendment except one to be offered by the Senator from New York (Mr. JAVITS) on which there shall be 40 minutes, and with no time limitation on any debatable motion or appeal.

The pending question is on agreeing to the amendment of the Senator from Washington (Mr. JACKSON).

The amendment is as follows:

Section 4 of the Export Administration Act of 1969, as amended, is further amended by adding at the end thereof a new subsection 4(j) as follows:

On page 13, after line 13, insert a new section as follows:

"(j) (1) The Secretary of Commerce, after consulting with the Secretary of the Treasury, the Attorney General, and the Secretary of State, shall establish regulations for the licensing of exports of all police, law enforcement, or security equipment manufactured for use in surveillance, eavesdropping, crowd control, interrogations, or penal retribution.

"(2) Any license proposed to be issued under this subsection shall be reviewed by the Attorney General and shall be submitted to the Congress. The Congress shall have a period of sixty calendar days of continuous session of both Houses after the date on which the license is transmitted to the Congress to disapprove the issuance of a license by the adoption in either House of a resolution disapproving the proposed license.

"(3) The Secretary of Commerce, with the concurrence of the Secretary of the Treasury, the Attorney General, and the Secretary of State, may by regulation exempt individual countries and specific categories of police, law enforcement, or security equipment from the congressional review and disapproval authority set forth in paragraph (2) if he finds and determines export of the equipment would not threaten fundamental human and civil liberties."

The PRESIDING OFFICER. What is the pleasure of the Senate? Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BARTLETT). Without objection, it is so ordered.

The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, I believe my amendment is pending, is it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. JACKSON. Mr. President, this amendment arises out of the investigation conducted by a subcommittee that I chair, the Permanent Subcommittee on Investigations. Approximately two weeks ago it came to our attention that U.S. firms were scheduled to display in the Soviet Union, and offer for sale to the Soviets, sophisticated criminological devices. I directed the staff of the Permanent Subcommittee on Investigations to investigate this matter and establish, through sworn statements and other documentation, that this incredible report was, in fact, true. It was.

The investigation developed the fact that in the case of each company we interviewed that was scheduled to participate in the exhibition, the Commerce Department had been contacted and had advised either that no export license was required or that the materials would not fall under export control.

As I stated then, I feel that it is outrageous for American technology to be used to assist the Soviet security services in repressing the Soviet people. I feel it is essential, even though the Commerce Department has now issued instructions that such items are subject to license, that the Congress of the United States formally establish a position that we will not allow American technology to be used in this manner by any nation that engages in repressive police practices which deny their citizens due process and fundamental human and civil liberties.

Mr. President, what we are really doing here is to write into the law the requirement that this type of export must be licensed, and subject to congressional review.

I believe that anyone who is deeply committed—and I think all Senators are—to the preservation of civil liberties should support this amendment. The last thing the United States should do is to be a party to an effort to make more efficient the secret police services of any totalitarian state. This is the heart of the effort here. I hope the Senate will adopt this amendment.

Mr. STEVENSON. Mr. President, I support this amendment. The United States has no business aiding the oppressive activities of foreign countries. The amendment permits the Secretary of Commerce, with the concurrence of the Secretary of the Treasury, the Attorney General, and the Secretary of State, to exempt individual categories of equipment and individual countries, from the review provisions of the amendment. This would permit an exception for exports to friendly and democratic countries. I think it is a good amendment and would be glad to accept it.

Mr. President, I will yield the remainder of the time in opposition to this amendment to the Senator from Oregon.

Mr. PACKWOOD. Would the Senator from Washington yield for a question?

Mr. JACKSON. Yes.

Mr. PACKWOOD. I am confused by the third section, under which the Secretary of Commerce concurs with the Secretary of the Treasury and the Secretary of State and may, by regulations, exempt individual countries and specific categories, but has to make the finding that these countries do not threaten fundamental human or civil liberties. Is that correct?

Mr. JACKSON. That is correct.

Mr. PACKWOOD. In other words, if he does not make the finding that these countries fit within that definition, of not threatening fundamental human and civil liberties, then there can be no export?

Mr. JACKSON. There could be an export, but we would have the right of congressional review. There are totalitarian countries in addition to the Soviet Union that should not get this equipment. This is what we are aiming at.

Mr. PACKWOOD. As I read the amendment, we are going to have the right of review in any State.

Mr. JACKSON. No. It is confined to subsection (3) that says the Secretary of Commerce, with the concurrence of the Secretary of the Treasury, the Attorney General, and the Secretary of State, may, by regulation, exempt individual countries from congressional review, and disapproval authority set forth in paragraph 2 if they find—and this is the crucial part—and determine that the export of such equipment would not threaten fundamental human and civil liberties.

There is no problem in selling this equipment to democratic countries, but there are obviously certain countries in the world where I do not think we should

be a party to aiding and abetting repression.

Mr. PACKWOOD. I am still trying to understand how this works. I understand that these different Secretaries must confer and then the Secretary of Commerce will issue a statement that England does not threaten fundamental human and civil liberties, and then we could export this equipment to England. Is that right?

Mr. JACKSON. The way it works is that when an application for the export of the specific equipment comes in, they then make a judgment regarding whether the sale of the equipment would threaten fundamental human and civil liberties.

I believe I know what concerns the Senator from Oregon. That is the question of whether the Federal agency must immediately list the countries that meet the test of not denying human and civil liberties.

As I see it, that is not the way it would work. The way it would work is that when applications come in, for example, with respect to a totalitarian government in South America, and they want to get police equipment, the administration would be required, under this section, to state whether or not that country does in fact deny and threaten fundamental human and civil liberties.

Mr. PACKWOOD. My problem goes a little deeper than that, because what to me are fundamental human and civil liberties would include freedom of the press, freedom of assembly, and many of the things we would take for granted that are in our Bill of Rights.

The Senator's definition would probably include all the countries of Africa that are under military dictatorships, most of the countries of Asia, and most of the countries of the world, I think, because in one form or another they threaten fundamental human and civil liberties, as the Senator and I would cherish and understand them. At least, that is my understanding of the amendment.

Mr. JACKSON. If they do, why should we aid and abet the denial of civil liberties?

Mr. PACKWOOD. That is where I want to make sure we understand. What does the Senator mean by freedom of the press?

Mr. JACKSON. One has to make an overall judgment. There may be conduct in certain areas that would not necessarily put it in that category.

Let me restate it. All equipment, first of all, requires a license. All licenses—this is the key point—are subject to congressional review, unless pursuant to subsection (3)—that is what we have been talking about—exemption from review may be granted to certain countries on the specific categories of goods.

In other words, as one illustration, handcuffs could be sold, I suppose, to many countries.

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

Mr. JACKSON. I yield.

Mr. STEVENSON. In reading this amendment, if I understand it correctly, paragraph 3, which permits the exemptions, permits exemptions to the congressional review procedures in paragraph 2.

If, to take the Senator from Oregon's case, the administration did propose to permit the export of police equipment to a totalitarian state in Africa, or any place else in the world, it would mean that Congress would have to approve. The export would not be absolutely prohibited by anything I can see in this amendment.

Mr. PACKWOOD. If I understand the amendment, if the Secretary of Commerce makes a decision that the Government does not threaten fundamental human and civil liberties, they go ahead with the license and sell it. From the standpoint of diplomacy, if they do not want to say that, they are going to put the monkey on Congress back.

It means making a decision, country by country; and we are going to support many of our allies who perhaps do not give any greater degree of protection to fundamental and human civil liberties than many of our opponents, and we are going to do it on a country by country, irrational, and ad hoc basis.

Mr. JACKSON. I do not agree with that conclusion.

I believe we are outlining here a rational course to follow.

I sponsored the amendment with Senator PELL to cut off aid to the military junta in Greece, and it was adopted by the Senate unanimously. We have called on the House not to act on this matter, in light of the fact that Greece is now in the process of restoring civil rule and is going to hold elections. But I do not think the United States ought to be sending highly sophisticated police equipment to any regime that practices the techniques that are followed in a totalitarian state. Let the Senate decide that.

Mr. PACKWOOD. Let me ask the Senator's opinion. I am trying to get a grasp of the types of countries.

Let us assume that the administration does not make its finding, so that they do not say to a country, "You are totalitarian." So the license is issued, and the matter comes to us. In the estimation of the Senator from Washington, would a country such as South Korea threaten fundamental human and civil liberties?

Mr. JACKSON. I do not know the details of the immediate situation, but it is possible they are engaged in repressive conduct. We can make available military equipment to support Korean independence, but why should we make available equipment to further aid and abet the repression of their people? I do not have any compunction about stopping that.

Mr. PACKWOOD. What about the Philippines? Does it repress?

Mr. JACKSON. They have martial law. Why should we aid and abet them in that effort?

Mr. PACKWOOD. What we are saying, really, is that, for all practical purposes, we will go ahead and export military material to those countries, but we are not going to send them police revolvers or handcuffs or whatever they might use in normal police work in a totalitarian or nontotalitarian country.

Most of the countries, I think, from the answer of the Senator from Washington—and I probably would agree with him—will not fit the definition or pass the definition of fundamental human and civil liberties.

Mr. JACKSON. In total numbers, the Senator may be correct. I just do not want my country to be a party to making more efficient the practices they engage in that aid the repression of liberty and freedom. That is all I am saying.

Mr. PACKWOOD. I find a fine line between the military equipment we have sent many of these military dictatorships around the world—some of them are allies—and police equipment.

Mr. JACKSON. The Senator knows that we have treaty commitments with many countries; but the treaty commitments relate to a common concern about our own security and the security of the Western World. We have treaty commitments with Spain, which has a totalitarian government. That does not mean that we ought to eliminate the treaty. But in the meantime, we want to do everything we can to encourage freedom. I think that is what our foreign policy should be about.

I do not believe we are far apart. I have great respect for the Senator from Oregon. I think he is raising the question here of whether or not this is onerous and difficult to handle.

I was horrified to find that GS-10's and GS-11's, career people, down in the Commerce Department—and this has happened under all administrations—are willy-nilly granting the right to sell equipment used for repression. I do not think we ought to be a party to that kind of conduct.

In all the time I have been in Congress, I am very proud of my record on civil liberties. No one in the House or the Senate has had a longer, more consistent record in this regard. I have always taken that position. I have taken that position on Rhodesia, where they practice racial discrimination, and I have taken that position in the case of South Africa. I also took that position with respect to Greece.

I am taking that position now in insisting that we ought to try to implement the United Nations Universal Declaration of Human Rights, adopted in 1948, article 13, providing for free emigration.

I am just explaining my position. I do not think we ought to be a party to repression.

I hope the Senator will accept the amendment.

Mr. PACKWOOD I am going to move to table.

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

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PACKWOOD. Mr. President, I move to table the amendment.

Mr. JACKSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The motion is not in order. The Senator has 10 minutes remaining.

Mr. JACKSON. I yield back my time, Mr. President.

The PRESIDING OFFICER. The time yielded back.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HUDDLESTON. Mr. President, I commend the Senator from Washington (Mr. JACKSON) for offering this amendment.

The Permanent Investigations Subcommittee, of which the Senator from Washington is chairman and on which I serve, held an executive session on July 19, 1974, on the planned exhibition by U.S. firms of law-enforcement equipment at a fair, Krimtekhnika–74, to be held in Moscow during the August 14–28 period.

Equipment scheduled to be exhibited included fingerprint detection and analysis, voice identification, psychological stress valuation machinery—machinery which could be used not only against minority groups and political dissidents of the Soviet Union but in espionage and counterespionage activities.

In questioning during the executive session, I elicited what I consider to be seveıal extremely significant facts. First, in many cases, the sophisticated equipment to be displayed is not available from sources other than those in the United States. Second, once a machine is obtained, it can usually be duplicated.

In my opinion, this raises serious question about the advisability of exhibiting such equipment in the Soviet Union, where the most logical purchaser is the KGB, the state police. I do not believe we either want to or should place ourselves in the position of making available equipment which could be used by a government to deprive its citizens of what we could consider basic civil rights or perhaps be used against us. Such a move is not justifiable. It does not make sense.

I appreciate the fact that the Secretary of Commerce has acted to restrict the movement of such equipment. I believe his decision was the correct one. But, I also believe that the fact that we came so close to sending sophisticated crime detection to a country with rigid state controls and well-documented surveillance of its people and to a country which is involved in intellegence operations against our country points up the obvious need for this amendment and for a review of the entire export control activities of our Government.

American technology is superior technology. It has traditionally been much desired by foreign nations. But, it is also an American resource which must be used carefully, judiciously, and for the benefit of our Nation. And, I am not at all convinced that the possible transfer of detection technology to the Soviet Union would be a careful, judicious, or beneficial use of that technology.

Mr. PACKWOOD. Mr. President, I move to lay on the table the amendment of the Senator from Washington.

Mr. JACKSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. In announce that the Senator from Alaska (Mr. GRAVEL) is necessarily absent.

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senator from Nebraska (Mr. HRUSKA), the Senator from Maryland (Mr. MATHIAS), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The result was announced—yeas 21 nays 73, as follows:

[No. 341 Leg.]

YEAS—21

Aiken	Curtis	Scott,
Baker	Fannin	William L.
Bartlett	Fulbright	Sparkman
Beall	Goldwater	Stafford
Bellmon	Griffin	Thurmond
Bennett	Gurney	Tower
Brooke	McClure	
Cook	Packwood	

NAYS—73

Abourezk	Hart	Montoya
Allen	Hartke	Moss
Bayh	Haskell	Muskie
Bentsen	Hatfield	Nelson
Bible	Hathaway	Nunn
Biden	Helms	Pastore
Brock	Hollings	Pearson
Buckley	Huddleston	Pell
Burdick	Hughes	Percy
Byrd,	Humphrey	Proxmire
Harry F., Jr.	Inouye	Randolph
Byrd, Robert C.	Jackson	Ribicoff
Cannon	Javits	Roth
Case	Johnston	Schweiker
Chiles	Kennedy	Scott, Hugh
Church	Long	Stennis
Clark	Magnuson	Stevens
Cranston	Mansfield	Stevenson
Dole	McClellan	Symington
Domenici	McGee	Talmadge
Dominick	McGovern	Tunney
Eagleton	McIntyre	Weicker
Eastland	Metcalf	Williams
Ervin	Metzenbaum	Young
Hansen	Mondale	

NOT VOTING—6

Cotton	Gravel	Mathias
Fong	Hruska	Taft

So the motion to lay on the table was rejected.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the motion to lay on the table was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Washington (Mr. JACKSON). (Putting the question.)

The amendment was agreed to.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STEVENSON. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. JACKSON. Mr. President, I call up my amendment covering a number of conforming amendments to the act, which is at the desk.

The PRESIDING OFFICER. Will the Senator send his amendment to the desk. The clerk will report.

The assistant legislative clerk read as follows:

At page 10, lines 1 and 2, deletes the phrase "(2) Notwithstanding any other provision of law, whenever"; and insert in lieu thereof the following: "(2) Whenever"

At page 11, line 9, strike the word "decision." and insert the following: "decision together with the recommendation of the Secretary of Defense."

At page 11, lines 12 and 13, strike the phrase "by majority vote of both Houses, the action of the President.", and insert the following: "the action of the President by adopting a concurrent resolution disapproving the application for the export of such goods, technology or techniques."

At page 12, strike lines 24 and 25. At page 13, strike lines 1 and 2 and insert the following:

"(C) the term 'controlled country' means the Soviet Union, Poland, Romania, Hungary, Bulgaria, Czechoslovakia, the German Democratic Republic (East Germany), and such other countries as may be designated by the Secretary of Defense."

At page 13, strike lines 3 through 5 and insert the following:

"(8) The Secretary of Defense shall submit to the Congress a written report on his implementation of this section not later than 30 days after the close of each quarter of each fiscal year. Each such report shall, among other things, identify each instance in which the Secretary recommended to the President that exports be disapproved and the action finally taken by the executive branch on the matter."

At page 13, add a new subsection (9) as follows:

"(9) Whenever the President exercises his authority under subsections (5) and (6) he shall, having first solicited the recommendation of the Secretary of Defense, transmit his decision, together with the recommendation of the Secretary of Defense, to the Congress. The review and disapproval provisions of subsection (3) shall be applicable to actions taken under subsections (5) and (6)."

At the end of Section (9) add a new subsection as follows:

"(10) The authority granted to the President in subsection (5) and (6) of this section shall be non-delegable."

Mr. JACKSON. Mr. President, all of the conforming amendments are intended to bring the provisions of the Export Administration Act into conformity with the comparable provisions of the Defense Procurement Act and to make congressional review procedures applicable to changes in the lists of licensed items and the so-called COCOM lists and procedures.

The PRESIDING OFFICER. Will the Senator suspend? The Senate will come to order. The Senator from Washington is entitled to be heard. It is difficult for him to speak with the noise that is going on. Will Senators please take their seats? The Senator from Washington.

Mr. JACKSON. Mr. President, the Members of the Senate will recall that we passed in the Defense Procurement Act a provision which gave to Congress the right to veto, in effect, transfers of technology that might affect the security of this Nation with respect to the Warsaw Pact countries.

At the time of that debate, in colloquy with the Senator who is handling the bill, the able Senator from Illinois (Mr. STEVENSON), we made it clear that we would, when the Export Control Act was up, move to add these controls to the Export Control Act. It is now pending before the Senate, and that is what we do in these conforming amendments.

I would point out that modifications 1, 2, 3, and 4 are of a technical nature, the effect of which is to bring the language of the act into conformity with the Defense Procurement Act.

Modification No. 5, which is also made to conform to the Defense Procurement Act language, adds Romania and Poland to the list of controlled countries. A substantial number of technology transfers of critical defense technology has taken place through these two countries.

Whatever the merits of treating Romania and Poland separately for general trade purposes, where technology with profound military implications is concerned, they ought to be included under stringent controls.

The reporting section is required in any case under the Defense Procurement Act, and that is in there.

Modification No. 7 would clarify the act by making it explicit that the recommendation of the Secretary of Defense and a review by Congress applies to any alteration of our lists of controlled items or to the COCOM lists.

Without subsection (10), which makes the authority granted to the President nondelegable, the basic purpose of the section cannot be effected. As the Senator from Illinois (Mr. STEVENSON) and, I think, the Senator from Oregon (Mr. PACKWOOD) will recall, we discussed this on the floor of the Senate, and I hope that the amendments would be accepted, because this is an important matter.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. STEVENSON. Mr. President, as the Senator from Washington has already indicated, these amendments simply conform the provisions of the Export Administration Act to those already approved by Congress in the Military Procurement Act, so I am quite prepared to accept the amendments, and to yield back time to the Senator from Oregon.

Mr. PACKWOOD. We will accept the amendments and I yield back the time.

Mr. JACKSON. We are ready to vote. I yield back my time.

The PRESIDING OFFICER. All time is yielded back, and the question is on agreeing to the amendments of the Senator from Washington. (Putting the question.)

The amendments were agreed to.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. STEVENSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. JACKSON. Mr. President, would the Senator yield 30 seconds?

The PRESIDING OFFICER. The Senator from Washington.

Mr. STEVENSON. I yield.

Mr. JACKSON. Mr. President, I want to take this opportunity to express my deep appreciation to the chairman of the subcommittee, the floor manager of the bill, the distinguished Senator from Illinois (Mr. STEVENSON), for his leadership in dealing with this very difficult and intricate problem. He is to be commended most highly for the time and effort he has put into it to bring about some rationality in the handling of exports at a time when there are so many policy conflicts in the granting of these licenses.

I want to express my deep appreciation to him because he has spent many days trying to work out some sensible solution to these problems.

I want to express, too, my appreciation to the ranking minority member, Mr. PACKWOOD, for while we have not agreed on every item, he has been most cooperative in working out these amendments that relate to export controls.

Mr. STEVENSON. Mr. President, I thank the Senator from Washington. He deserves our commendation for bringing these important matters before the Senate. He has my gratitude for his very able cooperation.

Mr. President, I yield 2 minutes on the bill to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, I ask unanimous consent to reconsider the previous action of the Senate in adopting my amendment No. 1609.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAYH. Mr. President, I send to the desk a modification of amendment No. 1609.

The PRESIDING OFFICER. The modification will be stated.

The assistant legislative clerk read as follows:

At the end of amendment No. 1609 add the following new language: "to the United States petroleum purchaser."

The PRESIDING OFFICER. The amendment, No. 1609, is so modified.

Mr. BAYH. Mr. President, this is an effort to try to resolve some different interpretations that the Senator from Alaska (Mr. STEVENS) and I have regarding the impact on the consumer of the oil exchange procedure, which we anticipate will follow the construction of the Alaskan pipeline. I do not want cheap Alaskan oil to be exchanged for expensive Saudi Arabian crude which would be brought into the Eastern and the Midwestern parts of the country at significantly higher prices than Alaskan crude would sell for domestically.

This language change, which does not offset the substance of the amendment, apparently is acceptable to the Senator from Alaska and is acceptable to the Senator from Indiana.

Mr. PACKWOOD. Will the Senator yield?

Mr. BAYH. I will be glad to yield.

Mr. PACKWOOD. I would appreciate it, because the Senator from Alaska wants to comment on this, if the Senator could explain the difficulty or the confusion that led to the adoption of this amendment and the harmonizing of his views and those of the Senator from Alaska.

Mr. BAYH. I can suggest that the Senator from Alaska was concerned that the previous language would prohibit the exchange from taking place, as it deals with wellhead price, transportation costs, how the base price is established, and all of these things that one almost needs a Ph. D degree to understand. But we are in agreement on this language and we are in agreement that neither one of us wants a policy of buying Alaskan oil at price x and shipping it through Saudi Arabia at a price of x plus $5 a barrel. This language would prohibit Alaskan oil from being exchanged, if indeed that would require consumers to purchase the foreign oil for which Alaskan oil has been exchanged at a higher price than Alaskan oil would command within the United States.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time not be taken out of the time on either side. I think the Senator from Alaska should be here.

Mr. CHILES. Will the Senator yield? May we delay the consideration of this amendment until the Senator from Alaska gets here, and take up another amendment?

Mr. BAYH. I apologize to the Senator from Florida. If I had not thought this had been worked out to everybody's satisfaction, I would not have proposed the modification to my amendment.

Mr. PACKWOOD. The Senator from Alaska (Mr. STEVENS) is on his way. He will be here in 2 or 3 minutes, but he wanted to be here to participate in this colloquy.

Mr. JACKSON. Mr. President, I withdraw my unanimous-consent request.

The PRESIDING OFFICER. The unanimous-consent request is withdrawn.

Mr. STEVENS addressed the chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I wish to make certain that the record shows that the purpose of this amendment is to assure that the U.S. purchaser of the petroleum will not pay any increased price as a result of an exchange which might take place pursuant to the authorization that is contained in the Alaskan pipeline amendment. It is my understanding that the Senator from Indiana has offered the amendment that we have discussed off the floor and that he agrees to this interpretation at this time.

Mr. BAYH. Yes, I think the words speak for themselves.

Mr. PACKWOOD. Mr. President, I ask unanimous consent to have the amendment read again so that the Senator from Alaska may hear it and make sure it is exactly what he wants.

The PRESIDING OFFICER. Is the request to have the amendment 1609 read in its entirety?

Mr. PACKWOOD. No, just the addition.

The PRESIDING OFFICER. The modification will be stated.

The assistant legislative clerk read as follows:

At the end of Amendment No. 1609 proposed by Mr. BAYH, add the following new language: "to the United States petroleum purchaser."

Mr. STEVENS. Mr. President, that eliminates my concern over the amendment that was offered and adopted yesterday by the Senator from Indiana and agreed to. We still have a disagreement in terms of the interpretation of the basic law. I think that if we intended to use the word, "contiguous," in that amendment to the Federal Leasing Act, we would have done so. We used the word, "adjacent." Japan is adjacent to Alaska; Japan is not contiguous to Alaska. Under the circumstances, that concern still remains between the Senator from Indiana and myself.

I am appreciative of his willingness to clarify the intent of the amendment that was adopted yesterday, and I concur heartily in what he has done. I thank him for his courtesy.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. BAYH. I appreciate the cooperative spirit of my friend from Alaska. I think I should also note that we have agreed to disagree. The previous record in which we have discussed this in some length will define the differences of opinion that we have on the whole thrust of how to handle the Alaskan oil in this exchange process.

We have agreed on the substance of this language, and I think that is probably the best we can do right now.

Mr. JACKSON. Mr. President, last April the distinguished Senator from Indiana requested me to investigate reports that the owners of the trans-Alaska pipeline planned to export significant quantities of crude oil from the North Slope to Japan, despite this Nation's overall deficit in domestic energy.

As chairman of the Interior Committee, I addressed a series of questions to the companies and the administration regarding west coast supply and demand for crude oil, the likelihood of a west coast oil surplus after completion of the trans-Alaska pipeline, and the companies' plans for marketing any such surplus, either in other parts of the United States or abroad.

Committee staff have prepared a memorandum summarizing the results of this inquiry to date. A more complete report, including the detailed responses to my questionnaire by Federal agencies and the oil companies, will be published soon as a committee print.

The preliminary findings of my inquiry, in summary, are the following:

First, that there is great uncertainty about both supply and demand on the west coast of the United States in the early 1980's, and considerable disagreement among the companies and the agencies about the most probable supply-demand balance;

Second, that most of the parties, nevertheless, project as their most probable estimate, a substantial and growing excess of west coast supply over west coast demand for crude oil;

Third, that the most attractive market to the companies for this excess would be in Japan, rather than the Eastern and Midwestern United States, if the law authorizing the trans-Alaska pipeline had not placed crude oil exports under strict control;

Fourth, that a swap of Alaska crude oil exported to Japan for Persian Gulf or Carribbean crude oil imported into the Eastern United States may well make sense economically, and may benefit both the companies and the State of Alaska, but they are not likely to benefit U.S. consumers in price terms, and

Finally, that the provision of pipelines or other facilities to move west coast crude oil to other parts of the United States raises serious environmental and economic issues that ought to be addressed by Congress.

Senator BAYH's amendment, No. 1609, is intended to close one possible loophole in the Alaska Pipeline Act's provision controlling crude oil exports. That law prohibits exports that cause a net reduction in the quantity or quality of petroleum available to U.S. consumers. The Senator from Indiana proposes to tighten this provision by precluding exports—including exchanges—which would increase the prices of petroleum products in U.S. markets. The staff report I cited questions whether such exports are very likely under existing law. Nevertheless, circumstances can be imagined in which exports or exchanges could be used to evade domestic price regulations, or otherwise to increase prices. I endorse the Senator's proposed amendment to close this loophole.

I ask unanimous consent, Mr. President, to insert into the RECORD at this point, the staff memorandum on "The Alaska Pipeline, West Coast Oil Surpluses, and Crude Oil Exports."

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

MEMORANDUM, JULY 30, 1974

Re Preliminary Report—The Alaska Pipeline, West Coast Oil Surpluses, and Crude Oil Exports.

To: Henry M. Jackson, Chairman, Committee on Interior and Insular Affairs.

From: Arlon R. Tussing, Chief Economist.

SUMMARY

Reduced growth of West Coast oil demand and increased supplies are expected to flow both from recent crude oil price increases and from changes in public policy. These developments increase the likelihood that the West Coast of the United States will be more than self-sufficient in crude oil and have an exportable surplus by the early 1980's.

Companies that control most of the pipeline's potential throughput as yet have no concrete plans for marketing volumes excess to West Coast demand, but Section 28 (u) of the Mineral Leasing Act makes significant exports (other than exchanges with Canada) improbable. Adequate safeguards exist to prevent exports which are not in the national interest, with one exception: The Mineral Leasing Act's export restrictions apply only to oil carried through a pipeline across federal lands.

The prospect of a crude oil surplus on the West Coast does, however, raise important issues regarding the relative environmental, economic and security implications of alternative systems for transporting West Coast crude oil to other parts of the United States.

BACKGROUND

In 1973, as Congress debated legislation to authorize construction of the Trans Alaska pipeline, it was widely suspected and alleged that the oil companies which controlled reserves on the North Slope of Alaska favored the Trans Alaska pipeline-tanker route (as opposed to an overland pipeline through Canada) at least in part to be in a position to export some of its throughput to Japan. Spokesmen for the companies and the Interior Department maintained, however, that—

(1) domestic demand in District V (the West Coast) would be more than sufficient to absorb the added production from Northern Alaska in addition to the crude oil expected to be produced elsewhere in District V; and that

(2) even if a temporary excess developed in District V during the early years of pipeline operation, U.S. crude oil prices were sufficiently greater than world market levels that exports would not be economically attractive to the companies.

Notwithstanding such assurances from the companies and the Administration, Congress, in authorizing construction of the Trans-Alaska pipeline, foresaw a possibility of circumstances in which crude oil exports might be advantageous to the oil companies but detrimental to United States interests. The reasoning of Congress in this matter was set out clearly in the section Major Issues: "2. Exports of Alaskan Oil," in the report of the Committee on Interior and Insular Affairs on S. 1081, the Federal Lands Right of Way Act of 1973, a copy of which follows this memorandum as appendix I.

Section 28 (u) of the Mineral Leasing Act of 1920 as amended by the law authorizing the Trans-Alaska pipeline, now reads as follows:

"Limitations on Export

"(u) Any domestically produced crude oil transported by pipeline over rights-of-way granted pursuant to section 28 of the Mineral Leasing Act of 1920, except such crude oil which is either exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or which is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and reenters the United States, shall be subject to all of the limitations and licensing requirements of the Export Administration Act of 1969 (Act of December 30, 1969; 83 Stat. 841) and, in addition, before any crude oil subject to this section may be exported under the limitations and licensing requirements and penalty and enforcement provisions of the Export Administration Act of 1969 the President must make and publish an express finding that such exports will not diminish the total quantity or quality of petroleum available to the United States, and are in the national interest and are in accord with the provisions of the Export Administration Act of 1969: *Provided*, That the President shall submit reports to the Congress containing findings made under this section, and after the date of receipt of such report Congress shall have a period of sixty calendar days, thirty days of which Congress must have been in session, to consider whether exports under the terms of this section are in the national interest. If the Congress within this time period passes a concurrent resolution of disapproval stating disagreement with the President's finding concerning the national interest, further exports made pursuant to the aforementioned Presidential findings shall cease.

In adopting this language, Congress did not intend to proscribe crude oil exports absolutely. Firstly, it was recognized that significant economies—to the nation as well as to the owners of the oil—might under

some circumstances be achieved by appropriate "import-for-export" arrangements. Secondly, a categorical prohibition might set a precedent, and encourage retaliation, by countries on which we depend for imports. Thirdly, such a ban might prevent or handicap arrangements among oil importing countries to share secure supplies in the event of economically or politically inspired curtailments by exporting countries. Finally, it was recognized that the United States might again, at some time in the future, become substantially self-sufficient in energy and develop a surplus whose export would benefit the balance of payments and the national economy.

Subsection (u) was adopted to assure that any such exports would indeed be in the national interest, (1) by placing crude oil exports under the licensing requirements under the Export Administration Act; (2) by prohibiting exports that would reduce net U. S. supplies; (3) by requiring an express Presidential finding that proposed exports conform to the preceding criteria and are in the national interest, and (4) by allowing Congress sixty days in which to disapprove any such Presidential finding.

The violent upheavals of domestic and world crude oil prices resulting from the Arab embargo in late 1973 have led to a reconsideration of all earlier supply and demand projections. Higher oil prices plus policies promoting energy conservation and the use of other fuels, particularly coal, are certain to restrain the growth of West Coast demand for petroleum products. At the same time, high prices plus public policies encouraging more rapid development of domestic petroleum resources (for example, accelerated leasing of the Outer Continental Shelf) can reasonably be expected to increase District V crude oil production above what it would have been if the embargo and the price leaps had not occurred. Finally, the relationship of domestic and world crude oil prices has been reversed over the course of a year, and Persian Gulf crude oil is now being landed in Japan at prices more than twice that of price-controlled domestic crude oil on the United States West Coast.

In these circumstances, the issue of possible exports of North Slope crude oil to Japan was raised anew by an April 12, 1974, Associated Press dispatch from Spokane, as follows:

"A large portion of oil transported through the Trans-Alaska Pipeline will be exported probably to Japan during the line's early years of operation, Jack B. Robertson, Regional Administrator of the Federal Energy Office, said yesterday.

"Robertson said West Coast markets originally earmarked for as many as two million barrels of Alaskan crude oil daily would not be able to absorb that quantity until 1985.

"'Much of it probably will be sent to Japan. That in turn will free foreign supplies for shipment in exchange to United States Markets,' Robertson told a combined meeting of the Radio-Television News Directors Association and the Society of Professional Journalists.

"He said there would be 'an awful lot of swapping' of oil between nations and, in effect, most of the Alaskan oil traded away eventually would return to the domestic market."

An article in the March 18 Oil and Gas Journal ("Prudhoe Oil Will Bring Profound Change to West Coast Crude-Flow Patterns") also speculated about what would happen to the "surplus" of crude oil that is expected on the West Coast as a result of full-capacity utilization of the pipeline. The author mentions exports to Japan as one of the "three alternatives most discussed" for dealing with this surplus. He does, however, suggest it is considered unlikely for political reasons.

As a result of national publicity regarding Robertson's statement, E. E. Patton, President of the Alyeska Pipeline Service Company, issued a press release stating that none of the oil "is scheduled to be exported." This legalistic formulation was not particularly definitive because it is not likely that the disposition of any of the crude oil had, strictly speaking, been "scheduled" yet. On the same day, Charles Spahr, President of SOHIO, issued a less-than-categorical statement that SOHIO "has no intention" of shipping oil to Japan from Alaska.

Later in April, Senator Bayh expressed on the Senate floor his concern that even a barrel-for-barrel import-for-export arrangement would leave American consumers worse off (and the owner companies with higher profits) by creating a mechanism for avoiding domestic price regulations on crude oil.

At Senator Bayh's request, Senator Jackson (as Chairman of the Committee on Interior and Insular Affairs, which has oversight responsibility concerning the Mineral Leasing Act including its Alaska pipeline provisions), initiated an inquiry into (1) the likelihood of a crude oil surplus in District V, (2) the intentions of the owner companies with respect to transportation and marketing of crude oil from Alaska's North Slope (or with respect to any District V crude oil excess to District V demand), and (3) the need for further legislation to regulate or prohibit crude oil exports.

A detailed questionnaire regarding projected West Coast supply and demand, and plans for transporting and marketing North Slope oil were sent to the Interior Department, Federal Energy Administration, State of Alaska, BP Alaska and SOHIO, ARCO, and EXXON.

The three producer groups on the list (plus the State of Alaska) are believed to control about 93 percent of the oil reserves in the Prudhoe Bay field.

Copies of the questionnaires are attached to this memorandum as appendix 2. Responses were received from each of the foregoing agencies and companies and in some cases initial responses were followed with further questions. On certain issues additional clarification or elaboration is required, so that the present memorandum should be regarded as only a preliminary report.

SUMMARY AND ANALYSIS OF RESPONSES TO COMMITTEE'S QUESTIONNAIRES

The following is a summary of the most important conclusions from the agency and company responses.

(1) *Uncertainty*. Great and unavoidable uncertainty exists regarding both supply and demand on the West Coast in the 1977–1982 period. Firm projections are not possible regarding

(a) the effect of higher oil prices on the growth of consumer demands;

(b) the effect of higher prices in encouraging greater recovery from known reserves;

(c) the size and timing of future discoveries; and

(d) the volumes of crude oil available to the West Coast from Canada.

There are, in addition, significant differences over the production potential of the Prudhoe Bay field itself and over the probable timing of successive increases in North Slope production.

Several respondents gave a wide range of projections in answer to questions, rather than a single figure. Combining projections from different sources for individual elements of the West Coast supply-demand balance, it is possible to forecast a 1982 *deficit* in District V of as much as 500,000 barrels per day, or a *surplus* of as much as 1,900,000 barrels per day (or 2,300,000 barrels per day if Canadian supply is included).

There are plausible scenarios consistent with some elements of the projections that might result in even greater deficits or surpluses.

(2) *Most Likely Projections*. Combining the projections for each agency or company regarding

(a) Trans-Alaska pipeline throughput,

(b) District V production outside Northern Alaska, and

(c) District V demand,

most individual sets of projections show a West Coast deficit until about 1979, and a surplus beginning about 1980. Only Exxon projects a deficit over the whole period. The 1982 projections for West Coast Crude Oil surpluses are as follows:

Interior Department, 1.0–1.5 MMB/D.
BP/SOHIO, 0.6–0.8 MMB/D.
ARCO, 0.9 MMB/D.
EXXON, —.1 MMB/D (Deficit).

Each of these projections assumes no net imports from Canada, and no production from major new discoveries in either Alaska or California. In each case, the surplus increases (or the deficit diminishes) over the time of inquiry.

(3) *Individual Company Status*. The following summarizes the supply-demand status of individual producers at the end of the first five years of operation of the Alaska pipeline, as inferred from their own and (to the extent necessary) other projections:

(a) *BP/Sohio* now has no West Coast refineries and does not intend to build or acquire any. Sohio's entire production (almost one million barrels per day) will be surplus to the company's West Coast needs, and would have to be sold or exchanged to others.

(b) *Exxon* has only one small refinery (87 MB/D) on the West Coast and does not plan to expand it; Exxon's own West Coast surplus will reach 300,000 to 400,000 barrels.

(c) *ARCO* expects to increase its own West Coast refinery capacity from 281,000 B/D to 401,000 B/D, and is expected to be roughly in balance on the West Coast.

(d) *The State of Alaska* can be expected to market its own royalty oil. It will have a marketable surplus (over present commitments to Tesoro) on the order of 250,000 B/D, and all but 50–60,000 can be expected to be sold outside Alaska.

4. *Marketing Plans*.

Sohio has made sales on commitments to Columbia Gas and FINA for a small proportion of its production, but very little of the projected supply (except for that of ARCO, which will primarily supply its own refineries) is now committed to specific customers or markets. Each producer who expects to be in a surplus position intends first to sell or exchange its excess to other West Coast refiners. No concrete plans yet exist to transport North Slope crude oil beyond the West Coast. SOHIO, however, has announced plans for a feasibility study of a pipeline from the West Coast across the Rockies to the Midwest.

(5) *Exports to Japan*.

The companies each insist that they have got the message from Congress regarding exports and are planning to market exclusively or principally in the U.S. SOHIO claims its own studies show transshipping to the Midwest is economically superior to an exchange with Japan for Persian Gulf Oil.

In any case, the companies seem to recognize the political hazards of any major exports of Alaska oil as long as the United States faces a crude oil deficit.

CONCLUSIONS

The following are my preliminary conclusions based upon results of the Committee inquiry to date.

(1) *District V excess*.

The domestic supply of crude oil in District V is likely to exceed District V demand under present price relationships by about 1980.

(2) *Relative attractiveness of exports*.

(a) Exports of domestic oil to Japan will not be attractive to the companies until all U.S. West Coast demand at prevailing prices is met. Both U.S. and Japanese market prices

will be determined, in the absence of price controls, by Persian Gulf prices plus transportation, which will slightly favor the U.S. West Coast as a market for Alaska oil.

(b) If present relationships continue among uncontrolled domestic crude oil prices, Persian Gulf prices and transportation costs, exports to Japan appear to result in higher netback prices (and hence higher profits and state royalties) than transshipment East of the Rockies by any new transportation system. (This conclusion may be at odds with the reported implication of the Sohio study mentioned above, which we have not yet seen). In the absence of legal restraints, it is likely that some or all District V production excess to District V demand (at prices equal to Persian Gulf plus transportation) would be exported.

(3) *Avoidance of price controls.*

It would of course be attractive to producers of domestic price controlled crude oil to be able to export it at world market prices. Senator Bayh's explicit concern in April was the possibility that Alaska crude oil would be exported in exchange for foreign crude, imported at a price free from U.S. price controls, in order to avoid the effect of those controls.

This does not seem to be a real possibility, however. Under current regulations, North Slope crude oil would be *new oil*, exempt from price controls, and would be marketed in the United States at the same price as comparable grades of imported crude. In any case, the present authority for control of petroleum prices expires on February 28, 1975.

(4) *Adequacy of existing legal controls on exports.*

Existing law makes the export of crude oil carried through interstate pipelines exceedingly difficult, as the three requirements in section 28 (u) are additive rather than alternative. It is improbable that any company would base any long term marketing or investment plans upon the assumption that export applications would be approved, and the procedure required by the law is too slow and unwieldy to encourage short term export transactions.

There is no contingency that I can forsee which is not adequately controlled under the present language, with the following qualification:

(5) *Loophole for oil not transported by pipelines across federal lands.*

Present export restrictions under Section 28(u) apply only to crude oil "transported by pipeline over rights-of-way granted pursuant to Section 28. . ." Although the law clearly controls all exports of oil carried by the Trans-Alaska pipeline, that crude oil could in effect still be exported by *displacement*. That is, all North Slope crude oil could be delivered to domestic refineries, but the California oil it backed out could, in equivalent volumes, be exported without invoking the law, if that oil had never been carried through a pipeline across federal lands. Also, it might be noted, there are no restrictions in present law on exports of oil even from Northern Alaska if it were carried directly by tanker, without an intervening pipeline whose right-of-way was granted pursuant to Section 28.

Congress may in the future want to consider amending the law to deal with these potential loopholes. Inasmuch, however, as circumstances making major crude oil exports from the West Coast commercially attractive are not likely to develop for five to six years, the urgency of closing this loophole is not apparent.

(6) *Collateral issues.*

There are several collateral issues that depend upon expected West Coast oil supply-demand relationships, and which may be of greater importance than the prospect *per se* of significant crude oil exports to Japan. Some of these issues are clearly appropriate for further inquiry by the Committee. Among them are the relative economic and environmental consequences of alternative systems for moving oil that is surplus to West Coast demand to other parts of the United States.

(a) If there will be a West Coast surplus on the order of 1 million B/D it would clearly support a pipeline from Pacific Coast ports to the Midwest. One consequence could be a four to five-fold increase in Puget Sound tanker traffic over that necessary to serve the Cherry Point refinery alone. Such a development would probably provoke severe opposition both within Washington, State and from Canada.

(b) Existing pipelines (Transmountain and Four Corners) are already capable of carrying about 650 MB/D into District V (and the Canadian West Coast). Question could well be raised about the economic and environmental wisdom of building a wholly new pipeline, when the net effect of reversing the flow of two existing installations could be equivalent to an eastward flow of as much as 1,300 MB/D. Any consideration of reversing the Transmountain pipeline, however, depends upon agreement with Canada, which in turn probably hinges upon arrangements to keep crude oil tankers out of Puget Sound and the Strait of Georgia. Collaboration between the United States and Canada would be necessary for a deepwater port offshore the West side of the Olympic Peninsula or Vancouver Island. Another requirement might be a general pipeline treaty between the United States and Canada.

Arctic Gas Pipeline. The struggle over competing routes for a natural gas pipeline from the North Slope may well become more protracted and more bitter than over the oil pipeline. The prospect of a crude oil surplus on the West Coast will be argued as additional grounds for choosing a trans Canada route to deliver natural gas directly into the Midwest.

OCS Leasing. There will be strong opposition from environmentalists and local interests to reviving activity on existing Santa Barbara leases and to new leasing off California and in the Gulf of Alaska. As I have set out elsewhere, oil and gas production from the OCS is, from a national perspective, probably the least environmentally damaging energy alternative. Nevertheless its adverse local impacts will tend to exceed by far its local benefits. A key argument of leasing opponents in California and Alaska will be the oil surplus already in prospect for the West Coast.

APPENDIX I

("Major Issues," from Report of S. 1081, Federal Lands Right of Way Act of 1973. (June 12, 1973)).

2. EXPORTS OF ALASKAN OIL

The question of possible exports of crude oil produced on Alaska's North Slope has been raised repeatedly before this Committee and elsewhere in connection with consideration of alternative pipeline routes for that oil. Some have contended that, despite the national deficiency in crude oil supply, the oil companies with major reserve interests on the North Slope chose the Trans-Alaska alternative in order to be in a position to export a significant fraction of its throughput to Japan.

Despite strong denials by spokesmen for the companies and the National Administration, these allegations have not been *totally* implausible. Their most important foundation has been the possibility of a crude oil surplus on the West Coast. The throughput schedules announced for the Trans-Alaska pipeline in 1969 and 1970 considerably exceeded the anticipated domestic supply deficiency in P.A.D. District V (the West Coast) for several years after the pipeline's completion date. Notwithstanding this expected crude oil surplus on the West Coast, the owner companies indicated no clear plans for shipping Alaska oil to other United States markets.

With the prolonged delays in authorization of a Trans-Alaska pipeline right-of-way, and the repeated slippage of the expected completion date, however, projected West Coast oil demand in the early years of pipeline operation has greatly increased; at the same time, projected onshore production in California has declined. Current estimates by both the Interior Department and industry groups now indicate that demand in P.A.D. District V would substantially exceed domestic production in the District, even including North Slope production.

These recent projections from government and industry sources do not completely dismiss the possibility of crude oil surpluses on the West Coast after the pipeline is completed, however, because these projections assume that no major reserve additions will occur in the region. Areas in which there could be significant reserve additions include the Gulf of Alaska, Lower Cook Inlet and Santa Barbara Channel provinces, where major new lease sales are scheduled or are under active consideration.

Public suspicions that exports were to be a significant function for the Trans-Alaska pipeline have been rekindled from time to time by a number of circumstantial indications. Premier Sato suggested in a 1971 interview in Anchorage that Japan was looking forward to receiving crude oil by way of the pipeline; a consortium of Japanese companies obtained a part interest in some (as yet unproved) North Slope leases; and Phillips Petroleum Co. proposed to the Cabinet Task Force on Oil Import Control that barrel-for-barrel import quotas be granted to producers who exported crude oil from the United States.

The "import-for-export" proposal envisioned a crude oil excess in one part of the United States, presumably the West Coast, in the context of a general national deficiency, and was aimed at reducing transportation costs. Alaska crude oil could be sold in Japan, for example, offsetting Carribbean or Middle Eastern imports to the East Coast. Not only would the total tanker distance be less than an Alaska-East Coast route, but the shippers could reduce costs further by using tankers of foreign registry, rather than the domestic vessels required in the United States coastal trade. The importance of this proposal was probably exaggerated at the time, however. Phillips did not (and does not) control significant North Slope reserves. The proposal was not pressed nor endorsed by the companies that have such reserves, and it was never seriously entertained by the Task Force.

Price relationships argued strongly in the past against the existence of plans to export Alaskan crude oil. Because of United States quota restrictions on oil imports, the prices of crude oil on the West Coast of the United States were until 1972 about $1.50 higher than landed costs of comparable Middle Eastern crudes in Japan, and U.S. Midwestern prices were on the order of two dollars higher. If these differentials continued, there would be little incentive to export Alaskan oil without the import-for-export allowance; it would clearly be worth while to transship any oil surplus in District V to the Gulf or East Coasts or even to the Midwest, rather than to export it.

Alternatives considered by the companies (but not actively prosecuted) for getting North Slope oil to Midwestern or Eastern U.S. markets included a tanker route around the Horn; a pipeline across Panama linking two tanker segments; reversing the direction of the Four Corners pipeline in order to carry crude oil from Southern California to Texas and thence to the Midwest; reversing the

direction of the Transmountain Pipeline between Alberta and Puget Sound, then using the Interprovincial Pipeline to deliver crude oil to the Midwest; and construction of a new pipeline from Puget Sound to the Midwest along the Burlington Northern or Milwaukee Railroad right-of-way.

Although the prospect of significant crude oil surpluses on the West Coast of the United States in the late 1970's and early 1980's have diminished somewhat (but not completely), the rising world prices of oil and devaluation of the dollar have increased the comparative attractiveness of export markets. If crude oil prices in both markets (Japan and Southern California) are determined in the future by transportation costs from the Persian Gulf, so that landed prices per barrel in Japan remain 25 to 50 cents lower than in California, this differential plus the 21-cent license fee announced in April 1973 (when the quota restrictions were removed) would seemingly more than offset the transportation cost advantage of shipping Alaska oil to Japan. But if the past two years' trends in exchange rates and world oil prices were to continue, North Slope oil would be marketable in Japan at considerably higher prices than on the West Coast of the United States by the time a Trans-Alaska pipeline could be on stream.

Three companies control more than 90 percent of the proved reserves of the Prudhoe Bay field, the largest in North America. This field, whose production will dominate West Coast oil supplies will be developed and produced as a single unit pursuant to state conservation law. The same companies will also own 82 percent of the Trans-Alaska pipeline, which is organized as an undivided interest joint venture. West Coast crude oil prices, the companies' profits and the state's revenues, and fuel prices for West Coast consumers, will all be affected powerfully by the amount of oil that the companies and the state permit to be delivered to District V markets. There is no assurance that all the oil which is "surplus" to the West Coast (and thereby "available for export") in the companies' eyes will be truly in excess from the standpoint of consumers, national security or national economic efficiency.

Because of uncertainty regarding the volume of District V crude oil production and the imponderable but almost surely enhanced commercial attractiveness of oil exports to Japan in future years, the Committee is of the view that even though it has had repeated assurances from the oil companies and the Administration that the former "have no intention" to export crude oil produced on Alaska's North Slope, there should, nevertheless, be a statutory check upon such exports.

Section 114 of the Act expresses the Committee's concern that the companies that control the North Slope oil reserves might decide on the basis of private commercial advantage, to make export sales or exchanges that result in a net reduction of crude oil supplies available to the United States, or an increased dependence of the United States upon insecure foreign supplies.

The Committee did not believe that a categorical prohibition of oil exports would be wise, however. There might well be a situation in which export-for-import arrangements would be of benefit to both the United States and its trading partners. For example, the export to Japan of Alaskan crude oil supplies to west coast needs in exchange for Latin American or Eastern Hemisphere crude (which would otherwise have been transported to Japan) for the Northeast could, under some circumstances, be a better arrangement to bring the Northeast region additional crude oil supplies than either transcontinental pipelines or a tanker route around the Horn. A total prohibition might, in addition, encourage other countries to restrict exports to the United States, or cripple efforts to provide cooperation or sharing of restricted supplies among consuming countries.

Section 114 provides that any export arrangement be critically examined in light of the national interest to assure that a few pennies per barrel in private transportation expense are not saved only at a great cost to the total security of national energy supplies. Issues that might be scrutinized in any such examination include whether any export at all is in the national interest, the duration of the export contract, the international consequences of diverting such exports to domestic use in an emergency, the availability of transport capacity to do so, and the net impact of any sale or exchange upon the United States balance of payments.

The provisions of the Section effectively place the burden upon an applicant for an export license to demonstrate that exports of North Slope crude oil are indeed in the national interest, and by requiring an express Presidential finding, compel an examination of that interest at the highest levels.

APPENDIX II

QUESTIONS REGARDING POSSIBLE EXPORTS OF ALASKA NORTH SLOPE CRUDE OIL

To Agencies:

Please prepare for the Committee's use the following information:

1. What are your present projections for total production of crude oil and natural gas liquids on the North Slope of Alaska for each of the first five years (by quarter, if possible) of operation of the Trans Alaska Pipeline? If these figures differ significantly from your projects for pipeline throughput or tanker cargoes from Valdez, please indicate the latter figures as well, and explain any disparity between them.

2. How much of this production, throughput and/or cargoes expected to be owned or controlled by each of the companies with a producing interest on the North Slope or with an equity interest in the Trans Alaska Pipeline? (Indicate whether these figures are gross or net of the state's royalty interest.)

3. What are your current projections for each year of the same five-year period of total demand for (a) refined petroleum products and (b) crude oil and natural gas liquids in P.A.D. District V?

4. What are (a) the total current refinery capacity and (b) projected refinery capacity and throughput in P.A.D. District V for each year of the five-year period for each of the companies either with a producing interest on the North Slope or with an equity interest in the Trans Alaska Pipeline?

5. What is the current volume of, and what are your present projections for each year of the five-year period for, total P.A.D. District V production of crude oil and natural gas liquids other than from the North Slope? If possible, subdivide these by region (e.g., California onshore, California offshore, Cook Inlet, etc.).

6. What is the current net production in P.A.D. District V, by region, of crude oil and natural gas liquids by each of the companies with a producing interest on the North Slope Alaska or with an equity interest in the pipeline, and what is the projected production for each of these companies for each year of the five-year period?

7. To what extent, if at all, is any North Slope crude oil production already under contract or otherwise committed tentatively or otherwise to specific destinations or purchasers?

8. If the projections in response to questions 1, 3, 4 and 5 imply a supply deficit in P.A.D. District V, what are the expected sources for the balance of demand, and in what projected volumes; if the projections indicate an excess supply, what are the expected destinations of the excess, and in what projected volumes?

9. What plans exist, or are under active consideration, for transporting any crude oil produced on Alaska's North Slope or anywhere in P.A.D. District V, to markets outside District V.

10. In your opinion will limitations of demand in District V or in general be, or might they ever be, a constraint or delaying factor in raising the throughput of the Trans Alaska Pipeline from its planned initial throughput of 600,000 barrels per day to its planned capacity of 2 million barrels per day?

11. What, if any, agreements are required among the pipeline owner companies to increase the pipeline's operating capacity? What would happen if one or more companies favor an increase in capacity and others oppose it? What arrangements exist with respect to a company which wishes to ship through the pipeline a volume of oil in excess of its equity in existing capacity?

12. What authority, if any, has the Interstate Commerce Commission or the State of Alaska to require the owners (a) to expand producing capacity up to 2 million barrels per day, or (b) to loop the pipeline for throughputs greater than 2 million barrels? Is there any circumstances in which a shipper who is not one of the owners of the pipeline might have a valid cause of action to compel the owners to expand pipeline capacity?

13. What, if any, authority has the State of Alaska to employ either market demand prorationing, or regulation of pipeline throughput, to prevent the development of crude oil surpluses or softening of prices in markets for the state's oil? Under what circumstances, if any, can you anticipate exercise of such authority?

To Companies:

I would appreciate it if you would prepare for the Committee's use the following information:

1. What are your company's present projections for total production of crude oil and natural gas liquids on the North Slope of Alaska for each of the first five years (by quarter, if possible) of operation of the Trans Alaska Pipeline? If these figures differ significantly from your projections for pipeline throughput or tanker cargoes from Valdez, please indicate the latter figures as well, and explain any disparity between them.

2. What are your company's present projections over the same five-year period of net volume of crude oil and natural gas liquids (a) produced by your company and its affiliates on the North Slope, (b) shipped through their share of the pipeline, and (c) loaded by them at Valdez? (Indicate whether these figures are inclusive or exclusive of state royalty oil.)

3. What are your current projections over the same five-year period of total demand for (a) refined petroleum products and (b) crude oil and natural gas liquids in P.A.D. District V?

4. What is the present capacity of your company's P.A.D. District V refineries and those of its affiliates, and what are your current projections or plans for refinery capacity and throughput for each year of the five-year period?

5. What is the current volume of, and what are your company's present projections for each year of the five-year period for total P.A.D. District V production of crude oil and natural gas liquids other than from the North Slope? If possible, subdivide these by region (e.g., California onshore, California offshore, Cook Inlet, etc.).

6. What is the current net production of crude oil and natural gas liquids controlled by your company and its affiliates in P.A.D. District V, by region, and what are your projections for this production for each year of the five-year period?

7. What portion, if any, of your company's

projected North Slope production and/or that of its affiliates is already sold or under sale contract, or otherwise committed, tentatively or otherwise, to specific destinations or purchasers (including your own refineries and/or those of your affiliates)? How much of this supply is committed to P.A.D. District V?

8. If the projections in response to questions 1, 3, 4 and 5 imply a supply deficit in P.A.D. District V, what are the expected sources of the balance of demand and in what projected volumes; if the projections indicate an excess supply, what are the expected destinations of the excess, and in what projected volumes?

9. If the responses to questions 2, 4 and 6 indicate a supply deficit for your company and its affiliates in P.A.D. District V, from what sources do you expect to fill the deficit and in what volumes; if the responses indicate a surplus, what are the expected or planned destinations of the surplus, and in what volumes?

10. What plans exist, or are under active consideration by your company or its affiliates, for transporting any crude oil produced on Alaska's North Slope or elsewhere in P.A.D. District V to markets outside District V.

11. In your opinion will limitations of demand in District V or in general be, or might they ever be, a constraint or delaying factor in raising the throughout of the Trans Alaska Pipeline from its planned initial throughput of 600,000 barrels per day to its planned capacity of 2 million barrels per day?

12. What, if any, agreements are required among the pipeline owner companies to increase the pipeline's operating capacity? What would happen if one or more companies favor an increase in capacity and others oppose it? What arrangements exist with respect to a company which wishes to ship through the pipeline a volume of oil in excess of its equity in existing capacity?

13. What authority, if any, has the Interstate Commerce Commission or the State of Alaska to require the owners (a) to expand producing capacity up to 2 million barrels per day, or (b) to loop the pipeline for throughputs greater than 2 million barrels? Is there any circumstance in which a shipper who is not one of the owners of the pipeline might have a valid cause of action to compel the owners to expand pipeline capacity?

14. What, if any, authority has the State of Alaska to employ either market demand prorationing, or regulation of pipeline throughput, to prevent the development of crude oil surpluses or softening of prices in markets for the State's oil? Under what circumstances, if any, can you anticipate exercise of such authority? Under what circumstances, if any, can you anticipate a request (or endorsement) by your company for such action to limit production?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana, as modified.

The amendment (No. 1609), as modified, was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CHILES. Mr. President, I send to the desk a modified version of my amendment No. 1646 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

The amendment (No. 1646), as modified, is as follows:

ECONOMIC POLICY ACTIONS

SEC. . (a) Section 3 of the Export Administration Act of 1969, as amended by section 4 of this Act, is amended by adding at the end thereof the following new paragraph:

"(7) It is the policy of the United States to use export controls to secure the removal by foreign countries of restrictions on access to supplies (a) where such restrictions which have had or may have a serious domestic inflationary impact, have caused or may cause a serious domestic shortage, or have had or may have a serious adverse effect on employment in the United States, or (b) where such restrictions have been imposed for purposes of influencing the foreign policy of the United States. In effecting this policy, the President shall make every reasonable effort to secure the removal or reduction of such restrictions, policies or actions through international cooperation and agreement before resorting to the imposition of controls on the export of materials from the United States: *Provided*, That no action shall be taken in fulfillment of the policy set forth in this subsection to restrict the export of medicine, and medical supplies."

(b) Section 4 of such Act, as amended by sections 3, 4, 9, and 10 of this Act, is amended by adding at the end thereof the following new subsection:

"(j) Before exercising the authority conferred by this Act to implement the policy set forth in section 3(7), the President shall—

"(1) request and receive from the Tariff Commission its views on the probable impact on the domestic economy of such exercise of authority: *Provided, however*. That such views are transmitted to the President within 30 days of the request therefor; and

"(2) consult with the appropriate committees of the Congress with respect to such exercise of authority."

Mr. CHILES. Mr. President, the amendment as modified contains several changes from the printed amendment. Primarily, it now contains some language that would provide for a new section B. Where such instructions have been imposed for the purpose of influencing the foreign policy of the United States, in effecting this policy the President shall make reasonable effort to secure the removal or reduction of such restrictions. That is in addition to the amendment as it was printed.

In addition to that, we have stricken the reporting language on the amendment as it was originally printed because there is reporting language in the bill.

The thrust of this amendment is to provide that it is the policy of the United States to use export controls to secure the removal by foreign countries of restrictions on access to supplies where such restrictions would have a serious domestic inflationary impact, have caused or may cause a serious domestic shortage, or have or may have a serious adverse effect on employment in the United States.

It further provides that if these appear to be conditions, that the President shall request and receive a report from the Tariff Commission of its views on the probable impact on the domestic economy of the exercise of such authority.

What we are attempting to do with this amendment is to provide the tools in the bill wherein if a country attempts to restrict supplies or access of supplies to the United States, and if that restriction is adversely going to affect our economy, cause inflation, cause severe inflationary hardship, cause severe unemployment, we would be able to at least have at our disposal the tool of determining whether we were going to restrict the access of our exports to a country that was engaging in policies that would affect us in that way.

I think we have to recognize that today we are living in an era in which we are going to see perhaps more and more boycotts; combinations of countries that would attempt to use restrictions on their exports to the United States, and exports to other countries, in a manner that could cause severe economic hardship to this country. While I do not believe that is the way we should play the trade game—I believe there should be free access to trade where possible—I believe that we have to be prepared and have to have the capability to be able to respond to that kind of action.

I have a feeling that if we are prepared, if we have the capability, and if other countries realize that we have the capability and the determination to respond to these kinds of actions, then there is less of a chance that we will be brought into this kind of a protectionism and this kind of economic warfare which appears to be on the horizon, and which has already been used in some instances.

I have discussed the amendment at length with the floor leader (Mr. STEVENSON) who is handling the bill, and also with the leader from the minority. I think this is a tool that would be in the best interest of this country, if we had this tool.

Mr. STEVENSON. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois.

Mr. STEVENSON. This amendment is intended to strengthen the bargaining position of the President for the purpose of reducing barriers that deny the United States access to supplies.

The international economic debate has been shifting in recent years from import controls and access to markets to export controls and access to supplies. The concern which we all face in the industrialized world is dramatized by the recent action of the oil-producing countries when they imposed an embargo. Acting jointly through the OPEC, the oil-producing countries caused severe economic consequences in other countries for the purpose of influencing the foreign policies of those countries. Without such power as this amendment affords the President, the United States is virtually powerless. Its military power and its economic power are not exercisable.

The purpose of this amendment is not to encourage the use of export controls. Its purpose, on the contrary, is to discourage resort by governments to export controls and such other devices which deny access to supplies.

This amendment is carefully drawn to permit resort to export controls by the President only when a foreign country has imposed restrictions on supply which have a serious domestic inflationary impact in the United States or have caused a serious domestic shortage or a serious adverse effect on employment. That is the one test.

The other test offers the President the opportunity to impose export controls when the purpose of the restriction by the foreign country is to influence the foreign policy of the United States.

Even this authority, the authority to impose controls in these carefully circumscribed circumstances, is further limited.

The amendment requires that the President first make every reasonable effort to secure the removal or reduction of such restrictions through international cooperation and agreement, before resorting to the imposition of controls.

I want to emphasize, Mr. President, that the purpose of this amendment is not protectionism. The purpose of this amendment is to give the President the authority by which to bring down trade barriers which deny the United States access to essential supplies. Oil is the obvious example, but there are other possibilities lying in wait for us down the road.

We have and produce in this country such high-technology products and agricultural commodities which gives us economic power, which could be used under this amendment to bring down unreasonable trade barriers and permit us access to essential commodities produced by foreign countries.

Without this power we are on a one-way street. Other countries resort to export controls, but the United States does not. We take it lying down.

I will support this amendment, Mr. President.

Mr. PACKWOOD. Mr. President, will the Senator from Florida yield for a question?

Mr. CHILES. I yield.

Mr. PACKWOOD. I want to make sure of the specific intent of the amendment. One, it is permissive, not mandatory, on the part of the President using this; is that correct?

Mr. CHILES. That is right. It is permissive. It requires, as in other sections of the bill, reporting to the Congress of his actions.

Mr. PACKWOOD. But this amendment is not the basis for a legal action on somebody's part to force the President to act?

Mr. CHILES. It is not self-acting, no.

Mr. PACKWOOD. Second, you have used the word "serious" on three occasions. I take it that would mean exactly what it means, that it must cause a serious domestic inflation.

Mr. CHILES. In addition, the Tariff Commission makes a report of the consequences.

Mr. PACKWOOD. Third, as I read the amendment, it would not apply if a country raises the price on a material that it might be selling in the world, because that is not denying access to supplies; it is simply raising the price of them.

Mr. CHILES. I think it could. I think it would be possible. If the raising of that price was to the extent that it was denying access and if a report showed that, then it would be possible.

Mr. PACKWOOD. But that would have to be a raising of a price to such an extent that it would be, in essence, pricing the community out of the world market and nobody wants to buy it.

Mr. CHILES. Again, it would have to be such that it would be causing this kind of A, B, C—that it would be causing serious unemployment, economic distress, or an inflationary impact; and it would take a report of the Commission.

To be frank with the Senator, I would envision that it would certainly be possible that price could do that, if the raise was of that amount. That would depend, again, upon the seriousness of it and upon the report.

Mr. PACKWOOD. What the Senator is saying, then—now I understand—is that, realistically, the countries that have control of tin or copper or bauxite would trigger this permissive retaliation, if they were to raise their price high enough to the world community, not just to the United States, so as to cause the serious short supply or the serious inflation. In that case, we can say to Bolivia or Jamaica, "We are going to retaliate. You cannot raise your price that high on your tin or your bauxite."

Mr. CHILES. I think the price raise would have to be sufficient so that findings could be made that it amounted to a restriction on access. There are a number of ways that you could restrict access. One way would be to price your material at such a price that it amounted to that, which caused a diminished demand, to the extent that you restricted access of the supplies.

Mr. PACKWOOD. I do not understand the answer. I cannot think of any commodity that any foreign country sells that has ever been priced so high that it restricted access to it. Even in the petroleum boycott, it was the fact that it was a boycott by the Arab countries and they would not sell it to us, not the price, that prohibited our access to it.

Mr. CHILES. I think that high price always is possible to restrict access to supplies, if that price is high enough.

Mr. PACKWOOD. I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. On whose time?

Mr. PACKWOOD. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. 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. WEICKER. Mr. President, on November 30, 1973, I introduced an amendment to H.R. 8547, which dealt with the devastating impact of the Arab oil embargo. This amendment read as follows:

> During any period during which a foreign country prohibits the export of crude oil or refined petroleum products from such country to the United States, the President shall prohibit the export from the United States to such foreign country of all articles, materials, and supplies, other than food, medicine, and medical supplies.

My rationale for precluding the President from ordering retaliatory embargos on exports of food, medicine, and medical supplies, lay in the belief that America should never play politics with people's lives.

At a time when petroleum was in critical short supply around the world, the Arab nations saw fit to pursue their political goals by exerting economic blackmail against the United States and other countries. In shutting off their exports of crude oil and refined products, the Arab leaders thought that by endangering the health and safety of the poor, the elderly and the sick, they could bring about changes in our foreign policy.

This was clearly blackmail on the part of the Arab leaders and I felt then, as I do now, that our Nation must reject this diplomacy of calculated human suffering.

I felt it was essential to put heads of state on notice that we do not consider blackmail a valid tool of international policy.

That is why, though I did not believe we should keep on selling the Arabs items such as power machinery, motorized vehicles, and the very drills they use to produce the oil they embargoed last winter, I, nevertheless, am concerned that America not exercise retaliatory export authority to withhold food and medical supplies from the Arab people.

As the pending Chiles amendment is another attempt to authorize the President to impose retaliatory export controls, I am introducing my modifying amendment to indicate that blackmail is not an acceptable policy for export controls by the United States.

I thank my esteemed colleague from Florida for accepting this modification to his amendment.

Mr. PACKWOOD. Mr. President. I am prepared to accept the amendment of the Senator from Florida and yield back our time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. CHILES. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida.

The amendment was agreed to.

Mr. CHILES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHILES. Mr. President, I ask unanimous consent that the name of the Senator from Georgia (Mr. NUNN) be listed as a cosponsor of the amendment.

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

The bill is open to further amendment.

Mr. DOLE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 1, strike out line 6 through line 8. Redesignate the succeeding sections accordingly.

Mr. DOLE. Mr. President, section 2 of the bill we are considering, S. 3792, to extend the Export Administration Act of 1969, significantly liberalizes the conditions under which the President may impose export controls. This change, if adopted, could be detrimental to the agriculture industry and to the Nation

as a whole. I offer this amendment to keep the conditions for imposing export controls as they exist under present law.

Under the existing language of the Export Administration Act of 1969, one condition which must be satisfied before the President may impose export controls is that the measure must be necessary "to reduce the serious inflationary impact of abnormal foreign demand." The bill we are considering deletes the word "abnormal."

The change proposed in the bill would permit misguided and misinformed advocates of export controls to force the President, through court action, to institute export controls at a time when it could be detrimental to the entire Nation.

FOREIGN DEMAND IS BENEFICIAL

Last year, agricultural exports kept our balance of trade in the black in spite of increased costs for oil and other foreign materials we import and depend on greatly. Foreign demand is expected to remain strong and continue to give us a favorable balance of trade. Agricultural exports are expected to amount to $21 billion in fiscal year 1975, and they were even higher than that in fiscal year 1974. Clearly, this additional income is advantageous to the entire Nation and to agriculture as well.

The continuation of strong foreign demand is expected to keep prices for agricultural commodities at a profitable level. This is healthy for the entire economy. However, some advocates of depression level prices for farm commodities could press for export controls under any type of foreign demand. If the bill is adopted in its present form. Such advocates, by acting under the guise of "consumer interests," have nearly forced us into export controls in the past under existing law. For example, there was the "$1 per loaf" scare on wheat supplies last winter.

My argument is simply that strong foreign demand for our commodities is a healthy situation and the present bill would permit export controls to be implemented even in such circumstances. My amendment would prevent this from happening since strong foreign demand is not necessarily abnormal demand.

I urge the adoption of this very important but rather technical amendment.

I reserve the remainder of my time.

Mr. STEVENSON. Mr. President, in the past, one of the impediments to the effective use of export controls has been the need to show abnormal foreign demand which produced an excessive drain of scarce materials and serious inflation. The term "abnormal" suggests the need to show, by reference to some earlier period, that the pattern or magnitude of foreign demand had changed.

However, the determination of an appropriate reference point for assessing whether foreign demand was normal or abnormal was impossible to do with any degree of certainty, since trade patterns fluctuate; and in some situations, an excessive drain of scarce materials and serious inflation can result even if foreign demand levels have not changed significantly.

In other words, what difference does it make if the foreign demand is abnormal or normal, so long as it is causing serious inflation and an excessive drain of scarce materials?

It was for those reasons that the committee unanimously supported this change to delete the reference to abnormal foreign demand.

For those reasons, I have to oppose the amendment offered by the Senator from Kansas.

Mr. PACKWOOD. Mr. President, I join the Senator from Illinois in opposition to this amendment. The committee, as I recall, was unanimous.

There is simply no standard of abnormality, whether it be on scrap metals or wheat exports. If we are going to insist upon the use of the term "abnormal," for all practical purposes, this has proved to be a useless clause. I support the export of agricultural commodities, I think, as much as the Senator from Kansas; but we are going to have to strike the use of the word "abnormal" if we are going to have any kind of standard we can look to from time to time.

We have been over and over it in committee. It is just a worse than useless word that causes an inoperative section.

Mr. DOLE. Will the Senator yield?

Had the word "abnormal" been stricken a few months ago, we probably would have had export controls because of all the scare talk about bread prices at $1 a loaf.

Does the Senator see it making any difference if we strike the word "abnormal"?

Mr. PACKWOOD. No, I doubt that, with or without the word, we would have had export controls based on that scare talk, but I can foresee a situation in any kind of commodity, be it scrap iron or otherwise, where, as the foreign demand increases and increases and as the supply in the United States is static, and as gradually foreign demand forces up our domestic prices, we would say at some stage, "Stop."

But to say abnormal foreign demand almost implies the kind of situation that you are only going to use this where the foreign demand is so extraordinary, so unusual, as to be almost unthought of.

We thought in committee that was too high a standard to subject domestic consumers to.

Mr. DOLE. Mr. President, it just seems to the junior Senator from Kansas that we make a serious mistake by removing the word "abnormal" from section 3 (2) (A):

(2) It is the policy of the United States to use export controls (A) to the extent necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of [abnormal] foreign demand.

It seems to this Senator to have the effect of significantly liberalizing conditions under which the President can impose controls on nonagricultural goods.

For agricultural commodities, as I understand it, the Export Administration Act provides an additional and more important test before the export controls may be imposed.

But there is a great feeling in this country, and not just for agricultural commodities, that, when market prices reach profitable levels, there are always great demands advocated in the name of consumerism or consumer interests which would, in effect, impose export controls having the ultimate effect of lowering prices on farm and other commodities.

We had an example somewhat over a year ago with export controls on soybeans. The market price on soybeans, I think, dropped from around $12 to $3 or $4. We did not have any more soybeans because of export controls and probably no lesser amount of soybeans, so the drastic fall in prices was about the sum and substance of the export controls.

They were later lifted and it was acknowledged at the time they were lifted that it probably was a mistake to impose the controls in the first instance.

So it seems clear that our farmers and others engaged in export need this protection.

I am willing to submit this measure to a voice vote. I want to call it to the attention of the Senate and would hope it might be accepted. The issue has been discussed in the committee. Can we have some assurance by the committee that it makes no significant difference?

Mr. STEVENSON. I share the Senator's concern and commend him for expressing it.

I represent the largest agricultural exporting State in the Union and I could not support this amendment if I thought it would have any adverse effect on our farmers or on our agricultural community in general.

The fact of the matter is that almost no matter how you look at it, demand for U.S. food, whether it is Kansas wheat or Illinois corn, is abnormal and is going to remain abnormal for a long time with the demand rising simultaneously at home and abroad.

So, the deletion of the word "abnormal" is very unlikely, in my judgment, to make any difference at all to farmers.

Certainly, in the case of the soybeans, with or without the word "abnormal," the Government would have had the authority with which to impose that embargo.

I thought the imposition of the soybean embargo was a terrible mistake. It is, however, possible in other circumstances that demand, whether it is for ferrous scrap or some other commodity, might not be abnormal by some test, yet could be causing very serious inflation and a drain of an essential commodity at home and, thus, require the imposition of controls.

It is for that reason that the committee recommends deleting the word "abnormal." It adds an element of uncertainty, of confusion. It is an unrealistic test, and one that is most unlikely to have any effect at all on the American farmer.

So I hope that on the basis of this colloquy, and the unanimity that has been expressed on this question here on the floor and also within the committee, that it might be possible for the Senator from Kansas to withdraw his amendment.

I certainly assure him that if under the changes in this act this or any other administration resorted arbitrarily to the use of export controls with adverse effect on our farmers, I would be among the first to join with him in changing the law to provide a different and perhaps more realistic standard than the now "abnormal" provides in the law.

Mr. DOLE. Will the Senator yield?

I do appreciate the expression by the distinguished Senator from Illinois and the distinguished Senator from Oregon.

I think we are in accord: we all represent agricultural States. There are large exports from the State of Oregon, from the State of Illinois, from the State of Kansas, and from other States across the country. Agricultural exports, of course, are very important to our States.

I do not intend to suggest either Senator would bring a bill to the floor that might impose any hardship or restriction on potential exports.

This exchange has been very helpful. It does make some guide to those who would have authority to impose export controls.

Under existing law as it deals with agriculture, before the President can impose export restrictions on any agricultural commodity, the Secretary of Agriculture must certify that the supply of such commodity is not in excess of requirements for the domestic economy.

It is my understanding that S. 3792 does not affect this latter provision relating to agriculture. So on the basis of the exchange with the Senators from Oregon and Illinois, I think it best not to withdraw the amendment. I would like to have the record show it was offered, but I am certainly willing to accept the decision on a voice vote of the Senate.

Mr. STEVENSON. I am glad the Senator made that point. He referred to the additional safeguard that does remain in the Export Administration Act for the farmers.

That provision has not been changed by this legislation.

The PRESIDING OFFICER. Do both sides yield back the remainder of their time?

Mr. DOLE. I yield back the remainder of my time.

Mr. PACKWOOD. Mr. President, I do not yield yet.

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

The second assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. What is the will of the Senate?

Mr. PACKWOOD. I yield back the remainder of our time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Kansas (putting the question).

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed——

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

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

Mr. JAVITS. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 1 line 7, after "Sec. 2" insert "(a)".

On page 1, between lines 8 and 9, insert the following:

(b) Section 3(2)(A) of such Act is amended by striking out "and" and inserting in lieu thereof "or."

Mr. JAVITS. Mr. President, this is not the 40-minute amendment; it is an ordinary amendment, with a 30-minute limitation. I yield myself 3 minutes.

The purpose of this amendment is strictly to deal with the declaration of policy in the basic act which is here being dealt with. The basic act is a little out of date in terms of the problems which now face our country.

I wish to emphasize that my intercession in respect to this whole bill is only because inflation is very directly involved, now, in respect to food prices and food exports; otherwise I would leave it to the agricultural experts and the Committee on Banking, Housing and Urban Affairs. But under present circumstances, it really affects us all.

It will be noted that the particular section that I have in mind to deal with here in this rather brief but I think important amendment, in terms of the purposes which we are trying to serve, appears in the third line of sec. 3(2)(A) on page 12 of the committee report. That purpose reads as follows:

It is the policy of the United States to use export controls (A) to the extent necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of . . . foreign demand.

My proposal would be to separate the two concepts, "to stop the excessive drain of scarce materials," or "to reduce the serious inflationary impact of foreign demand."

The reason for that, Mr. President, is that we would have a right to consider—that is why this would go in as a matter of policy, rather than as a mandatory direction—as one of the criteria for imposition of export controls, whether it drains scarce materials or gives us a serious inflationary impact, in the event that foreign demand creates that inflationary impact.

Second, Mr. President, as we stand now, joining these two requirements with the word "and," we have the problem that an excessive drain of scarce materials may not immediately cause a serious inflationary impact, but our situation is now so bad in respect to inflation that we cannot actually wait until the inflationary impact hits us before we deal with export controls.

Finally, Mr. President, on this particular matter, in the recent example of price controls there was an excessive drain, as we all know, based on the tremendous reduction which has taken place in even the minimal reserves which are now on hand respecting the major farm commodities like wheat; and there was no inflationary impact immediately, but an inflationary impact was delayed and occurred at a later time, so that this definition would not have been met then and there.

Yet, as we all know, and as, for example, the Investigations Subcommittee of the Committee on Government Operations, of which I am one of the two ranking members, has found, the inflationary impact, though deferred, of the Russian wheat deal, nonetheless was a serious stimulus to what could almost be characterized as a runaway price.

So for all of those reasons, Mr. President, and recognizing that we are now in a different kind of a world, and as so much of this act states that it has relation to the fundamental policy of the United States, I believe—and I am speaking now not in the sense of an agriculturist, but strictly in terms of the interests of consumers—that the policy of the United States ought to be both to deal with the danger of the excessive drain of scarce materials and to deal with the danger of the serious inflationary impact of foreign demand.

As I have pointed out, this is simply a declaration of the basic policy of the United States, which this amendment seeks to make cover both contingencies instead of the one with two criteria. That is the whole essence of the amendment, and I would hope very much that all of us would recognize that this is the idea.

I might point out that in the House of Representatives that construction prevailed. In the other body they did use the word "or."

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. Mr. President, I yield myself 3 minutes. Will the Senator from New York yield?

Mr. JAVITS. Of course.

Mr. PACKWOOD. Again I want to be specific. Let us take wheat, for example. We will grow about 1,900,000,000 bushels this year in this country, give or take 50 million bushels, and will use only 700 million bushels domestically; so we are not short of wheat. It is not a scarce commodity.

But if we change the "and" to "or", does that mean we cannot export any wheat, or where do we trigger it? Does there have to be a serious inflationary increase in the price of wheat, or does it have to be a serious overall economic impact to the entire economic picture?

Mr. JAVITS. The latter.

Mr. PACKWOOD. The latter?

Mr. JAVITS. As the Senator knows, I am very deeply concerned with exports and maintaining exports, and our balance of trade demands it. As a matter of fact, today agricultural exports are critical. We are just mighty lucky that we have them, and that this is the great granary of the world.

The only thing I am trying to effect by the two amendments I propose—and I have separated them because they really have a thrust in different directions—the only thing I am trying to do is give us the tools with which to work, nothing else.

In other words, if Congress is persuaded that an export control is required to avoid a really substantial inflationary impact, which means an impact on price of whatever is our crop situation, for example, there is no question about the fact that if we have as low a carryover—and, Senator Packwood, I hope you will help me because I do not pretend to be an agricultural expert, I am not, but I do know something about economics and price, and that is the only area in which I speak—but, as I understand it, there could be a very major influence on price with a very low carryover, and that looks like it is indicated for our country, so I have no desire whatever—I do not think I am—of doing anything which in any way prejudices not only the idea of having agricultural exports but their great desirability, with which I thoroughly agree.

The only thing I am trying to do is establish criteria which deal with both shortages of supply and inflationary impact.

What we do with that will be up to Congress or whatever machinery we set up in this law which gives control either to the Secretary or to Congress.

I might say, in advance, that I have been much impressed with the fact that whatever is done in this field should be done by Congress, and the next amendment I will propose will be to vest that power in Congress rather than in any official, but to allow us to have the recommendations of the appropriate official. However, my purpose in this is solely to recognize that in the new shape we are in, a serious inflationary impact should also be a criterion. We may or may not follow it, but at least it should be recognized as a criterion, and I mean the latter part of your two-part definition, the overall economic situation, not strictly the question of what the size of our crop is, how much we have for export, and so forth.

Mr. PACKWOOD. If the Senator is talking about the entire national economy, we are going to be hard-pressed to find any export of a commodity, be it scrap iron or wheat, that has that dramatic effect on the overall economy.

Mr. JAVITS. That is right.

Mr. PACKWOOD. It would have to be an extraordinary event.

Mr. JAVITS. It really would, and that is what I have in mind; it would have to be extraordinary. But we went through one. I mean, when we look at the price of wheat at $6 a bushel from what it was when this grain deal was made, I would point out to the Senator that we really, until we begin to debate this bill, have had no reaction to that situation in terms of statutory tools.

Mr. PACKWOOD. But the point I would raise exactly on the wheat, when it hit $6, although it has fallen to——

Mr. CURTIS. $3.75.

Mr. PACKWOOD [continuing]. About $3.75, wheat is a very small part of the cost of bread, and I think you could not make a valid argument that you had a serious national inflation not just as it relates to the price of wheat but overall from the export of wheat to the Soviet Union.

The deal was unjustified. The Department of Agriculture got caught by surprise, and we got taken. But whether or not that caused a serious national inflation I think probably is not true.

Mr. JAVITS. If I could say to the Senator, I doubt very much—I thoroughly disagree with him—that in any one item you would run into that situation, but you could run into that situation if some price leader touched off an inflationary move in other directions as well or if, coupled with moves in other directions, that is, other agricultural commodities, et cetera, you did have a serious inflationary impact.

In any case, all I say is it should be a tool in our hands so that our policy says that we are going to look at this both from the point of view of shortage and from the point of view of serious inflationary impact, and we are not going to be blind to the fact that we are living in a new world situation.

Mr. PACKWOOD. Mr. President, I will yield to the Senator from Nebraska.

The PRESIDING OFFICER. Yield time on the bill?

Mr. PACKWOOD. Time on the bill.

Mr. CURTIS. Mr. President, my distinguished friend from New York (Mr. JAVITS) is so able and so persuasive that he almost persuades people when it is wrong, and he is wrong now.

This little change is contrary to the trade policy of the United States. It makes it easier, it is an inducement, to impose export controls.

The country got excited and pressured this government into imposing an export control on soybeans. What happened? Purchasers all around the world proceeded to find a new place they could buy. Acres upon acres of additional soybeans are planted in South America as a result of the blunder of this country imposing export controls.

This is contrary to the whole concept of our trade, which is to have a situation where there would be no Government export controls imposed.

Now, let us keep this in mind: About 100 people out of 100 consume food, and about 5 percent produce it, and so those who produce it will be the whipping boy all the time.

At the highest price of wheat it cost 8 cents to buy wheat for a loaf of bread, and the loaf of bread was selling for around 47 cents.

Someone asked me, saying, "What are you going to do if the price of bread goes to $1." Well, the thing to do is to put some city slickers in jail because wheat could not and would not go that high at all.

Let me say something about this Russian wheat deal. As a matter of fact, our exports of agricultural products were not something to be proud of in the days gone by. We had surpluses of everything. We were giving away food. We had the Public Law 480 plan, we had plans whereby we paid the freight and almost paid foreigners to take our surplus grain because we were spending hundreds of millions of dollars every year to store surpluses. So with that pattern over several years, along comes a chance to sell the Russians some wheat.

Nobody complained about the plan before, but the fact that we had a customer they said, "Oh, no, this is terrible."

Well, here is how terrible it was. The farmers of America have collectively enjoyed 80 percent as much prosperity as the nonfarm population. When the Russian wheat deal——

The PRESIDING OFFICER. The 3 minutes of the Senator from Nebraska have expired.

Mr. CURTIS. I was operating under time from the bill.

Mr. PACKWOOD. Time from the bill; I thought we had 2 hours. Fine, I yield 3 more minutes.

Mr. CURTIS. I thank my friend from Oregon.

At the time the so-called Russian wheat deal was made the price of wheat to farmers in my State was about $1.41. We got rid of all that surplus. The Government is not holding a big surplus to keep a cloud over the market. While the price then was just temporarily up to $5 or $6, it is about $3.75 now, where the price should be.

Agricultural prices are not too high. The cost of fertilizer has gone up two or three times. The cost of tractor fuel has gone up in the same proportion, as everybody knows, as the price of gasoline has gone up.

This is a proposal to place the burden for causing inflation upon the agricultural people of this country who traditionally have lived on a lower standard, had less income than the rest of the population.

Now, what do we do? At the present time, it provides that "to protect the domestic economy from the excessive drain of scarce materials, and to reduce the serious inflationary impact of foreign demand," it is proposed that we change "and" to "or" so we could have a situation where we have all sorts of supplies in this country but, if somebody, an economist, a bureaucrat or someone, says this is inflationary, the pressure starts for export controls.

Mr. President, the only bright spot we have in foreign exports is in agricultural products. Why do we want to send out word to the purchasers of agricultural products, "Do not buy from Uncle Sam," because in order to appease in this country an export control program might be slapped on at any time.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CURTIS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

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

The PRESIDING OFFICER. On whose time?

Mr. CURTIS. It does not matter to me.

Mr. JAVITS. Mr. President, if the Senator will withhold his request I would

like to have the amendment debated slightly. We can always get the yeas and nays, unless the Senator particularly wishes to do so at this time.

Mr. CURTIS. No; it does not matter to me when we get them.

Mr. JAVITS. Mr. President, I yield myself 3 additional minutes on this particular amendment.

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

Mr. JAVITS. Mr. President, I have heard the argument of the Senator from Nebraska with great interest, but all the Senator argues is that we should not do it, not that we should not give ourselves the authority if we wish it. All I am arguing is for the authority.

In short, we must exercise whatever authority we have providently, but that does not mean we should not have the authority.

The Senator argues that agricultural prices are not too high today and, therefore, let us not impose export controls. I do not say to impose export controls, but I do say that, having gone through the experience we have, the policy of the United States should take into contemplation what has occurred in terms of our difficulties.

It is very well known and there has been widespread discussion about the fact that, as far as farm commodities are concerned, the consumer has to have something to say in respect to them if there is going to be a balanced policy on the part of the United States. We cannot just go on pouring out resources of the United States, whatever may be the effect on the internal economy of the United States. Right now I think we have a right to balance our situation by at least giving us the necessary authority.

I might point out, too, that I think the House of Representatives is probably just as compassionate to the farmer as the Senate. The House, in its version of this very bill, has done exactly what I am urging upon the Senate. The House has provided that the Secretary of Commerce, in consultation with the appropriate U.S. departments and agencies and any technical advisory committee, shall undertake an investigation to determine which materials or commodities shall be subject to export controls because of the present or prospective domestic inflationary impact on short supply of such material.

That is exactly what I suggested, not even making it as strong as what is contained in the House bill, but just saying we should recognize now the equal interest of the consumer in inflation and the farmer. I am not trying to inhibit. I am just trying to give us the necessary policy that will be evenhanded in that regard.

I would like to point out that I am sustained in this by very considerable authority. A very distinguished newspaper like the London Economist, in its April 1974, issue reports the fact that in their opinion it is the unprecedented tripling of wheat prices and the doubling of soybeans, animal feed, and beef prices over the past 2 years more than any other factor that stoked up economic inflation.

I believe that is a widely held belief in the United States; that that has been the situation. I believe our farm people have been very cognizant of this. We should have a definition of our policy which at least calls for an even balance as between the demands of the farmer; and we are very proud to state that affirmatively, and the productivity, technology and tremendous contribution our farm people make to this whole country, but we should have some balance in the consumers' interests, in terms of inflation.

The reason I asked the Senator from Nebraska to wait a minute before asking for the yeas and nays is the following. I did not frankly think we would have any great problem about the policy.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I yield myself 2 additional minutes.

I did not think we had any great problem about the policy. If we have, the essence of what I think ought to be our authority is contained in the second amendment which I was going to offer, which I would like to read to the Senate.

As the House has adopted this provision that I am contending for, and it is going to be in conference anyhow, it may well be that if there is less difficulty about the second provision, we can simply adopt that so that is in conference, and then go on to other business.

The provision which I would propose to add as a second amendment which I was going to propose deals with the reporting section of this bill, which is section 4. The provision calls for certain reports to be made to the Secretary and to add this requirement—to add, I emphasize; I am taking nothing out, I am just going to add—that within 90 days after the beginning of the crop year, the Secretary of Agriculture shall determine which commodities, if any, subject to the reporting requirements of section 812 of the Agricultural Act of 1970——

Mr. PACKWOOD. Will the Senator yield?

Mr. JAVITS. Yes, I yield.

Mr. PACKWOOD. Which section are you amending?

Mr. JAVITS. I am amending the reporting section, section 4.

Mr. PACKWOOD. I thank the Senator.

Mr. JAVITS. Within 90 days after the beginning of the crop year, the Secretary of Agriculture shall determine which commodities, if any, subject to the reporting requirement of section 812 of the Agricultural Act of 1970 are likely to be in short supply. A commodity shall be determined to be in short supply if the Secretary of Agriculture estimates that the total quantity of the commodity that will be produced in the crop year will be insufficient to provide for anticipated domestic consumption, commercial exports, programed food assistance commitments, disaster relief assistance and other emergency assistance, and for a reasonable carryover at the end of the crop year.

The Secretary of Agriculture, with the concurrence of the Secretary of Commerce, shall submit his findings to Congress, together with a plan or plans to cope with the anticipated shortage.

Now, Mr. President, if that would sound agreeable to the managers of the bill, I would be willing to forego the first amendment, because, as I say, it will be in conference anyhow.

The PRESIDING OFFICER. Who yields time?

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

Mr. JAVITS. I ask unanimous consent that the time be charged to neither side.

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

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I withdraw the amendment which is pending.

The PRESIDING OFFICER. A quorum call is in progress.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be suspended.

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

Mr. JAVITS. Mr. President, I withdraw the amendment before the Senate and send another amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the end of the bill, add the following:

AGRICULTURAL COMMODITIES

Sec. 4(f) of the Export Administration Act of 1969, as redesignated by section 3 of this Act, is amended by inserting "(1)" immediately after "(f)", and by adding at the end thereof the following:

"(2)" Within ninety days after the beginning of the crop year the Secretary of Agriculture shall determine which commodities, if any, subject to the reporting requirements of Section 812 of the Agricultural Act of 1970, are likely to be in short supply. A commodity shall be determined to be in short supply if the Secretary of Agriculture estimates that the total quantity of the commodity that will be produced in the crop year will be insufficient to provide for anticipated domestic consumption, commercial exports, programed food assistance commitments, disaster relief assistance and other emergency assistance, and a reasonable carryover at the end of the crop year. The Secretary of Agriculture with the concurrence of the Secretary of Commerce shall submit his findings to Congress together with a plan or plans to cope with the anticipated shortage.

Mr. JAVITS. Mr. President, the amendment I am offering will require the Secretary of Agriculture to look ahead and estimate whether certain important raw agricultural commodities, now subject to the reporting requirements of the Agricultural Act of 1970, will be in short supply during the crop years. If the Secretary of Agriculture finds that certain commodities will be in short supply, he will transmit this information to Congress, together with a plan to cope with the shortages. The Secretary of Commerce would participate in this system.

Mr. President, it is scarcely believable that 2 years after the Russian wheat deal, which the Permanent Investigations Subcommittee just reported resulted in product shortages and higher prices for the U.S. consumer, we still do not have an advance warning mechanism and re-

quirement for planning to head off such events in the future. The amendment I am proposing would do nothing to require the imposition of export controls, which should be applied only as a last resort, but it would at least require that the Department of Agriculture develop a plan to cope with shortages and submit such a plan to Congress. This is a minimum requirement, and is the very least the American people should expect. We cannot afford either a repetition of the hurried and disruptive application of export controls, such as last year's export controls on soybeans which substantially damaged our relations with the Japanese and Europeans, or the unchecked purchase of one-fourth of our wheat crop by the Soviet Union.

We are approaching a critical condition with regard to the world food supplies, with starvation in Africa, very low levels of reserves, and sharply declining estimates of U.S. grain crops. We would be irresponsible if we allowed this situation to deteriorate without requiring a planned and responsible approach to commodities in short supply. Mr. President, there have been a large number of articles recently on these problems, and I ask unanimous consent that these be printed in the RECORD.

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

[From the New York Times, July 26, 1974]

EXPERTS ASK ACTION TO AVOID MILLIONS OF DEATHS IN FOOD CRISIS

(By Boyce Rensberger)

From drought-besieged Africa to the jittery Chicago grain market, from worried Government offices in Washington to the partly-filled granaries of teeming India, the long-predicted world food crisis is beginning to take shape as one of the greatest peacetime problems the world has had to face in modern times.

With growing frequency, a variety of leading individual experts and relevant organizations are coming forth to warn that a major global food shortage is developing.

They say it is almost certain to threaten the lives of many millions of people in the next year or two, and they urge international action to prevent a short-term crisis from becoming a chronic condition.

A DIFFERENT SITUATION

While there have always been famines and warnings of famine, food experts generally agree that the situation now is substantially different for these reasons:

World population is expanding by larger numbers each year, especially in the poor countries that are most susceptible of famine. Last year, the population increased by 76 million, the largest increase ever. The number of mouths to feed throughout the world has doubled since the end of World War II.

While agricultural production has generally kept pace, it has done so by increasing reliance on new, high-technology forms of farming that are now threatened by shortages of fertilizer and energy and soaring prices of raw materials.

The grain reserves that once made it possible to send emergency food to stricken areas are now largely depleted. The huge American farm "surpluses" that were such an item of controversy in the nineteen-sixties have long since been given away or sold and eaten. The world stockpile of grain that, in 1961, was equivalent to 95 days of world consumption has fallen to less than a 26-day supply now.

As the Arab oil embargo hastened the beginning of the energy crisis, so a major global shortage of fertilizer, precipitated by the oil squeeze, is cutting into this year's agricultural productivity in several populous countries.

SOONER THAN EXPECTED

The lack of fertilizer and rain and the untimely arrival of rains in some areas, are, in the view of many international food authorities, bringing the world to a food crisis sooner than had been expected a year or two ago.

The fertilizer shortage has already stunted the latest wheat crop in India and will likely reduce the succeeding crops so severely that by this autumn India could be experiencing a famine of sizeable proportions. Unless massive international aid is forthcoming, Norman Borlaug, the Nobel Prize-winning developer of high-yielding wheat, has forecast, from 10 million to 50 million persons could starve to death in India in the next 12 months.

His forecast is based on the calculated number of people the wheat shortfall would have fed plus a factor for the shortfalls expected in crops not yet harvested but lacking fertilizer and rain.

In other parts of Asia and in Latin America where supply has long barely met and sometimes failed to meet demand, people are beginning to experience unusually severe food shortages. The food that is available has become so costly that the meagerest of meals for millions of poor families take from 80 to 100 per cent of their incomes.

EXPERTS NOT OPTIMISTIC

And in Africa the long drought conditions. International relief agencies forecast that the effects in coming months could be more severe than ever because the people have been weakened by previous years of deprivation.

Before this year is out, many food experts fear, the soaring curve of food consumption will have overtaken the gentler slope of food production for the vast majority of the world's people, bringing more of mankind to hunger than ever before.

Many food and international relief experts say privately that they are not optimistic about how fast the rich countries will respond to a large famine. "It may take 50 or 100 million deaths before people are moved to find some kind of effective, long-term solution," one foundation official said.

A number of experts believe that the crisis may try the humanitarian potential of the American people—who control the world's largest source of food—as never before. Increasing social and political pressures within affected countries and growing stresses on "business as usual" international trading practices may test to the limit the ability of world leaders to cooperate.

Addeke Boerma, director general of the United Nations' Food and Agriculture Organization, said that the international community must soon come to terms with "the stark realities facing the people of this planet."

"Remember," Mr. Boerma said, "that, for one thing, prolonged deprivation leads people to desperation. Desperation often leads them to violence. And violence, as we all know, thrives on enlarged prospects of breaking down restraints including those of national frontiers."

Norman Borlaug often warns of the same thing when he says, "You can't build peace on empty stomaches."

The growing food shortage began to become critical in 1972, when a lack of rain in many countries led to poor crops. World grain production fell 4 per cent, a significant drop because the demand for food grows by 2 per cent each year. Drought in the Soviet Union caused that country to buy in 1973 one-fourth of the United States wheat crop.

"This small change was enough to cause violent responses in prices and shifting of foreign exchange expenditure and human suffering," said Lowell Hardin head of agricultural programs for the Ford Foundation, a major supporter of agricultural research.

Poor weather this year, coupled with the fertilizer shortage, is expected to limit crop yields sharply again. The effects will, of course, be felt most severely in countries where the nutrition levels are already inadequate.

Although areas of malnutrition exists in virtually all underdeveloped countries, by far the greatest food problems now exist among the 700 million people of India, Pakistan and Bangladesh. Other large problem areas are in the drought-stricken regions of Africa, in northeastern Brazil, among the Andean Indians, and in the poorer parts of Mexico and Central America.

The Overseas Development Council, a private "think tank" that studies the world food situation, estimates that one billion people suffer serious hunger at least part of the year. The F.A.O. estimates that 400 million people are malnourished, but adds that "a less conservative definition [of malnutrition] might double the figure."

According to the World Health Organization, ten million children under the age of 5 are now chronically and severely malnourished, and 90 million more are moderately affected. While undernourished children may remain alive for a while, they are extremely vulnerable to minor infectious diseases.

"Where death certificates are issued for preschool infants in the poor countries, death is generally attributed to measles, pneumonia, dysentery or some other disease when, in fact, these children were probably victims of malnutrition," said Lester Brown, senior fellow of the Overseas Development Council.

W.H.O. figures show that of all the deaths in the poor countries, more than half occur among children under five, and that the vast majority of these deaths, perhaps as many as 75 per cent, are due to malnutrition complicated by infection.

While most people recognize that protein deficiency is a major problem, few appreciate that many people also suffer from a lack of starchy foods, which supply calories for energy.

BELOW THE MINIMUM

"Average calorie intake in countries containing close to two-thirds of the world's people is below the nutritional minimum required for normal growth and activity," Dr. Brown said.

Even in countries where protein and calorie intake may be adequate, there can still be malnutrition due to deficiencies in one or more trace nutrients. W.H.O. authorities estimate that 700 million people now suffer iron deficiency anemia severely enough to impair their ability to work.

Every year hundreds of thousands of children, especially in Southeast Asia, go blind due to a lack of the leafy green or yellow vegetables that supply vitamin A.

Perhaps the most widely publicized recent hope for improving world food production is the controversial "Green Revolution," the use of new seed varieties that respond to irrigation and fertilizer with vastly increased crop yields.

Although the new, high-yielding strains involve mainly only two kinds of crops, wheat and rice, the potential benefits are significant because each of these grains supplies one-fifth of the world's food, more than any other source, plant or animal.

In Asia, where the situation is most critical, cereal grains, meaning wheat and rice almost exclusively, supply 74 per cent of the calories consumed. In North America, cereal grains supply only 24 per cent of the caloric intake. The difference is that North Americans and, increasingly Europeans and Japanese, consume large quantities of meat, milk and vegetables.

However, because much of the meat and dairy products consumed in the United States require grain for their production, the

average American diet requires about five times as much grain to be grown as does the average Indian diet.

The "Green Revolution" has been criticized as giving all the advantages of large-scale high-technology farmers who then squeeze out their smaller competitors. Because most of the world's farmers have been too poor to buy irrigating equipment and fertilizer and too isolated to get the needed technical advice, they have not taken advantage of the new farming methods as readily as have wealthier farmers.

NEW CREDIT SOUGHT

For these and other reasons, Green Revolution farming has not been practiced on one-half the arable land in any developing country, and in most of those countries it has been used on less than one-tenth the farmland.

Thus, agricultural researchers like Mr. Borlaug note, the full gains to be made through the Green Revolution have yet to be realized. Efforts are now under way through many agencies to develop credit mechanisms for small farmers to enable them to invest higher yields and to improve the teaching of new farming methods to small farmers.

In small countries where this has been done, such as Taiwan, where the average farm size is 2½ acres, it has been found that small farms outproduce the huge "agribusiness" farms of the United States. American farms yield an average of 3,050 pounds of grain per acre per year. Taiwanese farmers get 3,320 pounds.

While a long-term solution of the world food crisis depends on fundamental changes in the policies and practices of most small countries, the short-term solutions, many authorities feel, depend more on United States policy.

From the mid-nineteen-fifties to the nineteen-seventies, while the United States Government was buying surplus grain to keep market prices up, much of the developing world relied on this excess production to prevent famine. Through a change in Department of Agriculture policy, American grain reserves have now been largely eliminated.

To an extent greater than many people realized, it was American surpluses that stood as the world's buffer between enough to eat and famine. Now there is considerable controversy over whether the United States should reestablish large grain reserves or, as an alternative, contribute to a proposed world granary that famine-stricken nations could draw upon.

The debate includes concern over the impact of an American reserve on domestic prices, with the perennial conflict between farmers who want to sell for high prices and consumers who want to buy for low.

Although many food experts see a world grain reserve as essential in dealing with sporadic famines, most agree that, for the long range, even the vast productivity of American farms cannot forever make up the world's food deficits. Population is growing too large.

While every country produces all or most of the food it consumes only a handful produce much more than enough for domestic needs, thus providing large quantities for export. Besides the United States, the major food exporters include Canada, Australia and Argentina.

REALISTIC SOLUTION

For the long-term solutions, few experts see any realistic solution other than to intensify the agriculture within the developing countries, trying to make each country as nearly self sufficient as possible. The agronomists note that because agriculture in the United States and other developed countries is already operating near the limits of presently available technology, whatever gains that can be expected must come from improvement in the countries where agriculture remains poor.

However, the experts note, upgrading agriculture in the poor countries will not be easy, because that effort would depend on ample supplies of fertilizer (and the petroleum from which much fertilizer is made), irrigation equipment and know-how, new credit mechanisms and continuing plant-breeding programs to adapt the better strains to local climate conditions.

Much of this effort is becoming increasingly costly in a world of scarce resources and tight markets.

Many experts, such as George Harrar, a pioneer in breeding better food plants and a former president of the Rockefeller Foundation, see difficult conflicts between the humanitarian desire to rescue famine victims with food handouts and the need to increase incentives for poor countries to become more self-reliant in food.

"Why should we feed countries that won't feed themselves," Dr. Harrar often challenges.

While no one advocates abandoning innocent famile victims, many agree with Dr. Harrar that ways must be found to end the history of dependence on the United States for food that many small countries have had.

Because of the great complexity of the food problem, and because of the increasing interdependence of nations in matters of food, fertilizer, energy and raw materials, many authorities see a need to develop new world institutions to deal effectively with the problems.

Even then, most experts are not sanguine, for there remains the problem of population growth.

"I don't think there's any solution to the world food situation unless we get population stabilized," said Sterling Wortman, vice president of the Rockefeller Foundation. "Those of us who have been working to increase the food supply have never assumed we were doing any more than buying time."

[From the New York Times, July 26, 1974]

IN MIDWEST, DROUGHT WORSENS

(By Seth S. King)

CHICAGO, July 25.—A Midwestern drought has begun to reduce this year's corn and soybean crops and many farmers are hoping, some desperately, for rain this week to save them.

Hundred-degree temperatures have taken their toll on the crops and have shriveled the grass on the cattle ranges. Even if rain comes the price of beef is likely to rise later this year because the smaller crop will increase the cost of feeding the cattle.

In parts of the corn belt, crops that escaped the spring deluges were still thriving. Rain in the next week could save the corn and soybeans harvests in many other areas, though the yields would be below average.

But in eastern Nebraska, where about half of the corn crop is not irrigated, drought damage has been so severe that many farmers were giving up and cutting the stunted plants for silage.

In southwestern Iowa, where the corn is now in the delicate pollination phase, Agriculture Department agronomists say that the crop will be badly damaged if it does not rain within six days.

In many areas soybean crops were already behind schedule because rain delayed spring planting. But soybeans withstand heat and lack of rain better than corn. If it rains during the next two weeks, the soybean crops will survive.

OVER-ALL PICTURE BRIGHTER

While scattered drought conditions will result in serious losses for some grain farmers and a lower total corn and soybean crop than the Agriculture Department was expecting earlier this month, there was no threat of food shortages in the United States.

"It's certainly serious for some farmers, but it's by no means a catastrophe yet," said Rod Turnbull, spokesman for the Kansas City Board of Trade and a former farmer editor of The Kansas City Star.

"We've already harvested the biggest winter wheat crop in our history and while the spring-planted wheat may be hurt some, we could still get the biggest total wheat crop we're ever raised in this country," he said.

Only a fraction of the wheat crop is used for livestock or poultry feed. Corn and sorghum, supplemented with soybean meal, are the basic feeds. Smaller production of these crops will certainly mean higher feed costs for cattle, hog and poultry raisers.

Feed-grain prices are already at record levels and many cattle and hog feeders, to cut their losses, have been reducing the numbers of animals they are fattening.

HIGH HOPES DASHED

With all planting restrictions off this year, the Agriculture Department was hoping for bumper corn and soybeans crops, lower feed grain prices, and a resulting increase in cattle, hog, and poultry supplies this fall, which should have resulted in lower prices for the consumer.

But in many parts of the Middle West, torrential spring rains washed out some corn and delayed soybean plantings. Now some of these same areas are dangerously short of rain and the severe heat of the last two weeks has made the threat to the late-planted crops even greater.

The Agriculture Department, which had originally forecast a corn crop for October of 6.6 billion bushels, revised this in the middle of July to a range of 5.95 billion to 6.35 billion. The Department also reduced its soybean outlook from 1.5 billion bushels to a range of 1.39 billion to 1.47 billion bushels.

Today, private grain-trade forecasters thought the heat and drought could cut the corn crop to 5.5 billion bushels. They were more cautious in estimating the soybean crop, but believed it could still come within the Agriculture Department's outlook.

But even a drop to a 5.5 billion yield would mean a crop as large as that of 1970.

POSSIBLE EFFECT

If the heat and lack of rain continue to damage range grasses, many ranchers in western Nebraska and eastern Colorado will have to send unfattened cattle off their pastures and directly to the stockyards.

This would mean financial losses for them and a further decline in live beef prices. But it would also mean even fewer cattle going into feed lots and an even sharper drop in the supply of prime and choice grade beef for consumers this winter.

The grass is deteriorating badly all through the western Nebraska ranges," according to Duane Foote, a University of Nebraska agronomist. "We haven't as yet seen any big movement of cattle off these ranges," he said today. "But a lot of ranchers won't be able to hang onto them much longer if they don't get some good soaking rains soon."

[From Newsweek, Aug. 5, 1974]

AFRICA'S DISASTROUS DROUGHT

(By Andrew Jaffe)

On the outskirts of Niamey, the capital of Niger, 20,000 nomads cluster in a pocket of disease and pestilence that passes for a refugee camp. The smelly four-day-old carcass of a donkey rots in the sun near the camp's main waterhole, and children—their bellies bulging from untreated parasites—play nearby. "There is almost no malnutrition here," says a complacent Red Cross worker. But just then several mothers pass by carrying babies with yellowish hair and skin like papier mâché. They are suffering from marasmus—progressive emaciation.

At a camp in Dessiye, Ethiopia, 6,000 barefoot peasants huddle together for warmth as they wait for food. Some are half naked;

others cling to rags so filthy that they are alive with flies and lice. Many of the children show signs of pneumonia and tuberculosis, and much of the camp is afflicted with crippling diarrhea. To while away the time, the children make long whips out of hemp and then lash each other in cruel delight.

In camps across north-central Africa, 1.5 million men, women and children are leading a brink-of-death existence. They are refugees from the great drought that has scourged sixteen African nations for several years (map, page 59). At best the camps provide the barest food and health care; at worst, they are hellholes. But the Africans who inhabit the camps are, in a way, the lucky ones. Another million Africans have already died of hunger and disease. Five to 10 million more are starving in the African bush or the slums of drought-area towns. The African drought is one of the great catastrophes of the twentieth century. And the response of the world community and the African governments themselves has, in many ways, only compounded the tragedy.

The drought began in the Sahel—an arid savanna that stretches across six nations on the southern fringe of the Sahara desert. The natives of the Sahel are among the world's poorest people—ragged, cattle-raising nomads and subsistence farmers. When the region's meager rainfall failed in 1968—the result of a change in the global weather pattern—25 million Africans were soon hard pressed for a living. As the brutal dry spell continued and desperate nomads cut down trees and shrubs to feed their starving cattle, the Sahara itself moved southward at a rate of 30 miles a year. Eventually the drought spread east into the provinces of northern Ethiopia. "We have eaten more sand this year than in our thirteen years here," one European missionary in Western Niger told me. "There is not enough vegetation to hold back the desert." Today, in an area the size of the continental U.S., the streams and watersheds of north central Africa are dusty, rocky beds. Even Lake Chad, one of Africa's principal bodies of water, has been reduced to a sea of mud and small ponds.

The reaction to the drought is an unedifying tale of official incompetence and inactivity. As herds died, hungry Africans by the hundreds of thousands began to drift to the edges of towns and cities. But the pride—or terror—of the governments concerned kept them from admitting the scope of the problem or sounding a timely alarm. This was particularly true in Ethiopia, where local officials long ago reported to the Cabinet that a northern famine had begun. When frantic men, women and children fleeing drought-stricken Wollo province appeared near Addis Ababa, authorities locked them up and left them to starve. A military coup has since overthrown the government of Ethiopia, and an investigation of this official indifference to the famine is under way.

Hushed Up: To make matters worse, the vaunted "early warning system" of the U.N. Food and Agriculture Organization (FAO) first began reporting crop failures and food shortages in the Sahel in September 1972—years *after* they began. Though by then the situation was critical, it was a full eight months before FAO Director-General A. H. Boerma set up a five-man Office of Sahelian Relief Operations (OSRO) in Rome. In the case of Ethiopia, fear of offending Emperor Haile Selassie even led U.N. officials to hush up field reports that drought and hunger were affecting millions.

Not until last autumn did the FAO and experts from major industrial states survey the African drought region to determine the needs of each nation. The experts' figures—showing a need for nearly a million tons of food grain—were accurate enough. But the FAO failed to collate the data and organize a shipping schedule for donor nations until last February. Why the delay? OSRO chief J.V.A. Nehemiah's answer was candid if startling. "It's not such a long delay if you take into account that we had to break for the Christmas holiday," he explained. And U.N. coordinator in Niger Alexander Rotival lays blame at the door of the donor nations themselves. "In December and January we had almost no food coming in," he says. "Was it necessary for the donors to wait for us to finish before they started shipping?"

This delay has certainly cost lives. And it has increased the relief bill by millions of dollars. In June, for instance, the U.S. began an airlift of grain from Bamako to the wasted region of Mali around Timbuktu. Early this year, when the Niger River was navigable, supplies could have been moved for about $80 per ton. But now Mali's food needs are so urgent that emergency measures have become a necessity. According to the FAO, the airlift the U.S. has organized may come to $900 a ton. And a truck convoy that European nations have dispatched south across the Sahara from Algeria will cost more than $200 a ton.

BADGER

The relief effort that has been mounted is gigantic in scope. More than 120,000 tons of food a month are flowing from the U.S., Europe and Asia to the African interior. A small band of men share credit for finally getting the operation off the ground. One is former U.S. Ambassador to Mali Robert Blake. The State Department has never been overly concerned with the small and nonstrategic nations of north-central Africa, and Blake had to badger Washington for six months to shake loose funds for Malian disaster relief. Stephen Green, an American working for UNICEF, the U.N. children's agency, is the man responsible for first exposing the extent of starvation in northern Ethiopia. (The U.N. has since told Green, in effect, that his career as an international civil servant is probably finished.) And indefatigable Trevor Page, OSRO's 33-year-old British logistics officer, has managed to bully donors into line, break through bottlenecks all over Africa and personally set in motion the trans-Sahara truck convoy across Algeria.

But enormous problems remain. The food en route is grossly inadequate for the Africans' needs. And many drought victims are now so weakened from lack of nourishment that they are dying of simple afflictions like diarrhea. In the meantime, 200,000 tons of grain are stacked at the ports of West Africa waiting to be distributed. When I toured the area, some of the food had already rotted from improper warehousing. Much of the blame for this lies with the Africans themselves. Recently, for example, the FAO discovered that food bound for Chad was stalled at the Nigeria-Chad border. The reason: the wife of Chad's President owns the national truck monopoly and she wanted to ferry the food into Chad on her own trucks—at twice the going freight rate.

Furthermore, current relief projects deal only with short-term needs. In the view of experts, a coordinated master plan for water conservancy and land use is what north-central Africa really needs. That, of course, would be very costly. "What is required is probably $10 billion over a 25-year period," says Dr. Edward Fei, AID's regional coordinator for Africa. One partial solution would be to resettle nomadic tribes on newly developed farmland. But that idea is bound to meet with resistance from the nomads themselves. "We would rather die than leave the desert," the son of one Tuareg chief in Niger told me.

Reticent: African governments are not enthusiastic about joint, long-range planning either. Each is pursuing its own interest and when a master plan is suggested, officials react much like Senegal's Planning Minister, Ousmane Seck. "What we are afraid of," says Seck, "is that some of the developed countries will impose priorities on us that only benefit their economies".

Within the next few weeks, the need to solve Africa's water crisis will be dramatically highlighted by nature. The scanty rains that annually water the Sahel and neighboring regions will descend in a sudden flood. The torrent will wash out roads—and thus make the delivery of relief even harder. And ironically, if the rainy season amounts to anything this year, it may actually leave the Africans worse off than a continued drought would. For the chances are that a marginal crop will emerge from an extended rainfall. And then the world community, which is already tiring of its $500 million African relief effort, may seize the occasion to ignore the catastrophic drought and its victims. "What worries me," says one British relief worker in Upper Volta, "is that this year's rain may be a bit better. Then interest in the Sahel will dim. And people will forget the African drought before any permanent solution has got started."

[From the New York Times, July 29, 1974]

TWO U.S. AGENCIES SPLIT ON SUB-SAHARAN HUNGER

(By Leslie H. Gelb)

WASHINGTON, July 26.—Two major departments within the Nixon Administration cannot agree whether the hunger problem in sub-Saharan Africa is getting better or worse, and one of these agencies cannot even agree within itself.

An internal report of the Agency for International Development, released by Senator Edward M. Kennedy today, states that "the great drought is continuing to have catastrophic consequences." Yet a high Agriculture Department official told a Congressional committee last week that the situation was under control and "mass starvation averted."

To complicate matters, Donald S. Brown, deputy aid administrator for Africa, seems to disagree with his own staff's report. Calling it in a telephone interview a "draft report" that was going to be submitted to Congress anyway, Mr. Brown said that the problem of malnutrition and food distribution in sub-Sahara Africa had "vastly improved."

COMMENT BY KENNEDY

Senator Kennedy, Democrat of Massachusetts and chairman of the Senate subcommittee on refugees, said today in making public the report, "Famine conditions in Africa are spreading, and death and new catastrophe threaten millions of people in the Sahel and other parts of the continent."

He called on the Nixon Administration to "redouble its efforts in behalf of humanitarian relief and rehabilitation needs, and to speed up its use of special Congressional funds for this purpose."

According to the Senator's staff, the aid report was written on June 25 and is based upon United Nations surveys, American Government field studies, official cablegrams and reports of various voluntary agencies.

A copy of the report was made available to The New York Times. Its principal findings are the following:

While firm data are "almost impossible to obtain," the Health, Education and Welfare Department's center for disease control estimated that as many as 100,000 people may have died.

"It is obvious that this year the cumulative impact of inadequate or bare subsistence diets will leave many more susceptible to disease and more likely to succumb to it."

Seventy-six thousand metric tons of grain are currently backlogged at the port of Dakar, which serves Mali, Mauritania, Senegal and Niger. At the current rate of delivery of 13,000 tons a month, it will take six months to send this food to the country. Deliveries from Lagos in Nigeria will take over a year.

"The loss of livestock is uncalculable." The report goes on to state that known

amounts of grain allocated to the area so far in 1973–74 by all donors "total over a half a million tons, or only 85 per cent of the estimated needs prior to the October harvests." The United States is providing about 45 per cent of this total, but not all has been shipped, according to the report.

Mr. Brown, who initially could not recollect this specific report, said, "Disease and malnutrition are substantially less than a year ago."

This view was closer to the position taken by Don Paarlberg, director of agricultural economics in the Department of Agriculture, in his testimony on July 23, 1974, before the House Agricultural Subcommittee on Operations.

In his testimony, Mr. Paarlberg said that the situation "could have been much worse." Of the quarter-million tons that Washington has pledged to the afflicted countries, Mr. Paarlberg said, "90 per cent has already arrived in West African ports."

"Because of United States experience and assistance in dealing with such emergencies," he continued, "bottlenecks have been eliminated, large quantities made available and mass starvation averted."

Mr. Paarlberg cited sub-Saharan Africa to support the point that "famine is not new but our ability to do something about it is."

Senator Kennedy said "The sense of urgency dramatized by conditions in the field is not fully reflected in the policies, priorities and programs of aid." He continued, "Although the record shows some meaningful progress in recent months, the fact remains that our Government's actions are too often belated and bogged down in bureaucratic red tape and indecision."

[From the New York Times, July 29, 1974]

SOVIET WHEAT SALE "INEPTLY MANAGED" SENATE PANEL SAYS

WASHINGTON, July 28.—Senate investigators charged grain sale to the Soviet Union in 1972 was "ineptly managed" from start to finish.

As a result, they said, taxpayers' money went to waste, food prices increased and public confusion resulted.

The conclusion was reached by the Senate Permanent Investigations subcommittee on the basis of a long inquiry and a series of public hearings.

In the summer of 1972, the Soviet Union bought more than 700 million bushels of grain from the United States, including 25 per cent of the nation's wheat crop.

GREAT GRAIN ROBBERY

Henry M. Jackson, Democrat of Washington, chairman of the subcommittee, charged that "the great American grain robbery" was born, nurtured and consummated in a climate of secrecy and bureaucratic negligence. "The Russians and the large grain companies reaped the major benefits," he said.

Senator Charles H. Percy of Illinois, the ranking Republcan on the panel, said that "out of the Russian grain deal, U.S. consumers got product shortages and higher prices."

The report said that Earl L. Butz, who was then Secretary of Agriculture, had seriously underestimated the impact of the sales.

The report said the deal had created a shortage in domestic supplies, which drove up the price of flour-based products. It also raised the price of feed grains, and thereby the costs of meat, poultry and dairy products.

[From the Wall Street Journal, July 29, 1974]

FARM EXPORT SUBSIDIES SHOULD HAVE TIGHTER CONTROLS, PANEL URGES

WASHINGTON.—A Senate subcommittee urged legislation tightening up the Agriculture Department's money spigot for farm export subsidies, based on a long investigation of the 1972 grain deal with the Russians.

The Senate Government Operations Investigating Subcommittee said it didn't find any evidence of conflict-of-interest or other wrongdoing on the part of federal officials in the massive sale of 700 million bushels of grain to the Soviet Union that year. But the subcommittee accused the Agriculture Department of plenty of bureaucratic bungling.

"At virtually every step," said the subcommittee's report, "from the initial planning of the sale to the subsidy that helped support them, the grain sales were ineptly managed. The result was public confusion, waste of taxpayers' dollars and higher food prices."

The subcommittee especially was critical of what it estimated as a $300 million payment in export subsidies to private U.S. grain traders that year. The subsidies, originally intended to encourage grain companies to sell wheat at "world" prices lower than the U.S. domestic price, were stopped after White House budget officials decided the heavy shipments to Russia made them unnecessary.

The Secretary of Agriculture currently decides whether to pay an export subsidy and how much it should be. While the wheat subsidy still isn't being paid, the subcommittee said a more formal decision-making method should be followed if an Agriculture Secretary ever wants to resume it.

The panel said legislation is needed requiring that the final decision be made in the form of a presidential Executive Order. Before the order is published, the new law would require the Agriculture Department to hold a public hearing to get opinions for and against the proposed subsidy. The subcommittee also said new government reporting systems are needed to help officials keep track of subsidies paid, and of private export deals that are in the works.

The subcommittee is chaired by Sen. Henry Jackson (D., Wash.). A skeptic of detente with the Soviet Union, Sen. Jackson in a separate statement was harshly critical of what he called "the Great American grain robbery" of 1972.

But the nine-member subcommittee's unanimous report used more restrained language.

"The subcommittee," said the report, "finds no fault with the decision made by President Nixon to use farm exports as a means to improve relations with the Soviet Union, and other nations, offset U.S. trade imbalances and enhance the financial position of American farmers. These are worthwhile goals. To the extent that they were achieved, the administration is to be commended."

[From the Wall Street Journal, July 29, 1974]

DROUGHT MAY KEEP CORN CROP BELOW 1973, PUTTING PRESSURE ON RETAIL FOOD PRICES

(By Norman H. Fischer)

CHICAGO.—Eight weeks ago, the nation's corn farmers were hoping the rain would stop. Now they wish it would start again.

Severe drought has taken a heavy toll on large parts of the Corn Belt, compounding the damage from earlier flooding. "Feed crops are burned up," lamented Alfred Bond, a manager for Goodpasture Inc., a feed-grain handler in Brownfield, Texas. "Farmers will be lucky to get 25% of last year's grain sorghum crop. This is the driest spell we've had in 20 years."

Before the rains came the Agriculture Department spoke optimistically of a record 6.7 billion-bushel corn crop. Thursday, the department said now it expects 5.95 billion to 6.22 billion bushels. But interviews with farm managers, agronomists, users and crop observers indicated the situation has deteriorated so much in the past two weeks that output may fall below last year's 5.6 billion bushels. At least, they said, the crop will come in at just under 5.9 billion bushels.

That spells trouble because corn is the most important feed ingredient in producing beef, pork, poultry, eggs and milk. Government economists were counting on a bumper crop this year to end sharply rising food costs.

But that hope has just about evaporated in the dry, 100-degree heat around the Midwest. Retail food prices once again may approach the record levels of last summer, economists said.

Corn prices at Chicago are already at record levels. Friday, No. 2 yellow corn, a key grade, was quoted at $3.66¼ a bushel, up $1.14 from early May and around 30 cents higher than the previous peak in February.

EXPECT $4 CORN BEFORE LONG

Traders and corn users said they believe that $4-a-bushel corn is likely before long and $4.50 corn isn't out of the question. Corn futures on the Chicago Board of Trade have moved up the daily 10-cent-a-bushed limit in seven of the past eight trading sessions because of deteriorating crop conditions.

As corn prices have climbed, so have prices of other feeds. Soybean meal, for instance, which was selling in Decatur, Ill., for about $93 a ton as recently as a month ago, has more than doubled in price. Two of the Midwest's biggest feed manufacturers, Ralston-Purina Co. and Allied Mills Inc., are raising prices another 10% today. Both have been boosting prices over the past few weeks. In spite of this, demand has held up surprisingly well, they said, with many livestock producers apparently building inventories in anticipation of still higher prices.

Livestock producers normally could have counted on larger supplies of corn left over from earlier crops to help ease their plight. But because of heavy export demand and large numbers of livestock on feed, the Agriculture Department predicts a carry-over of only about 425 million bushels at Sept. 30, when the new crop officially comes in; that would be the smallest carry-over in 26 years. The National Corn Growers Association is more pessimistic. It thinks the supply of "old corn" will be closer to 353 million bushels.

Feed generally accounts for 60% to 75% of the total cost of producing meat, poultry and the like. "If corn goes to $4, I'll have to get near $55 a hundredweight for my hogs to make any profit," estimated one central Illinois livestock farmer. "If I don't get it, I just won't produce." Live hog prices currently peaking at about $37 a hundredweight at Omaha and East St. Louis.

SOME TIMELY RAIN WOULD HELP

Farmers say some timely rain would ease their situation considerably.

There's little reason for optimism, though. There have been some scattered showers in the past week in the Corn Belt, but extended forecasts call for more hot weather. Some crop observers said rain at this time still wouldn't be likely to boost the crop size much beyond 5.7 billion bushels. "Things are just too far gone to make up the losses," said an official of the corn growers association.

Sections of Nebraka, Iowa, Illinois, Indiana and some other states all have been hurt by drought. Some of these areas were planted late because of spring flooding. Corn, whose growth was stunted by wet weather, now is only four to five feet high there when it should be at least seven feet.

Eastern Nebraska has been particularly hard hit. "Things looked pretty bright a few weeks ago, but that was a few weeks ago," said Hugh L. Tinley, vice president of Farmers National Co., an Omaha-based farm-management concern. Half of the state's 6.3 million planted acres aren't irrigated and are expected to yield a maximum of 25 bushels an acre, he said. As a result, the

state's corn crop may come in at about 380 million bushels, down from 544 million bushels last year, he predicted.

Things aren't all bad, however. Some areas still expect bumper crops, including parts of Ohio, Iowa and Minnesota.

[From the Washington Post, July 31, 1974]

CORN PRICE GAIN STOPS

(By Jack Egan)

Corn future prices broke their rapid advance yesterday dropping from record levels on the country's commodities exchanges. But continued drought conditions over large parts of the corn belt make further price increases likely for the nation's No. One feed grain, unless soon relieved by rain, traders said.

The Agriculture Department, in its weekly weather report, said development of the corn crop was retarded because "limited soil moisture and hot, dry weather, particularly in the western corn belt, continues to put stress" on the crop.

Corn is primarily used to feed hogs, cattle and poultry and only secondarily for direct human consumption. Corn prices are thus a major determinant of future meat, egg and dairy prices. It is estimated that feed accounts for anywhere from two-thirds to three-fourths of the cost of red meat production, for example.

Earlier this year, the Agriculture Department predicted a 6.7-billion-bushel corn crop, and anticipation of what would have been by far a record harvest dropped corn prices about $1 from their February peaks to about $2.50 a bushel by early May.

However, weather has played havoc with harvest prospects since then and corn has risen nearly 50 percent to more than $3.70 a bushel in both cash and futures markets. Excessive rains during May delayed plantings, not only of corn but also of soybeans. Hot and dry weather subsequently has lowered prospective yields and, as a result, harvest projections have been reduced steadily downward.

The USDA recently forecast a corn harvest in a range of 5.95 billion to 6.22 billion bushels. But the department's deputy chief economist, Dawson Ahalt, conceded yesterday that it was "getting more difficult every day" to meet even the low end of the prediction because of deterioration in crop prospects since the estimate came out.

Ahalt noted that a few days of rain in the Midwest farm areas could rapidly change the picture and bring corn prices down substantially. "If we get the moisture, we are still not in an irreversible position," Ahalt said.

The National Corn Growers Association has lowered its harvest projection to 5.2 billion bushels. Ahalt said this was far too low. Other crop watchers, however, say it is unlikely that this year's harvest will exceed last year's 5.6-billion-bushel record by very much.

One reason for the extreme price volatility of the grain markets, including corn, is that U.S. carryover stocks will be the lowest in more than a quarter of a century. The predicted 428-million-bushel corn carryover this fall would be the lowest in 26 years.

Corn prices on the Chicago Board of Trade, the country's biggest commodities exchange, yesterday dropped by 4.5 cents a bushel on the September delivery contract and by 10 cents a bushel on the December contract, the daily permissible limit. Trading in corn and soybeans swung over a wide range, going up and down the daily limit within a short period after the opening and fluctuating again afterward.

One source indicated that the primary reason for the price break in corn—after daily-limit 10-cent advances in eight of the last nine sessions—was primarily profit taking, and the rising trend could easily resume. Another source pointed to the possibility of rain in the corn belt by the weekend in the weather bureau's five-day forecast as another reason for the break.

An economist in the USDA economic research service pointed out that, while supply prospects for the corn harvest have been dwindling, demand also has been declining with a decrease in the number of hogs, cattle and other livestock currently on feed, partly because of recent high feed prices.

In addition, he noted that exports of corn also have been slack compared to last summer's torrid pace. "Demand is actually weak," he said, adding that the situation in the futures markets is "a little bit too wild."

He said that if corn and other feed prices remain at their present high levels, there would be resistance from the livestock and poultry industry which eventually could lead to smaller supplies of meat—and higher prices—as fewer cattle are put on feed, and hog farmers decide to breed fewer pigs. The effect would not be seen for many months.

Ahalt, however, said it was much too early to tell if the present high prices are having any effect yet on demand for corn.

[From the Washington Post, July 12, 1974]

U.S. LOWERS WHEAT ESTIMATE; HIGHER PRICES SEEN ENSUING

(By Jack Egan)

The Agriculture Department yesterday sharply lowered its estimate of this year's wheat harvest—by 150 million bushels or 7 per cent—because of recent bad weather in growing areas. It also cut the number of corn and soybean acres it expects U.S. farmers to harvest this fall.

The news contained in the eagerly awaited July crop production report is almost certain to increase prices for these fundamental food and feed grains in the short run. It also dims administration hopes for bumper harvests large enough to moderate the current rate of inflation.

The latest USDA wheat projection totals 1.925 billion bushels (including both winter and spring wheat harvests), up 12 per cent from last year's record but down significantly from the 2.074 billion bushels the Agriculture Department predicted only a few weeks ago. This in turn was down from the nearly 2.2 billion-bushel wheat harvest the USDA expected in May, when the winter wheat harvest started.

The department's crop reporting board said the revised figure was the result of "continued dry weather in some areas, excess moisture in others, and advancing disease damage."

Wheat, a staple in most diets in the form of baked goods, has fluctuated spectacularly in price in the last year. It rose from $2.50 a bushel last July to nearly $6.50 a bushel in the early part of 1974, largely on the basis of heavy export demand. Some groups expressed fears that exports could lead to a shortage of wheat in this country.

When it became apparent that there would be sufficient wheat for domestic needs and when this year's harvest came into view with early optimistic projections, the price plunged to around $3.50 a bushel in May. It has since returned to the neighborhood of $4.50 a bushel, still high by historical standards.

The USDA predicted that 67.6 million acres of corn will be harvested this fall, down from the 68.3 million acres projected earlier but up 9 per cent from 1973. Soybean acreage was put at 52.5 million acres, down from the earlier forecast of 55 million based on farmers' intentions in March and a decrease from last year's 57.3 million acres.

The Agriculture Department made no official harvest estimate for either corn or soybeans in yesterday's crop report. The first official forecast based on samplings of the condition of these crops in the field comes out a month from now. But the USDA is expected to issue a range of possible yields in today's supply and demand situation outlook report.

However, the department several weeks ago predicted a 6.4 billion-bushel corn harvest, down in turn from an earlier projection of 6.7 billion bushels. Bad weather in the corn belt during planting has caused both estimates to be greeted with skepticism by both farmers and those in the grain trade.

The head of the National Corn Growers Association Wednesday said this year's corn crop is in worse shape than any other in a decade because of losses from hail, water and erosion.

"I don't know anyone who would look at this crop that would estimate it would come out at 6.4 billion bushels," Washington agriculture consultant Howard J. Hjort, said, commenting on the corn situation. "People are estimating between 5.8 billion to 6.2 billion," he said. "Only the Agriculture Department sees 6.4 billion."

He added that recent downward revisions in corn and wheat estimates are "one of the most dramatic deteriorations in crop prospects that we've ever seen in the United States in such a short period."

Don Paarlberg, chief economist for the USDA, conceded that "delayed plantings are likely to reduce the yield below trend projections" for corn. He said that feared fuel and fertilizer shortages will not have a major impact. "The big difference is old man weather," he said, noting some improvement in weather in the corn belt in the past 10 days.

Last year's corn crop was a record 5.6 billion bushels.

[From the Washington Post, July 29, 1974]

BUTZ' JUDGMENT BLAMED IN WHEAT DEAL

(By Ralph Dannheisser)

Inefficiency and bad judgment by top officials of the Agriculture Department made the massive 1972 Russian wheat deal a disaster for the American public, a Senate panel charged yesterday.

In its final report on the controversial sale of U.S. grain to the Soviet Union, Sen. Henry M. Jackson's (D-Wash.) Permanent Investigations Subcommittee singled Earl L. Butz and two former assistant secretaries, Clarence Palmby and Carroll Brunthaver, for special responsibility for what it called a $300 million error in judgment."

That was the amount the government channeled to six grain trading firms in the form of export subsidies that never should have been paid, according to the subcommittee.

The report depicts the Commodity Exchange Authority as "derelict in its oversight responsibility" in mishandling the investigation of possible market manipulation by some of those companies in order to boost the subsidy level.

At issue is the purchase by the Soviet Union of more than 700 million tons of U.S. grains, including almost 440 million tons of wheat.

The subcommittee report follows hearings last summer and fall on the grain deal, which critics said depleted American reserves, created farm-product shortages and forced up food prices for American consumers.

Jackson endorsed that position in releasing the report, saying the grain deal was the cause of the present crisis in the livestock industry.

The Senate panel said it found no fault with President Nixon's decision to use U.S. farm exports as a means of improving relations with the Soviet Union, improving the U.S. trade balance and boosting American farm income.

But the sale became "an illustration of how, in pursuit of a worthwhile goal, govern-

ment programs and officials can go astray," it said.

"At virtually every step, from the initial planning of the sales to the subsidy that helped support them, the grain sales were ineptly managed. The result was public confusion, waste of taxpayers' dollars and higher food prices."

It charged the Agriculture Department showed "a total lack of planning . . . prior to the largest grain sale in American history.

The magnitude of the sale, unanticipated by Butz and other officials, created a shortage of domestic supplies which resulted not only in higher prices for bread and flour-based products in the United States, but also in price boosts for beef, pork, poultry, eggs and dairy products reflecting higher feed costs, the panel reported.

The subcommittee said wheat subsidies maintained by the Agriculture Department through August, 1972, were unjustified and had cost American taxpayers $300 million.

It found "the responsibility for this $300 million error in judgment lies first of all with . . . (Palmby), who failed to consider the wheat export subsidy in planning for the Russian grain sale, and secondly with . . . (Brunthaver), who made verbal commitments to the grain export companies in July, 1972, that the wheat export subsidy would be continued indefinitely without any consultation or evaluation of the effect of such a commitment.

But it added:

"The overall responsibility must, of course, fall on the Secretary of Agriculture, Earl Butz, who testified that he approved continuation of the subsidy."

Among the subcommittee's recommendations in its 67-page report are:

Passage of legislation to prohibit imposition of export subsidies on any agricultural commodity without a prior public hearing by the Agriculture Department;

Establishment of an independent commodity exchange commission patterned on the Securities and Exchange Commission, to replace the present Commodity Exchange Authority;

Creation of a task force, drawing its membership from all government agencies concerned with the nation's economy, to coordinate the federal role in any future transactions like the grain deal.

Preparation by the Agriculture Department and the Council of Economic Advisers of a five-year projection of U.S. supply and demand of all grains, to be submitted each year beginning in 1975.

[From the New York Times, July 31, 1974]

DROUGHT CONTINUES TO CUT PROSPECTS FOR GRAIN CROP

WASHINGTON, July 30—The drought that has sent crop prospects down and grain prices up continued to plague wide areas of the nation's grain belt last week, the Agriculture Department said today.

The agency's weekly crop weather report said rains and near-normal temperature helped corn in part of Illinois, Iowa, Michigan, Minnesota and Wisconsin last week. However, the report said more rain is needed to permit good development of the crop.

Over-all, the report added that progress of the corn crop—the key raw material for future supplies of meat and other livestock products—was slow because "limited soil moisture and hot, dry weather, particularly in the Western corn belt, continues to put stress on [the] crop."

POSSIBLE RECORD SEEN

"Corn in Western Iowa as well as dryland corn in Nebraska and Kansas has been hurt considerably by the prolonged dry spell . . . top soil moisture supplies are now rated mostly short from Nebraska to Ohio," the report said.

Earlier this year, Administration officials had forecast a possible record 6.7 billion bushel crop and a 2.2 billion bushel wheat crop to rebuild reserves, currently at levels considered dangerously low.

But on the heels of a wet spring, which reduced corn planting and a summer drought, which is cutting yields, the Agriculture Department has already cut its corn projection to a range of 5.950 billion to 6.220 billion bushels—still a record, but not as much above potential needs in the coming year as officials had hoped.

DROUGHT RAMIFICATIONS

The weekly crop-weather report also indicated that the 1974 wheat crop estimated currently at 1.925 billion bushels, may be reduced further. It said the drought is continuing to reduce yield prospects for late-planted spring grains, including spring wheat.

The report also said soybean development continued behind last year although gains were made last week.

The drought also is drying up pastures in the mid-part of the country and cows are being shipped to market from some pastures and ranges in part of Kansas, Oklahoma and Texas, experts said. In some areas, ranchers are having to haul water to their cattle on parched grazing lands.

Mr. JAVITS. Mr. President, I think we have debated this. If my colleagues are agreeable, I am prepared to yield back the remainder of my time.

Mr. YOUNG. Will the Senator yield?

Mr. PACKWOOD. I yield.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 3 minutes on the bill.

Mr. YOUNG. I am concerned about this amendment in that it would require the Secretary of Agriculture to make reports about the adequacy of any farm commodity. If the Secretary had to make a report that a certain commodity was in short supply, immediately futures prices would go up. Then the demand would be on to apply export controls. I think it works against what the Senator is trying to accomplish.

The farming industry is probably the only free enterprise we have. We have millions of farmers competing against each other. This year, if we had a good crop year, you would have a big crop and lower prices, much lower than they are now. Only lack of rain over a wide area this year prevented a big crop—surpluses and lower prices.

But the very fact the Secretary of Agriculture would have to report a crop in short supply, being on the free market, the futures would skyrocket. You would have high prices and a great demand for export controls. Export controls did not work on soybeans and they will not work on any other commodity.

Mr. JAVITS. Mr. President, I have not yielded my time. I yield myself 3 minutes.

Mr. President, may I say first——

Mr. YOUNG. Has my time expired?

Mr. JAVITS. I will yield to the Senator in a moment.

May I say first on this proposition that the reports are provided for in the bill every quarter. There is a tremendous amount of reporting done in this field. All the speculators figure out whatever they wish, whether they think there will be or will not be a shortage. All I am saying is that a shortage is clearly indicated—and I would like the Senator to note I do not say is in short supply, but I say is likely to be—at least the Congress should have an opportunity. That puts it on the highest level.

We cannot, after all, sweep all of these things under the rug and operate in camera. We have to take some risks with the fact that the public is to be informed in the sense that the consumer and the country need to be protected, too.

Mr. HUMPHREY. Will the Senator yield?

Mr. JAVITS. I yield.

Mr. HUMPHREY. I think the Senator's amendment is meritorious. I spoke to the Senator earlier that I had a more precise amendment which I intended to offer.

It is a fact that the Department of Agriculture has been derelict in keeping track of the world food supply and the supply situation here at home. It is a fact that their estimates have not been accurate. Last year they estimated that the price of food would go up 3 percent; it went up 20 percent. They estimated at the start of this year that the corn crop would be 6.7 million bushels, and they will be lucky if it is 6 million bushels. I think what the Senator from New York is trying to do is commendable, but it needs to be done in more precise language.

I do not want to see embargos placed whether they are on agricultural or other commodities. I feel that the first duty of a Secretary of Agriculture is to the people of this country, and not somebody else.

May I say today that the rich Middle East countries could walk into the American market this afternoon and buy up the bulk of our crop, and leave us emptyhanded. It could happen right now, just as Iran bought a quarter of the Krupp firm the other day. They also may come in and decide to buy General Motors, the way it looks. They have the money.

But buying up our crops would be even worse, and they could do it before we got the information as to what had happened.

Mr. YOUNG. Would the Senator yield?

Mr. HUMPHREY. I think it is time we had some kind of monitoring and protection system for the American public. Of course, we could buy it back from them. They would raise the price on the wheat just as they did on the oil.

I yield, but I do not have control of the time.

The PRESIDING OFFICER. Who yields time? The Senator from New York has the floor.

Mr. JAVITS. I will yield to the Senator from North Dakota.

Mr. YOUNG. I have just one short question. The Middle East countries certainly do have the money to come in and buy up a lot of wheat, but the Secretary of Commerce would not issue export licenses. They would have to have export licenses.

Mr. HUMPHREY. No, they do not. There is no export license today required for wheat. The Cargill Co. or Continental Grain Co. could go ahead and sell as they did with the Russians.

What I want to offer is an amendment which will require that when your estimated crop carryover gets down to certain levels, you install a licensing system. A deal could be made in the back room of a hotel in New York City this afternoon for the export of 1 billion bushels of wheat, and we would be in serious trouble. The Senator knows it, and every Senator around knows it.

You would find out that it happened a couple of days or a week later, but in the meantime you might have to renege on your contract. I think that it is time that we had some protection for the American consumer and the American farmer.

Let me tell you, if they bought that wheat at $4.50 a bushel today, they would sell it back to us at $10. That is what they did with oil. The Russians can do the same thing. The price of gold has gone up and the Russians have a lot of gold.

I want some protection, and that is why I am going to offer an amendment. We need to find out whether this body is prepared to take care of the people of the United States of America, or whether we are more interested in the people of other nations.

The PRESIDING OFFICER. The gallery will be advised to observe the rules of the Senate. Occupants of the gallery are not allowed to demonstrate approval or disapproval.

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

The PRESIDING OFFICER. The Senator has 11 minutes remaining.

Mr. JAVITS. Mr. President, I yield 4 or 5 minutes to the Senator from California.

Mr. President, may I thank Senator HUMPHREY? He is very eloquent on the subject. He helps me. I do not pretend to be an agricultural expert. He is, Senator YOUNG is, and Senator CURTIS is. But I am trying in a most basic way to see what we can do to recognize the interest of the consumer, subject to congressional action, the Secretary's action, or whatever. But at least we should begin to see that interest.

I yield to the Senator from California.

Mr. TUNNEY. I want to thank my distinguished colleague from New York for yielding to me.

Mr. President, I want to say I strongly support this amendment and the next amendment that I understand the distinguished Senator is going to offer.

Despite a period of the most severe shortages and intense inflationary pressure in the history of peacetime America, it seems to me that the economic policy-making procedures of our country have become essentially inoperative. Unlike any other major nation in the world, the United States has no consistent policy to protect its domestic economy against the ravagement by foreign cartels and governments operating outside of the constraint of the market forces, which we know in this country to be the foundation of our economic system.

I commend the Senator from New York for offering this amendment—and his next amendment—to broaden the criteria for imposition of export controls and to require the Secretaries of Agriculture and Commerce to do advance planning and policy development, so that in the future we can avoid the kind of crises that we have had in food and material supplies, which have had such a severe impact upon our economy.

Mr. President, California and New York are the major importing States, and I dare say that the Senator from New York and I yield to no one in our desire to promote free world trade. But the issue today is not free trade. The issue is whether or not the ample resources of the Commerce and the Agriculture Departments will be used to protect the vital interests of the American consumers.

I think the Senator from Minnesota has expressed his view very clearly, in a very cogent fashion, about what could happen to this economy, when nations that have extraordinary surpluses in their balance of payments and in their monetary reserves are able to come into this country and buy up essential industries. As the Senator from Minnesota has indicated, they have the money to be able to buy up our entire wheat production. What would that do to the American consumer and the price that the American consumer would have to pay for food?

Last summer, I chaired some hearings in California on the impact of food price inflation. I brought back to the Senate a hearing record that was filled with unbelievable tales of the kind of suffering that existed in California—and obviously it exists all around the Nation—as a result of the increase in food prices.

There were unbelievable tales of elderly people surviving on dog food; extraordinary stories of our hospitals eliminating essential medical services in order to be able to provide food for the residents of those hospitals. Many people in these residential hospitals were living on 65 cents a day. It is absolutely impossible for anyone to live on 65 cents a day and have any idea that their Government is treating them fairly.

Not only that—we heard stories of elderly people living in these hospitals who wanted to die rather than continue indefinitely in the future on a budget of 65 cents a day for food. As a matter of fact, we heard that some people were refusing to eat because they just wanted to die.

It is an absolute outrage that we do not have a better means of monitoring what is going on in this country with respect to exports. We all know what happened to food costs and why. We all know of the failure of the Department of Agriculture to assess properly the impact of the Russian grain deal.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. TUNNEY. I am strongly in support of the Senator's amendment, and the next one I understand he is going to offer, and I hope it will be adopted overwhelmingly.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I am prepared to yield back the remainder of my time.

Mr. HUMPHREY. Mr. President, I intend to offer an amendment in the nature of a substitute.

Mr. JAVITS. A second amendment, after this one is disposed of?

Mr. HUMPHREY. I intend to offer an amendment in the nature of a substitute.

Mr. JAVITS. For this one?

Mr. HUMPHREY. Yes.

Mr. JAVITS. I certainly wish to facilitate that, so that we can get on with the business.

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

The PRESIDING OFFICER. Does the Senator from Illinois yield back his time in opposition to the amendment?

Mr. STEVENSON. Yes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

AMENDMENT NO. 1758

Mr. HUMPHREY. Mr. President, I call up my amendment No. 1758.

The PRESIDING OFFICER (Mr. ABOUREZK). The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HUMPHREY. 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 13, between lines 13 and 14, insert the following:

EXPORT LICENSES REQUIRED FOR CRITICAL COMMODITIES; VALIDATED EXPORT LICENSING SYSTEM

SEC. 11. Section 4 of the Export Administration Act of 1969, as amended by sections 3, 4, 9, and 10 of this Act, is further amended by adding at the end thereof the following:

"(j) (1) Effective only with respect to the 1974 through 1977 crops of wheat, feed grains, cotton, and soybeans, whenever the Secretary of Agriculture finds and notifies the Secretary of Commerce that the combined domestic requirements and export sales of any such commodity threaten to reduce the carryover of such commodity at the close of the marketing year for such commodity below the level specified for such commodity in paragraph (4), he shall designate such commodity as a 'critical' commodity for the current marketing year; and thereafter, during such marketing year, no person may export any such commodity from the United States without an export license issued by the Secretary of Agriculture authorizing the export of such commodity by such person.

"(2) The Secretary of Agriculture is directed to maintain a weekly projection of foreign sales and domestic requirements in relation to available supplies for each designated critical commodity. Except for sales and other dispositions made to friendly countries under the Agricultural Trade Development and Assistance Act of 1954, as amended, at any time that the projected carryover stocks for any commodity in any marketing year fall below the level specified for such commodity in paragraph (4) the Commodity Credit Corporation may not, so long as the stocks of such 'critical' commodity remain below such level, sell any of its stocks of such commodity for export for less than 120 per centum of the weekly average cash price of the commodity in Chicago, Kansas City, and Minneapolis markets in the immediately preceding week, except that in the case of cotton, the minimum price at which such commodity may be sold shall be 120 per centum of the weekly average cash price in the desig-

nated spot markets reported by the United States Department of Agriculture in the immediately preceding week. None of the stocks of any commodity designated as a critical commodity under this subsection may be sold by the Commodity Credit Corporation to any buyer for domestic utilization unless such buyer agrees, in such manner as the Secretary of Agriculture may prescribe, that any stocks of such commodity sold to him will not be exported.

"(3) Whenever the projected carryover stocks of wheat, feed grains, cotton, or soybeans fall below the level specified for such commodity in paragraph (4)—

"(A) the Secretary of Agriculture is authorized to initiate a 100 per centum validated export licensing system with respect to such commodity if the President determines the initiation of such system with respect to such commodity is necessary to protect the United States against a future shortage thereof or is necessary to protect the economy of the United States. The Secretary of Agriculture is also authorized to initiate, either in conjunction with or independent of a 100 per centum validated export licensing system, any reporting system he deems appropriate with respect to any such commodity; and

"(B) no quantity of such commodity may be exported to any foreign country in an amount that would result in total export sales to such country (from the United States) during such year in excess of 120 per centum of the amount of export sales of such commodity to such country (from the United States) in the preceding marketing year, unless the Secretary of Agriculture specifically approves the export of such quantity to such country.

As used in this paragraph, the term '100 per centum validated export licensing system' means a licensing system under which (i) the Secretary of Agriculture authorizes the exportation of a quantity of wheat, feed grains, cotton, or soybeans only when the application for a license to export any such commodity is accompanied by a certified copy of a contract for the export from the United States of a quantity of such commodity equal to the quantity of such commodity for which the export license is requested, and (ii) licenses are issued, unless otherwise provided by the Secretary of Agriculture, to cover exports anticipated for the current month or the current and immediate succeeding month.

"(4) Notwithstanding any other provision of law, effective only with respect to the 1974 through 1977 crops of wheat, feed grains, cotton, and soybeans, the Commodity Credit Corporation shall not sell any of its stocks of wheat, corn, grain sorghum, barley, oats, or cotton, respectively, at less than 135 per centum of the established price applicable by law to the current crop of any such commodity, or any of its stocks of soybeans at less than 150 per centum of the current national average loan rate for such commodity, adjusted (in the case of all such commodities) for such current market differentials reflecting grade, location, and other value factors as the Secretary determines appropriate, if the Secretary determines that the sale of such commodity will (A) cause the total estimated carryover of such commodity at the end of the current marketing year for such commodity to fall below six hundred millions bushels in the case of wheat, forty million tons (collectively) in the case of corn, grain sorghum, barley, and oats, five million bales in the case of cotton, or one hundred and fifty million bushels in the case of soybeans, or (B) reduce the stocks of the Commodity Credit Corporation below two hundred million bushels in the case of wheat, fifteen million tons (collectively) in the case of corn, grain sorghum, barley, and oats, one million five hundred thousand bales in the case of cotton, or fifty million bushels in the case of soybeans; and in no event may the Corporation sell any of its stocks of any such commodity in any marketing year at less than the established price applicable by law to the current crop of any such commodity, adjusted for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate plus reasonable carrying charges, whenever the total estimated carryover of such commodity in such marketing year is in excess of the amount specified for such commodity in clause (A) above. The provisions of this paragraph shall not apply to dispositions made to friendly foreign countries under the Agricultural Trade Development and Assistance Act of 1954.

"(5) The Secretary of Agriculture is authorized, to the maximum extent practicable, to administer the provisions of this subsection through the services and personnel of the Department of Commerce, and the Secretary of Commerce shall cooperate with the Secretary of Agriculture in the administration of this subsection and may perform, on a reimbursable basis, such services as the Secretary of Agriculture may request.

"(6) The Secretary of Agriculture is authorized to issue such rules and regulations as he deems necessary to provide for the effective administration of this subsection.

"(7) In determining the quantity of carryover of any commodity at the beginning of or during any crop-marketing year and the quantity of any commodity owned by the Commodity Credit Corporation, there shall be included any quantity of such commodity contained in the disaster reserve inventory maintained under the provisions of section 813 of the Agricultural Act of 1970.

"(8) Nothing in this subsection shall be construed to restrict the authority of the President under the Agricultural Trade Development and Assistance Act of 1954 except with respect to prices at which commodities may be sold under title I of such Act.

"(9) As used in this subsection, the term 'feed grains' means corn, grain sorghum, barley, and oats.

"(10) There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.".

On page 13, line 15, strike out "Sec. 11" and insert in lieu thereof "Sec. 12".

Mr. HUMPHREY. Mr. President, I ask unanimous consent that Mr. Nelson Denlinger of my staff be permitted the privilege of the floor.

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

Mr. HUMPHREY. Mr. President, first of all, I want to say that the amendment offered by the Senator from New York is a very commendable amendment. I am in full agreement with its principle and purpose. I spoke earlier to the Senator from New York about his amendment and the fact that I had an amendment with a similar purpose, but which had more specific requirements.

Under present law relating to export sales, in section 812, it should be noted that on all exports of wheat and wheat flour, feed grains, cotton and products thereof, and other commodities the Secretary may designate, reports are to be made to the Secretary of Agriculture on a weekly basis.

It also states that the individual reports shall remain confidential but shall be compiled by the Secretary and published in compilation form each week following the week of reporting. All exported agricultural commodities produced in the United States shall, upon request of the Secretary of Agriculture, be reported to the Secretary.

This language was placed in the Agricultural Act of 1973, Public Law 93-86, so that section 812, which is referred to in the pending legislation, represents a substantial improvement in reporting over the situation that existed prior to 1972-1973.

We should note that the Committee on Agriculture and Forestry did look into the situation on export sales very carefully when we passed a bill, Public Law 93-86, on August 10, 1973. We do have a system now for reporting export sales.

But I make note of the fact that the reporting must be within a week. This means, quite obviously, that a number of sales can be made prior to the knowledge of the Secretary of Agriculture.

Mr. President, this amendment responds to a problem which still remains unmet. That problem is determining how we can make certain that our own domestic food requirements are not overlooked or ignored and especially when our food and fiber supplies are seriously reduced.

This problem was brought home to me very vividly by the recent report of Senator JACKSON'S Permanent Investigations Subcommittee on the controversial Soviet wheat sale. The report was discussed by the Washington Post on July 29 in an article entitled "Butz Judgment Blamed in Wheat Deal." I ask unanimous consent that the article be printed at this point in the RECORD.

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

BUTZ' JUDGMENT BLAMED IN WHEAT DEAL

(By Ralph Danneheisser)

Inefficiency and bad judgment by top officials of the Agriculture Department made the massive 1972 Russian wheat deal a disaster for the American public, a Senate panel charged yesterday.

In its final report on the controversial sale of U.S. grain to the Soviet Union, Sen. Henry M. Jackson's (D-Wash.) Permanent Investigations Subcommittee singled Earl L. Butz and two former assistant secretaries, Clarence Palmby and Carroll Brunthaver, for special responsibility for what it called a $300 million error in judgment."

That was the amount the government channeled to six grain trading firms in the form of export subsidies that never should have been paid, according to the subcommittee.

The report depicts the Commodity Exchange Authority as "derelict in its oversight responsibility" in mishandling the investigation of possible market manipulation by some of those companies in order to boost the subsidy level.

At issue is the purchase by the Soviet Union of more than 700 million tons of U.S. grains, including almost 440 million tons of wheat.

The subcommittee report follows hearings last summer and fall on the grain deal, which critics said depleted American reserves, created farm-product shortages and forced up food prices for American consumers.

Jackson endorsed that position in releasing the report, saying the grain deal was the cause of the present crisis in the livestock industry.

The Senate panel said it found no fault with President Nixon's decision to use U.S.

farm exports as a means of improving relations with the Soviet Union, improving the U.S. trade balance and boosting American farm income.

But the sale became "an illustration of how, in pursuit of a worthwhile goal, government programs and officials can go astray," it said.

"At virtually every step, from the initial planning of the sales to the subsidy that helped support them, the grain sales were ineptly managed. The result was public confusion, waste of taxpayers' dollars and higher food prices."

It charged the Agriculture Department showed "a total lack of planning . . . prior to the largest grain sale in American history."

The magnitude of the sale, unanticipated by Butz and other officials, created a shortage of domestic supplies which resulted not only in higher prices for bread and flour-based products in the United States, but also in price boosts for beef, pork, poultry, eggs and dairy products reflecting higher feed costs, the panel reported.

The subcommittee said wheat subsidies maintained by the Agriculture Department through August 1972, were unjustified and had cost American taxpayers $300 million.

It found "the responsibility for this $300 million error in judgment lies first of all with . . . (Palmby), who failed to consider the wheat export subsidy in planning for the Russian grain sale, and secondly with . . . (Brunthaver), who made verbal commitments to the grain export companies in July, 1972, that the wheat export subsidy would be continued indefinitely without any consultation or evaluation of the effect of such a commitment.

But it added:

"The overall responsibility must, of course, fall on the Secretary of Agriculture, Earl Butz, who testified that he approved continuation of the subsidy."

Among the subcommittee's recommendations in its 67-page report are:

Passage of legislation to prohibit imposition of export subsidies on any agricultural commodity without a prior public hearing by the Agricultural Department;

Establishment of an independent commodity exchange commission patterned on the Securities and Exchange Commission, to replace the present Commodity Exchange Authority;

Creation of a task force, drawing its membership from all government agencies concerned with the nation's economy to coordinate the federal role in any future transactions like the grain deal.

Preparation by the Agriculture Department and the Council of Economic Advisers of a five-year projection of U.S. supply and demand of all grains, to be submitted each year beginning in 1975.

Mr. HUMPHREY. Mr. President, I think the point that was made in the investigation was simply to the effect that there was not sufficient monitoring by the Department of Agriculture as to the world food supply and the effect of a massive sale, the likes of which we had never before experienced. The American consumer has been reeling ever since as has our economy.

Mr. President, I feel compelled to offer this amendment because, although the Agriculture and Consumer Protection Act of 1973 did improve the reporting mechanisms on export sales, we still are vulnerable to the large export sale.

Our reporting information comes largely after the fact and, in a tight world market, we cannot afford to have a large part of our crops sold out from under us.

I should warn my colleagues that, with many of our Midwestern States facing drought conditions, commodity buyers are now out buying heavily.

The USDA has now scaled down its earlier optimistic crop estimates, but it still has not faced up to the problem of large purchases by foreign countries.

For example, as I indicated earlier today, the oil exporting countries, with billions of dollars pouring into their treasuries because of the high price of oil, could easily step into the American commodity market and buy up massive amounts of food and fiber and have that sale reported a week later. That is closing the barn door after the horse is gone; or, to put it more directly, closing the granary after it is empty.

What I think is necessary is for us to keep a watchful eye over sales and particularly in a tight world food supply market. We must prevent what happened in the case of soybeans—namely, embargoes.

We do not want to have commodity embargoes or export embargoes. We need a rational, sensible sales program.

One of the reasons we got into a bind on the soybean market was because we permitted the private companies to oversell, and when they started to look around they found out they were practically out of commodities. The price of soybeans in this country then zoomed to $11 and $12 a bushel.

The farmer did not get this price. Farmers out in the Midwest sold their soybeans for $3.50. The speculators and the manipulators got the $10 and $11. After the soybeans were sold, we found out we had inadequate supplies for our own people, and we had to put on an embargo. That embargo upset the world trading community no end.

I want to avoid embargoes. I think it is clear we all would like to avoid the imposition of an embargo as happened in the case of soybeans.

The farmers do not want to have us resort to embargoes, and I believe the same is also true of the major responsible trading companies.

Unfortunately, an administration which has declared that it will not resort to embargoes in the future, may be making such an action difficult to avoid by ignoring the need for more current export reporting information.

Mr. President, my amendment basically establishes a mechanism to enable us to pay closer attention to our export sales in a tight market, and to be more timely in reporting export sales. Mr. President, timeliness is the key in the reporting of export sales. You have got to be on the job on time. You have got to have reporting on time.

The Secretary has to know what is going on when those supplies are being drawn down. If our supplies are drawn down this year to where we have a carryover of 150 million bushels of wheat, which would be a dangerously low carryover, we would be in serious trouble here at home. This is barely adequate to meet our needs.

We also may have a very serious problem with the corn crop this year.

To be specific, when the Secretary of Agriculture under my amendment determines that the estimated total carryover of certain key commodities will fall below certain levels—wheat, 600 million bushels; feed grains, 40 million tons; cotton, 5 million bales; and soybeans, 150 million bushels—or that the stocks of the Commodity Credit Corporation are expected to drop below 200 million bushels of wheat, 15 million tons of feed grains, 1.5 million bales of cotton and 50 million bushels of soybeans—then certain steps are to be taken to more closely monitor and protect these remaining supplies.

For example, I think when we draw our wheat supply down to, let us say, 500 or 600 million bushels, we ought to do one thing. The Secretary ought to be watching to see that no one steps into the American market and cleans it all out. That is to the advantage of no one.

I am opposed to any kind of embargo, and the way to prevent an embargo is to have a sensible monitoring system of the supply. In that way we know what we have got to sell and we know what we ought to maintain back home. That is an important thing to keep in mind.

So I would provide in my amendment a figure of 600 million bushels of wheat, 40 million tons of feed grains, 5 million bales of cotton, and 150 million bushels of soybeans.

Now, that does not mean the Government owns it. It does not involve Government ownership at all. It is just simply this, that when we get down to where we have got 150 million bushels of soybeans, that is all there is left. The Secretary of Agriculture, before any more exports of soybeans are made, takes a look and monitors it carefully and requires a license so that he can keep track of the situation.

It does not mean we prohibit the export; it does not mean that the Government owns it. The private trade still owns it. It simply means we ask the private company to get a license at that point so that there is a reasonable protection for the American market.

My amendment provides that when the Secretary of Agriculture determines that combined domestic requirements and export sales threaten to reduce the commodity carryover levels below the amounts specified above, the Secretary shall designate such commodity or commodities as critical for the current marketing year, and no person may export any such commodity from the United States without an export license issued by the Secretary of Agriculture authorizing the export of such commodity by such person.

The Secretary of Agriculture also is directed to maintain a weekly projection of foreign sales and domestic requirements in relation to available supplies for each designated critical commodity.

Except for sales made to friendly countries under the Agricultural Trade Development and Assistance Act of 1954, at anytime that the projected carryover stocks for any commodity in any marketing year fall below the level specified for such commodity, the Commodity Credit Corporation may not, so long as the stocks of such "critical" commodity remain below such level, sell any of its stocks of the commodity for export for

less than 120 percent of the weekly average cash price for that commodity.

None of the stocks of any commodity designated as a critical commodity under this subsection may be sold by the Commodity Credit Corporation to any buyer for domestic utilization unless such buyer agrees, in such manner as the Secretary of Agriculture may prescribe, that any stocks of such commodity sold to him will not be exported.

The Secretary of Agriculture is authorized to initiate a 100 percent validated export licensing system with respect to such critical commodities if the President determines the initiation of such a system is necessary to protect the United States against a future shortage thereof or is necessary to protect the economy of the United States.

The Secretary of Agriculture is also authorized to initiate, either in conjunction with or independent of the 100 percent validated export licensing system, a commodity reporting system and no quantity of any commodity may be exported to any foreign country which would result in total export sales from the United States in excess of 120 percent of the previous year export sales of such commodity from the United States, unless the Secretary of Agriculture specifically approves the export sale.

Mr. President, this amendment does not seek to establish a rigid set of controls. The licensing system is most permissive, and it is designed to get better information on a current basis when we are in a tight market situation.

I regard this proposal as a device which sets off warning lights when our supplies begin to get low. Officials will have to pay closer attention to what is happening in our export market.

At that stage, as we know from last year's experience, more careful monitoring is a must, and the best current information is essential.

Mr. President, this amendment will be a useful step in avoiding more drastic embargoes which we all wish to avoid. I urge that it be adopted by the Senate.

Mr. YOUNG. Is the Senator indicating that when the supplies of wheat get below the 600 million bushels, say as of July 1, that there be no more exports?

Mr. HUMPHREY. Oh, no, not at all, Senator.

Mr. YOUNG. What would the Senator do?

Mr. HUMPHREY. All I am saying is that when the wheat supply gets down to 600 million bushels, sort of an alert would go up that would say "Mr. Secretary, wake up, something is happening." If there are going to be more exports, and there undoubtedly would be, we would need to know about them.

We would not want somebody to step into the market, such as Saudi Arabia or Iran, and buy up 550 million bushels and have the company report the sale a week later. We would be out of business.

All I am saying is that it is reasonable and right to ask the Secretary of Agriculture to keep an eye on the situation when supplies are low. When the exporter comes in with a sale he would report on the day he makes the sale. He would say to the Secretary, "Look, I have got a chance to sell 200 million bushels of wheat to Saudi Arabia or Iran." They are friendly countries, so let us use their names. The Secretary of Agriculture would say, "Well, we have 600 million bushels left, and we will give you a license."

But if somebody says that we are going to sell 550 million bushels, of our total 600 million bushels, to Kuwait or Iran or Saudi Arabia and they have got the money to pay for it, the Secretary would have to say, "Wait a minute, that would draw the supply down to where it was dangerous in this country. You cannot sell 550 million bushels. Sell only x number of bushels."

I think that is a reasonable protection for the American people.

Mr. YOUNG. Will the Senator yield for a minute?

Mr. HUMPHREY. Yes.

Mr. YOUNG. Does the Senator believe we should maintain a 600 million bushel supply on hand?

Mr. HUMPHREY. No.

Mr. YOUNG. If we did, I think——

Mr. HUMPHREY. No, Senator, wait a minute.

Mr. YOUNG. It would bring us back to where we were before.

Mr. HUMPHREY. Do not put those words in my mouth. I do not want 600 million bushels lying around here. I do not ask for that. I am simply using that figure as a trigger mechanism to alert the Secretary of Agriculture not to let the Soviet Union come in and buy all of our supplies.

Under the present law, Senator, they can do it. You know it, and I know it.

Mr. YOUNG. Will the Senator yield?

Mr. HUMPHREY. They can come in and buy it up.

Mr. YOUNG. Would the Senator yield for just a minute?

When the Russian wheat deal was made, the average farm price was $1.41 a bushel average farm price. Now, that is less than half what is deemed to be a fair price.

The Russians paid exactly the same as every other country, and maybe we oversold, but the people of our country had been complaining bitterly about all the wheat we had, costing a million dollars a day for storage.

Mr. HUMPHREY. You and I did not complain about that sale.

Look, I come from the same part of America you do. I was interested in the wheat farmers just as the Senator from North Dakota or the Senator from Nebraska. I do not want to see low prices, for wheat.

I am not trying to set up a reserve program here, let us get rid of that idea.

I am simply saying that under existing law that countries with money can go to any American company and buy up any amount they want to buy.

I think the Secretary of Agriculture should have a stop and alert signal. I only want the Secretary to look out for all of the American people, not just a couple of big companies.

I am willing to reduce these levels. I used these just as a triggering mechanism. Let us put it down to 500 or 400 million bushels so that we have a tighter market. I simply do not want to have some foreign government or some foreign buyer able to walk into the American market and buy it up. We would not know what happened until it had happened.

I do not want an embargo system. I do not want the Government to own large reserves. Later on I will talk about that subject.

But I do want protection for the American economy.

Believe me, we have been taken for a ride on oil and we can be taken for a ride on food.

I am here to tell the Senate that the Arab nations can buy up our food supply and sell it back to us.

Several Senators addressed the Chair.

Mr. TOWER. Mr. President, will the Senator yield me 3 minutes on the bill?

Mr. PACKWOOD. I yield 3 minutes on the bill to the Senator from Texas.

Mr. TOWER. Mr. President, I am really a little bit amused by this talk about Arab oil. I would be more amused were it not for the fact that I cry a lot about it. Because the fact of the matter is, a lot of the very people who want to proscribe the export of American farm products abroad are the people who would deny the incentives necessary to the oil and gas industry in this country to increase domestic exploration and production, and would make us even more reliant on Middle East sources of oil.

The people in the North apparently would rather pay a dollar and a half for liquified natural gas from Algeria than pay 75 cents for natural gas from Texas, Oklahoma and Louisiana.

Let us face it: We are the best farmers in the world. Food is one thing we produce that the world wants, and we produce it better, more efficently and cheaper than anyone else. We had better not place proscriptions on the export of agricultural products, or we will never absorb the dollar overhang abroad, which has been partially the result of our consciously and wittingly reducing ourselves to a state of dependence or those people for fuel and energy, power, at a time when their price was cheaper than the domestic price.

So let us get this thing in proper perspective: We had better be willing to export agricultural products, or we are going to have to be facing up to unfavorable balance-of-trade exports year after year.

Several Senators addressed the Chair.

Mr. STEVENSON. I yield 2 minutes on the bill to the Senator from Minnesota.

Mr. HUMPHREY. Let us not pettifog this issue, Mr. President. The Senator from Minnesota is not for export controls. I have held hearings on export controls, and I am opposed to them.

I simply said that the reason we have got export controls on soybeans is because we did not supervise and monitor the exports, and we got caught. Every Senator here knows that.

All that I am saying is that there has to be a better system of monitoring our supplies as they flow out of this country. I want commercial exports, but I want to tell you something: I want also to be sure that the American consumer has a supply of food here at home, and

I do not want us to be hijacked. I do not want some country to be able to walk in here and buy up our crop and then sell it back to us at twice what they paid for it.

I am here to tell the Senate that that can happen, and no Senator can prove to the contrary.

Surely, we need exports to pay for oil. The way we get them is to produce and to sell. But I would be a madman, if I ran a bank and I disposed of all of my reserves. We would be more than that, may I say, if we permit this country to dispose of all of its foodstuffs in the name of commercial exports.

Is it not interesting that we have reserves of bombs? We have $500 million worth of them stored in Asia. But we do not even want to watch what is happening to the market and the supply condition as far as foodstuffs are concerned.

Mr. President, I do not intend to press this amendment to a vote, because the purpose of the amendment was to buttress the argument of the Senator from New York. But I wanted very clearly to make the case as to why we need closer monitoring. The Senator from New York has an amendment which I think will suffice——

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. HUMPHREY. Though it does not go as far as it ought to.

I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that Elinor Bachrach, Senator PROXMIRE's legislative assistant, be allowed to remain on the floor during the pendency of the pending bill.

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

The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. STEVENSON. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. STEVENSON's amendment is as follows:

S. 3792 is amended by redesignating section 11 on page 13, line 15 as section "912)" and inserting a new section 11 as follows:

"The Export Administration Act of 1969 as amended is further amended by inserting after section 4A as added by this bill, the following new section:

"4B. Notwithstanding any provision of this or any other law, for one year from the date of the enactment of this law, the United States shall not export any materials, supplies, articles, technical data or any other information relating to the design, development, fabrication, supply, repair or replacement of any nuclear facility or any part thereof, unless the country receiving such export has agreed (1) to subject all nuclear facilities within such country to the safeguards of the International Atomic Energy Agency, (2) to adopt such additional safeguards as the United States Arms Control and Disarmament Agency shall prescribe, and (3) has agreed not to reexport any nuclear supplies, articles, information and technical data. Exempted from this one year moratorium on nuclear exports, are existing commitments by the United States to supply fuel under contracts signed prior to June 30, 1974."

Mr. STEVENSON. Mr. President, I do not do this very often, but I want to warn my colleagues that I am going to take a little time and talk on a subject that I think is of great importance to the future of this country and the world, the subject of nuclear proliferation.

Mr. President, I offer this amendment on behalf of myself, the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Idaho (Mr. CHURCH).

Twenty years ago the United States started, innocently enough, a program called "Atoms for Peace." In the intervening years, the United States has entered into cooperative agreements with 29 countries for the transfer of nuclear technology—technology ostensibly for peaceful purposes.

During that 20 years, other countries have acquired U.S. nuclear technology indirectly, some of them from France, which imports U.S. nuclear technology. Still other countries have developed their own nuclear technology, and in turn have exported it to even more nations.

Nuclear technology is now advancing at a rate that is far in excess of the rate at which peoples and governments can begin to comprehend and respond to in the interest of their ultimate safety. Nuclear reactors are being developed, including heavy-water reactors, which can use unenriched or slightly enriched uranium. Nuclear technology now also includes fast breeder reactors and high-temperature gas reactors. All of these reactors produce plutonium. And the technology to convert this plutonium into bombs is freely available.

The short of it, Mr. President, is simply that with the technology now available and the proliferation of nuclear equipment throughout the world, any country that wants to will soon be in a position to obtain an atomic bomb.

Not only has there been rapid advances in reactor technology, but also in technology for the processing of the fuel used in nuclear reactors. The Union of South Africa, for example, is reported to be developing a new laser for the processing of fuel for nuclear reactors.

The reactors themselves are of many varieties. Canada and the United Kingdom recently opted for the heavy water reactor. Canada is already exporting this reactor to many parts of the world. The Canadian reactor is virtually unpoliceable, particularly because it uses unenriched or raw uranium, which is abundant throughout the world.

Mr. President, this all means that every country that wants to can soon have some sort of nuclear capability, and that, in turn, means not only the countries themselves but terrorist groups.

The result in the world will be destabilizing in the extreme. Regional conflicts which were once limited to conventional warfare could escalate and go nuclear.

It is not coincidence that many of the countries acquiring a nuclear military capability are in such unstable regions of the world—South Asia, East Asia, the Middle East, and Latin America.

It means, Mr. President, that U.S. influence will diminish as the nuclear monopoly is broken up, as other countries acquire nuclear power for military as well as for peaceful purposes. It means that the terrorist organizations, which have resorted to hijacking, killings, and other forms of terrorism in the past for blackmail purposes will, in the future, have, if something is not done, access to nuclear technology, nuclear weapons for the same ugly purposes.

Mr. President, this proliferation of nuclear technology, ostensibly peaceful, but actually or inevitably for nonpeaceful purposes, was given momentum by the recent Moscow summit test ban agreement, which will surely convince all the nations of the world that the super powers, the United States and the Soviet Union, are not serious about controlling the testing of nuclear weapons.

It is given impetus by the energy crisis. Countries everywhere are seeking alternative sources of energy to expensive oil. It is given impetus by the desire of the major industrialized countries to export commodities of all kinds, including nuclear reactors, in order to generate the revenues with which to pay their growing oil bills.

Many countries fear that the U.S. nuclear umbrella is shaky; that its commitment of conventional forces to the defense of these countries is weak. Japan is but one example.

The political instability of many regions gives nuclear proliferation added momentum. It is no accident that India has already detonated a nuclear explosive device. Pakistan is now in the process of attempting to acquire a separator with which it will be able to process and produce the plutonium for the development of its own nuclear weapons. Iran will certainly not be content to remain a nonnuclear power in the Middle East. And the Canadians are now making efforts to sell heavy water reactors to South Korea. Thus, countries seeking a cheap source of energy can, at the same time, obtain a cheap source of what they perceive to be power and influence in the world.

So it is, Mr. President, that already 5 countries are known to have nuclear military capability. Others may have it or are close to developing it. Those countries include Japan, West Germany, Argentina, Brazil, Pakistan, South Korea, India, and Israel.

Still more countries have the capability for acquiring nuclear military potential within the next 10 years: Italy, South Africa, Spain, Portugal, Algeria, Chile, Saudi Arabia, North Korea, Egypt, the Netherlands, Belgium, Turkey, Colombia, Libya, Switzerland, Venezuela, and South Africa, to mention but a few.

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

Mr. STEVENSON. I yield to the Senator from Rhode Island.

Mr. PASTORE. I would like to ask several questions of the Senator. I think the spirit of this amendment is good.

First of all, let me ask this question: Why does the Senator limit this to one year? Is there any special reason for it?

Mr. STEVENSON. Yes, there is. I have not gotten to my explanation of the amendment yet, but I will tell the Senator the purpose is the same purpose which led to the Nuclear Test-Ban Treaty. The purpose is to give the nations of the world a breathing spell, an opportunity to sit down and begin to develop adequate bilateral and multilateral safeguards and the institutions with which to enforce and maintain those safeguards.

That world is looking to the United States now just as it did in 1956. There is no other country that can take that lead, that can say, "We will stop." Let us take a second look at what we are doing and give ourselves an opportunity to develop those safeguards, and the institutions with which to enforce them."

I point out also that in 7 months the nuclear proliferation conference required under the Nuclear Proliferation Treaty begins. That may be the last chance we have to get the cows back in the barn or to prevent all of the cows from getting out.

The purpose is simply that, to give us some time, perhaps a last chance, to develop those safeguards and those institutions with which to enforce them, and if this country does not take the lead, no other country will.

Mr. PASTORE. May I ask another question? In other words. this would eliminate that agreement with relation to Egypt on a reactor; is that correct?

Mr. STEVENSON. Well, it would for a year. The amendment is drafted in such a way that it would not interfere with any existing contracts. Of course, that contract is not yet in existence, but if it were, it would be postponed for a year unless, of course, Egypt agreed to the conditions.

If the Senator will look at the amendment——

Mr. PASTORE. That is the point I was going to raise.

Mr. STEVENSON. If they agree to international safeguards.

Mr. PASTORE. Then it is not a moratorium at all: it is a conditional——

Mr. STEVENSON. It is a partial moratorium. If the country will agree to adequate international safeguards and not to re-export nuclear technology, then the moratorium would not be applied. Then we would be confident that the safeguards were being adhered to.

Mr. PASTORE. What bothers me, if the Senator will permit, as to No. 1, I have no question at all, "subject all nuclear facilities within such country to the safeguards of the International Atomic Energy Agency." Now, that is already in existence. They already have safeguards, and every American reactor is under the International Atomic Energy Agency, so I have no question about that.

No. 2, "To adopt such additional safeguards as the U.S. Arms Control and Disarmament Agency shall prescribe."

That is a responsibility now within the jurisdiction of the AEC. That is exactly what their job is, to prescribe the proper safeguards.

I wonder why the Senator is shifting from the AEC over to the Arms Control and Disarmament Agency which has no expertise in this direction?

Mr. STEVENSON. Well, the reason is that the Atomic Energy Commission does not review the safeguards of the IAEA. This is aimed at the IAEA. Its safeguards do not apply to all nuclear facilities.

Mr. PASTORE. All the American ones.

Mr. STEVENSON. All the American ones.

Mr. PASTORE. Of course, we cannot govern other agencies, we cannot govern other countries. This Government follows the policy of every American reactor that goes under the international agency; I mean, we do that now. Of course, we cannot tell France what to do because France has now sold four reactors to Iran without any safeguards at all. We cannot tell France what to do. We can only tell America what to do.

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

What technology did France sell to Iran? Is that not Westinghouse technology? Is that not U.S. technology? What did we do to control it?

Mr. PASTORE. Well, now, wait a minute, but the control of that is in France. They have the majority stock. It is a French deal, and there is nothing, of course, that stops Westinghouse from opening up a plant and cooperating with the French Government. I mean I do not know how we are ever going to change that. But the point I am making there is——

The PRESIDING OFFICER. The time of the Senator from Illinois on the amendment has expired.

Mr. STEVENSON. Mr. President, I yield myself ten minutes on the bill.

The PRESIDING OFFICER. The Senator is recognized.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Is there time for the opposition to this amendment?

The PRESIDING OFFICER. The Senator from Oregon has 15 minutes.

Mr. PACKWOOD. I yield 5 minutes to the Senator from Rhode Island for the opposition.

Mr. PASTORE. I think this raises many international problems. I mean, the Senator already has admitted that this would block the agreement that there may be a reactor furnished to Egypt or to Israel. We are now negotiating with Iran. Iran has already bought four reactors from France. I am afraid that we are going to muddle up American export trade; that is about the size of it.

What we are going to do is just throw American industry right out of the international market and put it in the hands of other foreign governments—the British, the French.

If we have a provision here that America shall not export any technology or any reactor without it being placed under the safeguard of the international agency, I say fine. If we go on to say those safeguards must also be approved by the Atomic Energy Commission and recommended to the Congress, I say fine. But when we say that a peaceful reactor has to be charged by the Arms Control and Disarmament Agency, I am afraid we are going to break our relations diplomatically with the countries of the world; and what we are going to do is take a flourishing American industry and turn it over to foreign entrepreneurs. I say this would be a very serious mistake, and I do not think this matter ought to be resolved on the floor in 10 minutes.

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

Mr. PASTORE. I yield to the Senator from Vermont.

Mr. AIKEN. As this amendment is written, I think it would apply primarily to India, Israel, and Egypt.

Mr. PASTORE. That is the intention.

Mr. AIKEN. But there are 19 countries in which agreement has already been reached. The result would be that we would simply be concentrating all this nuclear business in the hands of France, which is sitting there, ready to take the business.

Mr. PASTORE. They are already doing it.

Mr. AIKEN. At present, it would prohibit doing business with Egypt and Israel, and I am sure that India would be involved, or quite upset, anyway. We have a reactor in India, although it was not our reactor that made the difficulties the other day. They were complying with our regulations, but the Canadians did not have them.

Mr. PASTORE. There is another matter here, also. I would make a provision here that there could not be any export of this technology unless they signed a nonproliferation treaty. I would buy that.

Mr. HUMPHREY. Will the Senator from Illinois yield?

Mr. STEVENSON. I yield to the distinguished Senator from Minnesota.

Mr. HUMPHREY. I must say that I think some of the situations that have been suggested here by the Senator from Rhode Island carried great merit and I would hope the main sponsor of the bill would give them the most serious consideration.

I like, for example, the most recent suggestion of the Senator from Rhode Island which I believe would do a great deal to eliminate the danger of proliferation which is what we are worried about.

Secondly, where the amendment has reference to the U.S. Arms Control and Disarmament Agency, the main consideration needed here is to make sure that any country which receives an export shall at least be required to abide by the safeguards of the International Atomic Energy Agency.

Now, that is the first point in the amendment.

Mr. STEVENSON. That is already law, and it is totally ineffectual.

Mr. HUMPHREY. Well, that is the first——

Mr. STEVENSON. We have been hold-

ing hearings on this subject and the evidence is undisputed. The only standard safeguards that have any effect at all are the IAEA safeguards, plus whatever safeguards we get in the cooperation agreements with recipient countries. Even in the case of light water reactors, the IAEA standards are inadequate because the safeguards do not prevent diversion of nuclear materials. Their only purpose is to detect, and to that extent, they are inadequate, too, because the IAEA does not even have the personnel or the funds with which to enforce these safeguards throughout the world.

Mr. HUMPHREY. But, if the Senator will yield, the first provision in the amendment which I am privileged to join him in is to subject all nuclear facilities within such countries to the safeguards of the International Atomic Energy Agency. There is that No. 1.

Mr. STEVENSON. That is number one, and that goes beyond what is being done now.

Mr. HUMPHREY. That is right.

Mr. STEVENSON. So I say, before we sell in those countries, we should require that the recipient subject all of the nuclear facilities to the IAEA standards. That is the first one.

Mr. HUMPHREY. May I ask the Senator from Rhode Island, is that not a sensible requirement?

Mr. PASTORE. Well, that may be a sensible requirement, but the fact still remains that there is a situation here with Egypt and with Israel where there are going to be some big problems. I do not think that this matter that is so important and has so many ramifications and could have so many serious consequences ought to be settled this way. As a matter of fact, I would like to appear before the committee that considered this in order to present what I feel should be the answer to the problem.

I was the author of the nonproliferation resolution which led to the Non-Proliferation Treaty, and that passed by a vote of 84 to 0. I have lived with this for 21 years.

I realize we have to be very careful. No. 1, I would not sell a reactor to anyone who has not signed a nonproliferation treaty. Egypt has signed a nonproliferation treaty but has not ratified it. Israel has not signed it. India has not signed it.

If the Senator is telling me that we should not give them a reactor until they sign that nonproliferation treaty, I shall buy it.

Mr. HUMPHREY. I think the Senator's suggestion is very meritorious.

Mr. PASTORE. The argument that he is making is that we cannot sell to India a reactor unless India agrees to put all the reactors she has from France or Germany or Great Britain or anybody else, or from Canada—that she put that under the international agency. That might be all right, but I would like to hear from the Secretary of State before we agree to that.

What will that lead to? These are very fundamental questions. How do we decide it on an amendment that is limited to a 10-minute debate?

It is ridiculous because the ramifications and the consequences are so severe here that we could find ourselves right behind the eight ball.

Mr. HUMPHREY. Mr. President, I think the Senator makes a very valid point. I gather that one of the purposes in offering the amendment is to get this matter ventilated and to open up the subject. The Senator from Illinois has been holding hearings on nonproliferation and has gathered a great deal of information. I thought as one who wanted to support his effort that we should hear what he has to say. I think his proposal and debate today has been very valuable.

Mr. PASTORE. I would like to ask the Senator from Illinois whether the Secretary of State has been heard on this.

Mr. STEVENSON. The Secretary of State has been heard.

Mr. PASTORE. On this particular amendment?

Mr. STEVENSON. No, not on this particular amendment; of course not. I would not expect him to support it.

Mr. PASTORE. Is it not a shame that we cannot get the Department of State to support something that is good for this country. What are we going to do with Henry Kissinger; just kiss him goodbye, too?

Mr. STEVENSON. Mr. President, the principal purpose of this amendment is to begin debate with respect to a matter which is of vital importance to the United States.

The Government of the United States, like the Government of Canada, takes the view that it should promote the sale of nuclear reactors indiscriminately, everywhere in the world; in the case of the United States subjecting them to IAEA safeguards but in the case of Canada subjecting them to no adequate safeguards at all.

What I am trying to do is suggest that there are longer terms and more important considerations than the immediate effect on the balance of payments in the sale of nuclear reactors. I know there is widespread concern about it in the Department of State. There is a great deal of uncertainty in our Government today about what should be done, but a growing feeling that something should be done. I am not confident of the answer. All I know is that I feel very, very deeply that we should be seeking that answer because the existing safeguards of the IAEA are grossly inadequate.

They are not even intended to prevent the diversion of nuclear materials for military purposes. They are simply intended to detect the diversion after the fact. With the proliferation of nuclear technology throughout the world, and with the rapidity with which the technology is developing, including the technology for the processing of the fuels, it means that very soon any country that wants it will be able to acquire the nuclear device, the bomb—and the terrorists groups, too.

All I am saying, Mr. President, is that the safeguards now are inadequate. In many countries, of course, they do not even exist, or they only partially exist, as in the case of India. Even where IAEA has some jurisdiction, it does not have the personnel with which to police the agreements.

What I am suggesting, Mr. President, is that some country has to take the lead. The IAEA and the Nuclear Proliferation Treaty are not even addressed to the problem of reexports. That is how the Iranians acquired nuclear reactors. The United States exports to France which, in turn, exports to Iran. Nothing prevents one country from exporting to another.

To make matters worse, Mr. President, the only effective sanction or means of enforcing such safeguards as exist is the control of fuel. The United States can cut off fuel as a means of controlling the use of nuclear reactors for nonpeaceful purposes. But as countries develop their own sources of fuel or acqire access to alternative sorces of fuel—as technology advances—that sanction weakens.

This is particularly true in the case of the Canadian reactor, which uses unenriched uranium. Unenriched uranium, or raw uranium, is in abundant supply throughout the world. It may already be too late to get those cows back into the barn, but it is not too late to attempt some sanity.

The proliferation of nuclear technology, ostensibly for peaceful purposes but with the potential of use by governments and by nonnational groups—terrorist groups—for nonpeaceful purposes, is potentially the most serious threat to the peace of the world.

The Nuclear Proliferation Treaty recognized that threat, but it is not equal to the task. Since its adoption, nuclear technology has proliferated for peaceful purposes. Now we know that the technology for peaceful purposes can be used for nonpeaceful purposes.

The United States took the lead once before by suspending unilaterally the testing of nuclear devices in the atmosphere. That act led to the partial nuclear test ban treaty. What I am doing in this amendment is simply to suggest that we should do so again.

The world looks to the United States for leadership, as it has nowhere else to turn. All this amendment does is propose a 1-year moratorium on U.S. exports of nuclear technology and materials to countries which do not subject their nuclear facilities to the safeguards of the International Atomic Energy Agency, and safeguards that we know are adequate, namely the standards of the Arms Control and Disarmament Agency.

It would also forbid exports to such countries which do not, in turn, agree not to reexport nuclear material.

It is my hope that with the United States taking the lead, others will follow, as they did in the case of the unilateral suspension of nuclear weapons the testing by the United States years ago.

If, of course, other countries did not follow, the United States could resume exports of nuclear reactors and other materials in competition with other countries.

Mr. President, all nations, both recipients and suppliers, share an interest in controlling this menace. The conference required by the Nuclear Proliferation Treaty meets in February. That Conference will afford all the supplier countries, as well as the recipients, an opportunity to take some time to develop safeguards

against proliferation of nuclear technolgy for nonpeaceful purposes and to review the international institutions wish to enforce such safeguards.

All I am suggesting, Mr. President, is that the supplier countries now take time, just a little time—1 year—to develop realistic safeguards and those international institutions, neither of which are available now to protect the world from the proliferation of nuclear technology for nonpeaceful purposes.

If we do not take that lead, no one will. Soon it could be too late.

Mr. PASTORE. Will the Senator yield?

Mr. PACKWOOD. How much time does the Senator wish? I will yield all the time I have on the amendment.

Mr. PASTORE. Mr. President, only this past week, as chairman of the Subcommittee on Appropriations for the State Department, I invited the members of the State Department to come and address our committee. I invited all the members of the Appropriations Committee, and there was a very, very fine attendance on the part of the members.

I am not revealing any secrets at all, but Mr. Kissinger, when he was asked about the situation in the Middle East, informed the committee that the Russians were sending in massive military aid to Syria, and that because the Israelis had more or less built their settlements up to the line of occupation, that this raised a very, very delicate question as to whether or not this matter can be resolved, and be resolved amicably in a short time.

He went on to indicate that the one key that we have in the Middle East at the present time, insofar as the leaders of the Arab world are concerned, is Sadat.

This amendment, if it is passed tonight and becomes law, will bar and postpone for 1 year whatever agreement is made with Egypt on furnishing them technology on a nuclear reactor for peaceful purposes.

I am not going to argue the merits of whether or not we should grant this to Egypt or not. All I am saying is this: That if we summarily block that agreement here tonight, without knowing what the world repercussions will be, we might lose the key and we might have that part of the world inflamed once again.

All I am saying is that this is a very, very serious and important problem, and it is one that needs to be explored in detail; that the consequences have to be considered.

I hope that something will be worked out in the future and that my good friend, the Senator from Illinois, will not press this amendment at this time.

If this matter is to be studied, I am all for a study. But if we pass a law tonight blocking any agreements with Egypt or with Israel, we may spoil in 10 minutes what it took Henry Kissinger to put together in 5 or 6 months. I hope we do not do that tonight.

I hope that the Senator from Illinois, as sincere and devoted as he is, will understand that the ramifications might come back to haunt us. It might again start a shooting war in the Middle East; and perhaps with a little calmness, a little commonsense, and a little understanding, we can avoid that. That, to me, is the important thing tonight.

I hope the Senator from Illinois will withdraw this amendment. Otherwise, I will be compelled to move to lay it on the table.

Mr. STEVENSON. Mr. President, I do not intend to press for a vote of this amendment tonight.

I do point out, once again, that the amendment would not bar, even for the 1-year period, the transfer of nuclear technology to either Egypt or Israel—or, for that matter, to any country in the world. All it would do would be to ban the transfer by the United States of nuclear technology to those countries if they did not agree to international safeguards against diversion of nuclear materials for nonpeaceful purposes. If the Egyptians and the Israelis will not agree to those terms, why should we supply them with this technology?

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

Mr. STEVENSON. I yield.

Mr. PASTORE. The Senator knows that the Arms Control and Disarmament Agency has not considered safeguards. It might take them a year to explore that.

According to the Senators' amendment, the whole world will have to wait until that agency begins to hold hearings and institutes and enacts safeguards which we do not have.

This problem is so immediate that we might have to decide the Egyptian question within a week. I do not know. But negotiations have been going on.

We have already reached an agreement with Egypt that if they do get a reactor, over and above the international agency, they will have to account to us on a bilateral basis, and that we intend to take the fuel rods out and make sure they get into another sovereignty and not remain in Egypt. All this is being worked out. With this amendment, the Senator is going to kill it all off tonight.

I am saying that these repercussions may be so serious that we could even be starting a war tonight.

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

Mr. PASTORE. I yield.

Mr. MANSFIELD. I understood the manager of the bill to say that he did not intend to press this amendment, just before the Senator took the floor.

Mr. PASTORE. He said he did not press for a vote tonight. I do not know what this means. We will do it tomorrow.

Mr. STEVENSON. Mr. President, I do intend to withdraw this amendment and to offer a second amendment, which I am very hopeful that the distinguished Senator from Rhode Island, my good friend, will accept.

Mr. PASTORE. Mr. President, I want to congratulate the Senator. I will support his second amendment.

Mr. STEVENSON. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER (Mr. MUSKIE). The amendment is withdrawn.

Mr. STEVENSON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. STEVENSON. 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:

Redesignate section 11 on page 13, line 15 as section "(12)" and insert a new section 11 as follows:

The Export Administration Act of 1969 as amended is further amended by inserting after section 4A as added by this bill, the following new section:

"4B. The President is directed to review all laws and regulations issued thereunder by the Atomic Energy Commission, the Department of Commerce, and other government agencies, governing the export and re-export of materials, supplies, articles, technical data or other information relating to the design, fabrication, development, supply, repair or replacement of any nuclear facility or any part thereof, and to report within six months to the Congress on the adequacy of such regulations to prevent the proliferation of the nuclear capability for nonpeaceful purposes. The President is also directed to review domestic and international nuclear safeguards and to report within six months to the Congress on the adequacy of such safeguards to prevent the proliferation, diversion, or theft of all such nuclear materials and on efforts by the United States and other countries to strengthen international nuclear safeguards in anticipation of the Review Conference scheduled to be held in February 1975 pursuant to Article VIII, section 3 of the Treaty on the Non-Proliferation of Nuclear Weapons."

Mr. STEVENSON. Mr. President, the hour is late. I do not intend to press this any longer on the Senate's time.

This amendment would simply require the President to review existing bilateral safeguards and the adequacy of international safeguards and report back to Congress within 6 months on the adequacy of all such safeguards. I have chosen the period of 6 months because in about 7 months, the Conference on the Review of the Nuclear Proliferation Treaty begins.

The resolution would also require the President, in effect, to prepare for that conference.

Mr. President, as I suggested earlier, my purpose is basically twofold: to begin a consideration of nuclear proliferation and the threat which the proliferation of nuclear technology poses for the world; also, to try to encourage the executive branch to give its attention to this problem and to prepare for the conference which begins in February. That is the entire purpose of this amendment. I urge its adoption.

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

Mr. STEVENSON. I yield.

Mr. PASTORE. Mr. President, I congratulate the Senator for this amendment. I think this matter calls for a study that is very timely. I believe the President of the United States has that responsibility, and we in Congress should be informed to that extent. I congratulate the Senator.

Let the record show that I am supporting this amendment.

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

Mr. STEVENSON. I thank the Senator from Rhode Island.

I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I commend the Senator from Illinois for his very constructive approach on both these amendments. The first one, which he withdrew, was an amendment designed to promote constructive debate, and it did just that. We have been talking here privately about the dangers of proliferation of nuclear weapons.

The distinguished Presiding Officer, the Senator from Maine (Mr. MUSKIE), is chairman of the Arms Control Subcommittee, and he has scheduled hearings on this subject. It is a matter of deep concern for the Committee on Foreign Relations and, I imagine, for every Member of Congress.

The Senator from Illinois has shown the initiative to hold hearings and to give us the benefit of his counsel. I thank him. That is why I associated myself with him in this endeavor.

The second amendment is highly commendable and desirable. I hope the RECORD will indicate that Congress, itself, should be looking into all laws and regulations relating to nuclear energy, its peaceful uses, and any dangers or problems that might ensue or follow from the sale of nuclear reactors.

I am very pleased to have an amendment that asks the President and the agencies of the executive branch to do this. But I would gather that, as a result of that study, we would have some responsibility of our own to follow through, to utilize the information that comes from the President and from the Executive offices and to make our own assessments; because we are going to be confronted every year, from here on out, with a continuing export problem or export sales of nuclear reactors for the purposes of energy.

I am hopeful that we will see to it that the safeguards to which the Senator from Illinois has given his attention are properly designed and enforced, lest we find that we have opened up the world to the expansion of nuclear weaponry to a point where there is no return, and no one is safe.

I thank the Senator from Illinois.

Mr. STEVENSON. I thank the Senator from Minnesota. I heartily approve his suggestion that it behooves Congress and all its appropriate committees to begin a thorough airing of this subject. So far as the Subcommittee on International Finance is concerned, of which I am the chairman, it will do so.

Mr. President, I yield back the remainder of my time on the amendment.

Mr. PACKWOOD. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. PACKWOOD. 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. PACKWOOD. 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. PACKWOOD. I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to read the amendment.

Mr. PACKWOOD. 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 the amendment will be printed in the RECORD.

The amendment is as follows:

On page 8, lines 2 and 15, insert "unique" immediately before "hardship".

Beginning on page 8, line 19, strike all through page 9, line 8 and insert in lieu thereof the following:

"(1) Whether denial would cause a unique hardship to the applicant which can be alleviated only by granting an exception to the applicable regulations.

In determining whether relief shall be granted the Secretary will take into account:

"(A) Ownership of material for which there is no practicable domestic market by virtue of the location or nature of the material;

"(B) Potential serious financial loss to the applicant if not granted an exception;

"(C) Inability to obtain, except through import, an item essential for domestic use which is produced abroad from the commodity under control;

"(D) The extent to which denial would conflict, to the particular detriment of the applicant, with other national policies including those reflected in any international agreement to which the United States is a party;

"(E) Possible adverse effects on the economy (including unemployment) in any locality or region of the United States; and

"(F) Other relevant factors, including the applicant's lack of an exporting history during any base period that may be established with respect to export quotas for the particular commodity.

"(2) The effect a finding in favor of the applicant would have on attainment of the basic objectives of the short supply control program.

In all cases, the desire to sell at higher prices and thereby obtain greater profits will not be considered as evidence of a unique hardship, nor will circumstances where the hardship is due to imprudent acts or failure to act on the part of the appellant.

Mr. PACKWOOD. Mr. President, this is an amendment which Senator PROXMIRE, the Department of Commerce, Senator STEVENSON, and I have drafted and agreed to tighten up the language allowing for exceptions in unique hardship situations.

The language that came out of the committee we felt was loose, and we would rather have this tighter language and take it to conference in this fashion.

Mr. PROXMIRE. Mr. President.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Would the Senator yield me a little time?

Mr. PACKWOOD. Yes.

Mr. PROXMIRE. Mr. President, I am willing to accept the Senator's language amending section 8 of S. 3792. This language has been worked out in consultation with the Department of Commerce, and I am satisfied that it will deal with the problem addressed in that section of the bill.

Let me describe the nature of that problem and clarify the understanding reached with the Department of Commerce.

In the course of the committee's consideration of this legislation, it was brought to my attention that the imposition of short supply controls by the Commerce Department on exports of ferrous scrap, pursuant to the Export of Administration Act of 1969, created a unique hardship on the operations of certain segments of the U.S. automobile industry. The adverse impact of the controls in this instance is largely the result of the economic relationship of domestic automobile manufacturers with Canadian subsidiaries, affiliated producers, and contract suppliers, who produce critical components for automobiles assembled in this country. In some cases, the foreign firm is the sole supplier of the component to the U.S. manufacturer. These relationships have developed principally as a result of the U.S. Government's policy of encouraging the integration of the U.S. automobile industry on both sides of the United States-Canadian border, a policy that has been in effect since the signing of the United States-Canadian Automotive Products Agreement in 1965.

The advent of export controls on ferrous scrap has had the effect of restricting the ability of some Canadian producers that are historic suppliers of automotive components used in assembly operations in the United States, to obtain adequate ferrous scrap to meet their supply commitments to the U.S. automobile industry. This situation could ultimately lead to instances of plant shutdowns or curtailed assembly operations by automobile manufacturers in the United States.

To avoid disruption of automobile production schedules in the United States, with attendant adverse impact on domestic employment, and considering that the dependency of U.S. automobile manufacturers on Canadian components has been encouraged and fostered by the U.S. Government pursuant to the United States-Canadian Automotive Products Agreement, I have been assured by the Secretary of Commerce that it is consistent with the objective of the export control program and with the national interest to give favorable consideration to granting hardship licenses for the export of ferrous scrap to historic Canadian manufacturers of U.S. automobile components. Such licenses would be granted on a case-by-case basis upon receiving satisfactory evidence that the amount of ferrous scrap available to the Canadian manufacturer from U.S. sources under historic export quota allocations, coupled with the amount of scrap obtainable by him from Canadian sources, is insufficient to enable him to supply the components needed to maintain automobile production schedules in

the United States. Is this the understanding of the managers of the bill?

Mr. PACKWOOD. Yes, this is exactly the understanding that we worked out with the Department of Commerce on the problem involved.

Mr. PROXMIRE. May I ask the Senator from Illinois if this is his understanding also?

Mr. STEVENSON. Yes, it is.

Mr. PROXMIRE. I thank the Senator. Mr. President, then I agree to accepting the amendment as proposed.

Mr. STEVENSON. Mr. President, I yield back the remainder of my time.

Mr. PACKWOOD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Oregon (Mr. PACKWOOD).

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on S. 3792 occur not later than the hour of 6:30 p.m., and that rule XII be waived.

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

The bill is open to further amendment.

Mr. STEVENSON. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. STEVENSON. I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. STEVENSON's amendment is as follows:

On page 12, line 1, strike the word "disagree". and insert in lieu thereof the word "agree".

On page 12, line 3, insert the word "not" immediately after the word "would".

Mr. STEVENSON. Mr. President, this is a technical amendment. It simply changes the word "disagree" on page 12 to "agree," and adds, after the word "would" on line 3 on page 12, the word "not." It makes no substantive change in the language of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

The PRESIDING OFFICER (Mr. MUSKIE). 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. 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 legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. METCALF), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator from Hawaii (Mr. FONG), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

The result was announced—yeas 79, nays 7, as follows:

[No. 342 Leg.]

YEAS—79

Abourezk	Goldwater	Muskie
Aiken	Griffin	Nelson
Allen	Gurney	Nunn
Bartlett	Hart	Packwood
Bayh	Hartke	Pastore
Beall	Haskell	Pearson
Bellmon	Hatfield	Pell
Bentsen	Hathaway	Percy
Bible	Hollings	Proxmire
Biden	Huddleston	Randolph
Brooke	Hughes	Ribicoff
Burdick	Humphrey	Roth
Byrd, Harry F., Jr.	Inouye	Schweiker
	Jackson	Scott, Hugh
Byrd, Robert C.	Javits	Sparkman
Cannon	Johnston	Stafford
Case	Kennedy	Stevens
Chiles	Magnuson	Stevenson
Church	Mansfield	Symington
Clark	McClellan	Taft
Cook	McGee	Talmadge
Cranston	McGovern	Thurmond
Dole	McIntyre	Tower
Domenici	Metzenbaum	Tunney
Dominick	Mondale	Weicker
Eagleton	Montoya	Williams
Ervin	Moss	

NAYS—7

Buckley	Helms	Scott, William L.
Fannin	McClure	Young
Hansen		

NOT VOTING—14

Baker	Eastland	Long
Bennett	Fong	Mathias
Brock	Fulbright	Metcalf
Cotton	Gravel	Stennis
Curtis	Hruska	

So the bill (S. 3792) was passed as follows:

An Act to amend and extend the Export Administration Act of 1969

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 "Export Administration Amendments of 1974".

SHORT SUPPLY POLICY

SEC. 2. Section 3(2)(A) of the Export Administration Act of 1969 is amended by striking out "abnormal".

MONITORING

SEC. 3. (a) Section 4 of the Export Administration Act of 1969 is amended by redesignating subsections (c) through (e) thereof as subsections (d) through (f), respectively, and by inserting after subsection (b) a new subsection (c) as follows:

"(c)(1) To effectuate the policy set forth in section 3(2)(A) of this Act, the Secretary of Commerce shall monitor exports, and contracts for exports, of any article, material, or supply (other than a commodity which is subject to the reporting requirements of section 812 of the Agricultural Act of 1970) when the volume of such exports in relation to domestic supply contributes, or may contribute, to an increase in domestic prices or a domestic shortage, and such price increase or shortage has, or may have, a serious adverse impact on the economy or any sector thereof. Information which the Secretary requires to be furnished in effecting such monitoring shall be confidential, except as provided in paragraph (2) of this subsection.

"(2) The results of such monitoring shall, to the extent practicable, be aggregated and included in weekly reports setting forth, with respect to each article, material, or supply monitored, actual and anticipated exports, the destination by country, and the domestic and worldwide price, supply, and demand. Such reports may be made monthly if the Secretary determines that there is insufficient information to justify weekly reports."

(b) Section 10 of such Act is amended—

(1) by inserting "(a)" after "SEC. 10."; and

(2) by adding at the end thereof the following:

"(b)(1) The quarterly report required for the first quarter of 1975 and every second report thereafter shall include summaries of the information contained in the reports required by section 4(c)(2) of this Act, together with an analysis by the Secretary of Commerce of (A) the impact on the economy and world trade of shortages or increased prices for articles, materials, or supplies subject to monitoring under this Act, (B) the probable duration of such shortages or increased prices, (C) the worldwide supply of such articles, materials, and supplies, and (D) actions taken by other nations in response to such shortages or increased prices.

"(2) Each such quarterly report shall also contain an analysis by the Secretary of Commerce of (A) the impact on the economy and world trade of shortages or increased prices for commodities subject to the reporting requirements of section 812 of the Agricultural Act of 1970, (B) the probable duration of such shortages or increased prices, (C) the worldwide supply of such commodities, and (D) actions being taken by other nations in response to such shortages or increased prices. The Secretary of Agriculture shall fully cooperate with the Secretary of Commerce in providing all information required by the Secretary of Commerce in making such analysis.".

(c) Section 5(a) of such Act is amended—

(1) by striking out "hereunder" in the first sentence and inserting in lieu thereof the words "or monitored under this Act"; and

(2) by inserting immediately after such first sentence the following: "Such departments and agencies shall fully cooperate in rendering such advice and information.".

(d) Section 5(a) of the Act is further amended by the following at the end thereof: "In addition, the Secretary of Commerce shall consult with the Federal Energy Administration to determine whether monitoring under section 4 of the Act is warranted with respect to exports of facilities, machinery or equipment normally and principally used, or intended to be used, in the production, conversion or transportation of fuels and energy (except nuclear energy), including but not limited to, drilling rigs, platforms and equipment; petroleum refineries, natural gas processing, liquefication and gasification plants; facilities for production of synthetic natural gas or synthetic crude oil; oil and gas pipelines, pumping stations and associated equipment and vessels for transporting oil, gas, coal and other fuels.".

INTERNATIONAL COOPERATION TO SECURE ACCESS TO SUPPLIES

SEC. 4. (a) Section 2 of the Export Administration Act of 1969 is amended by adding at the end thereof the following new paragraph:

"(5) Unreasonable restrictions on access to world supplies can cause worldwide political and economic instability, interfere with free international trade, and retard the growth and development of nations."

(b) Section 3(3) (A) of such Act is amended by striking out "with which the United States has defense treaty commitments".

(c) Section 3(5) of such Act is amended—

(1) by striking out the word "and" immediately preceding clause (B); and

(2) by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and (C) to foster international cooperation and the development of international rules and institutions to assure reasonable access to world supplies.".

HIGH TECHNOLOGY EXPORTS

SEC. 5. (a) Section 4 of the Export Administration Act of 1969, as amended by section 3 of this Act, is amended by adding at the end thereof the following new subsection:

"(g) Any export license application required by the exercise of authority under this Act to effectuate the policies of section 3(1) (B) or 3(2)(C) shall be approved or disapproved not later than ninety days after its submission. If additional time is required, the Secretary of Commerce or other official exercising authority under this Act shall inform the applicant of the circumstances requiring such additional time and give an estimate of when his decision will be made."

(b) Section 5(c) (1) of such Act is amended by striking out the next to the last sentence thereof and inserting in lieu thereof the following: "Each such committee shall consist of representatives of United States industry and Government, including the Departments of Commerce, Defense, and State, and, when appropriate, other Government departments and agencies.".

(c) Section 5(c) of such Act is amended by adding at the end thereof the following new paragraph:

"(5) To facilitate the work of the technical advisory committees, the Secretary of Commerce, in conjunction with other departments and agencies participating in the administration of this Act, shall disclose to each such committee adequate information, consistent with national security, pertaining to the reasons for the export controls which are in effect or contemplated for the grouping of articles, materials, and supplies with respect to which that committee furnishes advice.".

(d) Not later than one year after the date of enactment of this Act, the Secretary of Commerce shall include in a quarterly report under section 10 of the Export Administration Act of 1969 an accounting of actions taken to expedite the processing of export license applications as required under section 4(g) of the Export Administration Act of 1969.

OPPORTUNITY TO COMMENT ON LICENSING

SEC. 6. Section 5(b) of the Export Administration Act of 1969 is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following:

"(2) Upon imposing quantitative restrictions on exports of any article, material, or supply to carry out the policy stated in section 3(2)(A) of this Act, the Secretary of Commerce shall publish a notice in the Federal Register inviting all interested parties to submit written comments within fifteen days from the date of publication on the impact of such restrictions and the method of licensing used to implement them.".

TECHNICAL AND CONFORMING CHANGES

SEC. 7. Section 4(d) of the Export Administration Act of 1969, as redesignated by section 3 of this Act, is amended to read as follows:

"(d) Nothing in this Act or the rules or regulations thereunder shall be construed to require authority or permission to export, except where required by the President to effect the policies set forth in section 3 of this Act.".

HARDSHIP RELIEF

SEC. 8. The Export Administration Act of 1969 is amended by inserting after section 4 the following new section:

"PROCEDURES FOR HARDSHIP RELIEF FROM EXPORT CONTROLS

"SEC. 4A. (a) Any person who, in his domestic manufacturing process or other domestic business operation, utilizes a product produced abroad in whole or in part from a commodity historically obtained from the United States but which has been made subject to export controls, or any person who historically has exported such a commodity, may transmit a petition of hardship to the Secretary of Commerce requesting an exemption from such controls in order to alleviate any unique hardship resulting from the imposition of such controls. A petition under this section shall be in such form as the Secretary of Commerce shall prescribe and shall contain information demonstrating the need for the relief requested.

"(b) Not later than thirty days after receipt of any petition under subsection (a), the Secretary of Commerce shall transmit a written decision to the petitioner granting or denying the requested relief. Such decision shall contain a statement setting forth the Secretary's basis for the grant or denial. Any exemption granted may be subject to such conditions as the Secretary deems appropriate.

"(c) For purposes of this section, the Secretary's decision with respect to the grant or denial of relief from unique hardship resulting directly or indirectly from the imposition of controls shall reflect the Secretary's consideration of such factors as—

"(1) Whether denial would cause a unique hardship to the applicant which can be alleviated only by granting an exception to the applicable regulations. In determining whether relief shall be granted, the Secretary will take into account:

"(A) ownership of material for which there is no practicable domestic market by virtue of the location or nature of the material;

"(B) potential serious financial loss to the applicant if not granted an exception;

"(C) inability to obtain, except through import, an item essential for domestic use which is produced abroad from the commodity under control;

"(D) the extent to which denial would conflict, to the particular detriment of the applicant, with other national policies including those reflected in any international agreement to which the United States is a party;

"(E) possible adverse effects on the economy (including unemployment) in any locality or region of the United States; and

"(F) other relevant factors, including the applicant's lack of an exporting history during any base period that may be established with respect to export quotas for the particular commodity.

"(2) The effect a finding in favor of the applicant would have on attainment of the basic objectives of the short supply control program.

In all cases, the desire to sell at higher prices and thereby obtain greater profits will not be considered as evidence of a unique hardship, nor will circumstances where the hardship is due to imprudent acts or failure to act on the part of the appellant.".

INTERAGENCY REVIEW

SEC. 9. Section 4 of the Export Administration Act of 1969, as amended by sections 3 and 4 of this Act, is amended by adding at the end thereof the following new subsection:

"(h)(1) The Congress finds that the defense posture of the United States may be seriously compromised if the Nation's goods and technology are exported to a controlled country without an adequate and knowledgeable assessment being made to determine whether export of such goods and technology will significantly increase the military capability of such country. It is the purpose of this section to provide for such an assessment and to authorize the Secretary of Defense to review any proposed export of goods or technology to any such country and, whenever he determines that the export of such goods or technology will significantly increase the military capability of such country, to recommend to the President that such exports be disapproved.

"(2) Whenever a request for a license or other authority is required by any person to export any goods or technology to any controlled country, the appropriate export control office or agency to whom such request is made shall notify the Secretary of Defense of such request, and such office may not issue any license or other authority pursuant to such request prior to the expiration of the period within which the President may disapprove such export, or prior to the expiration of the period within which the Congress may disapprove an action of the President, if applicable. The Secretary of Defense shall carefully consider all notifications submitted to him pursuant to this subsection and, not later than thirty days after notification of the request, shall—

"(A) recommend to the President that he disapprove any request for the export of any goods or technology to any controlled country if he determines that the export of such goods or technology will significantly increase the military capability of such country;

"(B) notify such office or agency that he will interpose no objection if appropriate conditions designed to achieve the purposes of this Act are imposed; or

"(C) indicate that he does not intend to interpose an objection to the export of such goods or technology.

If the President notifies such office or agency, within thirty days after receiving a recommendation from the Secretary, that he disapproves such export, no license or other authorization may be issued for the export of such goods or technology to such country.

"(3) Whenever the President exercises his authority under this subsection to modify or overrule a recommendation made by the Secretary of Defense pursuant to this section, the President shall submit to the Congress a statement indicating his decision together with the recommendation of the Secretary of Defense. The Congress shall have a period of sixty calendar days of continuous session of both Houses after the date on which the statement is transmitted to the Congress to disapprove the action of the President by adopting a concurrent resolution disapproving the application for the export of such goods, technology or techniques.

"(4) In determining whether the export of any goods or technology to any controlled country will significantly increase the military capability of such country, the Secretary of Defense shall take into account all potential end uses, and the likelihood of an end use other than the end use indicated by the applicant for the export of such goods or technology.

"(5) Effective on July 1, 1974, the removal of any category of goods or technology requiring an export license or other authorization shall require the approval of the President.

"(6) The President is authorized, on behalf of the United States, to agree to any modification of the so-called COCOM international lists (or interpretations thereof) if he determines that such modification would not likely result in a significant increase in

the military capability of any controlled country.

"(7) As used in this subsection—

"(A) the term 'goods and technology' includes but is not limited to—

"(i) machinery, equipment, durable goods, and computer software;

"(ii) any license or other arrangement for the use of any patent, trade secret, design, or plan;

"(iii) the so-called know-how or knowledge of any individual, firm, corporation, or other entity;

"(iv) assistance in planning and joint venture arrangements; and

"(v) arrangements under which assistance is provided in developing a manufacturing capability, including so-called turnkey arrangements;

"(B) the term 'export control office' means any office or agency of the United States Government whose approval or permission is required pursuant to existing law for the export of goods or technology; and

"(C) the term 'controlled country' means the Soviet Union, Poland, Romania, Hungary, Bulgaria, Czechoslovakia, the German Democratic Republic (East Germany), and such other countries as may be designated by the Secretary of Defense.

"(8) The Secretary of Defense shall submit to the Congress a written report on his implementation of this section not later than thirty days after the close of each quarter of each fiscal year. Each such report shall, among other things, identify each instance in which the Secretary recommended to the President that exports be disapproved and the action finally taken by the executive branch on the matter.

"(9) Whenever the President exercises his authority under subsections (5) and (6) he shall, having first solicited the recommendation of the Secretary of Defense, transmit his decision, together with the recommendation of the Secretary of Defense, to the Congress. The review and disapproval provisions of subsection (3) shall be applicable to actions taken under subsections (5) and (6).

"(10) The authority granted to the President in subsections (5) and (6) of this section shall be nondelegable."

EXPORT FEES AND LICENSES

SEC. 10. Section 4 of the Export Administration Act of 1969, as amended by sections 3, 4, and 9 of this Act, is amended by adding at the end thereof the following:

"(i) In imposing export controls to effectuate the policy stated in section 3(2)(A) of this Act, the President's authority shall include, but not be limited to, the imposition of export license fees and the auction of export licenses.

"(j)(1) The Secretary of Commerce, after consulting with the Secretary of the Treasury, the Attorney General, and the Secretary of State shall establish regulations for the licensing of exports of all police, law enforcement, or security equipment manufactured for use in surveillance, eavesdropping, crowd control, interrogations, or penal retribution.

"(2) Any license proposed to be issued under this subsection shall be reviewed by the Attorney General and shall be submitted to the Congress. The Congress shall have a period of sixty calendar days of continuous session of both Houses after the date on which the license is transmitted to the Congress to disapprove the issuance of a license by the adoption in either House of a resolution disapproving the proposed license.

"(3) The Secretary of Commerce, with the concurrence of the Secretary of the Treasury, the Attorney General, and the Secretary of State, may by regulation exempt individual countries and specific categories of police, law enforcement, or security equipment from the congressional review and disapproval authority set forth in paragraph (2) if he finds and determines export of the equipment would not threaten fundamental human and civil liberties."

PRESIDENTIAL REVIEW

SEC. 11. The Export Administration Act of 1969 as amended is further amended by inserting after section 4A as added by this bill, the following new section:

"SEC. 4B. The President is directed to review all laws, and regulations issued thereunder by the Atomic Energy Commission, the Department of Commerce, and other Government agencies, governing the export and re-export of materials, supplies, articles, technical data or other information relating to the design, fabrication, development, supply, repair or replacement of any nuclear facility or any part thereof, and to report within six months to the Congress on the adequacy of such regulations to prevent the proliferation of nuclear capability for nonpeaceful purposes. The President is also directed to review domestic and international nuclear safeguards and to report within six months to the Congress on the adequacy of such safeguards to prevent the proliferation, diversion or theft of all such nuclear materials and on efforts by the United States and other countries to strengthen international nuclear safeguards in anticipation of the Review Conference scheduled to be held in February 1975 pursuant to Article VIII, section 3 of The Treaty on the Non-Proliferation of Nuclear Weapons."

EXPIRATION DATE

SEC. 12. Section 14 of the Export Administration Act of 1969 is amended by striking "July 30, 1974" and inserting in lieu thereof "June 30, 1977".

REVIEW BY COMPTROLLER GENERAL

SEC. 13. (a) The Comptroller General of the United States shall conduct a continuous review of the effectiveness of procedures implemented by the Secretary of Commerce pursuant to the provisions of section 4 of the Export Administration Act of 1969. In carrying out such review the Comptroller General shall consider, among other relevant factors—

(1) current and projected domestic shortages of key commodities, export levels of these commodities, the impact on domestic prices and employment of such shortages, and anticipated domestic and foreign demand for such commodities; and

(2) the need for additional export controls of commodities in short supply, the time and manner in which such controls should be implemented, and the recommended duration of any such controls.

(b)(1) The Comptroller General shall transmit to the Congress regular reports setting forth the results of the review required by subsection (a).

(2) In addition, the Comptroller General shall transmit without delay to the Congress a special report whenever he determines that there is a domestic shortage of any commodity which together with exports of that commodity, threatens domestic price stability of that commodity and/or employment related to that commodity. Such report shall contain the Comptroller General's estimate of the extent of the domestic shortage of that commodity, the current and projected export levels, and the projected domestic price and employment impact at projected export levels. The Comptroller General shall include such recommendations for legislative or administrative action as he deems appropriate.

(c) Notwithstanding the provisions of any other law, in carrying out such functions, the Comptroller General is authorized to request, and any department, agency or instrumentality of the Federal Government is directed to furnish, such information as is necessary to carry out the functions provided for under this section, including estimates of the quantity of any commodity necessary for (1) domestic consumption, (2) exports, and (3) reasonable carryover, including disaster relief assistance or other emergency situations.

AMENDMENT TO MINERAL LEASING ACT OF 1920

SEC. 14. Section 28(u) of the Mineral Leasing Act of 1920 (30 U.S.C. 185) is amended by inserting immediately after "quantity and quality of petroleum available to the United States" the following: "or result, directly or indirectly, in any increase in the price thereof to the United States petroleum purchaser".

AGRICULTURAL COMMODITIES

SEC. 15. Section 4(f) of the Export Administration Act of 1969, as redesignated by section 3 of this Act, is amended by inserting "(1)" immediately after "(f)", and by adding at the end thereof the following:

"(2) Within ninety days after the beginning of the crop year the Secretary of Agriculture shall determine which commodities, if any, subject to the reporting requirements of section 812 of the Agricultural Act of 1970, are likely to be in short supply. A commodity shall be determined to be in short supply if the Secretary of Agriculture estimates that the total quantity of the commodity that will be produced in the crop year will be insufficient to provide for anticipated domestic consumption, commercial exports, programed food assistance commitments, disaster relief assistance and other emergency assistance, and a reasonable carryover at the end of the crop year. The Secretary of Agriculture with the concurrence of the Secretary of Commerce shall submit his findings to Congress together with a plan or plans to cope with the anticipated shortage."

ECONOMIC POLICY ACTIONS

SEC. 16. (a) Section 3 of the Export Administration Act of 1969, as amended by section 4 of this Act, is amended by adding at the end thereof the following new paragraph:

"(7) It is the policy of the United States to use export controls to secure the removal by foreign countries of restrictions on access to supplies (a) where such restrictions which have or may have a serious domestic inflationary impact, have caused or may cause a serious domestic shortage, or have or may have a serious adverse effect on employment in the United States, or (b) where such restrictions have been imposed for purposes of influencing the foreign policy of the United States. In effecting this policy, the President shall make every reasonable effort to secure the removal or reduction of such restrictions, policies or actions through international cooperation and agreement before resorting to the imposition of controls on the export of materials from the United States: *Provided*, That no action shall be taken in fulfillment of the policy set forth in this subsection to restrict the export of medicine and medical supplies."

(b) Section 4 of such Act, as amended by sections 3, 4, 9, and 10 of this Act, is amended by adding at the end thereof the following new subsection:

"(k) Before exercising the authority conferred by this Act to implement the policy set forth in section 3(7), the President shall—

"(1) request and receive from the Tariff Commission its views on the probable impact on the domestic economy of such exercise of authority: *Provided, however*, That such views are transmitted to the President within thirty days of the request therefor; and

"(2) consult with the appropriate committees of the Congress with respect to such exercise of authority."

Mr. STEVENSON. Mr. President, I move to reconsider the vote by which the bill was passed.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR DEBATE ON CLOTURE MOTION TOMORROW TO BEGIN AT 1:15 P.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the hour for the debate on the cloture motion tomorrow begin at 1:15 p.m. That would put the vote at approximately 2:30.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 9:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR METZENBAUM TOMORROW

Mr. METZENBAUM. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order on tomorrow, the Senator from Ohio (Mr. METZENBAUM) be recognized for not to exceed 15 minutes.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW FOR CONSIDERATION OF PUBLIC WORKS APPROPRIATION BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the Senator from Ohio (Mr. METZENBAUM) completes his statement, there be 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 the Senate proceed to the consideration of the Public Works, AEC appropriation bill.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

ANNOUNCEMENT OF HEARINGS ON IMPEACHMENT RULES OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate, and as chairman of the Subcommittee on Standing Rules of the Senate of the Committee on Rules and Administration, hearings will be conducted beginning on Monday of next week at the hour of 10 a.m., at which time Senators may appear before the subcommittee to deliver their testimony with regard to the impeachment rules of the Senate, and suggesting any revisions that they may wish to have considered.

Senators will be notified by mail by the Subcommittee on Rules of this date and the time of the hearings, but I wish to make the statement for the RECORD now. I ask that the appropriate officers of the Senate on tomorrow, or even this evening, make this information available also on the hotlines of the two respective cloakrooms.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield at this point?

Mr. ROBERT C. BYRD. I am glad to yield to the Senator.

Mr. HARRY F. BYRD, JR. Mr. President, instead of appearing before the committee, I wish to take 1 minute to express the hope that the committee of the Senate will adhere to the statement that has been made in the whip notice for several days, which quotes a present Senate rule that if and when a trial should begin that it "shall continue in session from day to day (Sunday excepted), unless otherwise ordered by the Senate, until final judgment shall be rendered."

I think it is important that any proceedings in the Senate be handled as promptly as possible; that the Senate stay in session on the particular subject and conclude it at the earliest possible time, one way or the other.

Mr. ROBERT C. BYRD. I share that viewpoint. The distinguished majority leader has also stated that to be his viewpoint, and if the Senate operates under the present impeachment rules, that will be the procedure.

Mr. PELL. Mr. President, will the Senator yield.

Mr. ROBERT C. BYRD. I yield.

Mr. PELL. I wish to support the Senator's view, and I am delighted to know the intention of the leaders.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on tomorrow, the Senate will convene at the hour of 9:30 a.m. After the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Ohio (Mr. METZENBAUM) will be recognized for not to exceed 15 minutes, after which there will ensue a period of not to exceed 15 minutes, with statements therein limited to 5 minutes each, for the transaction of routine morning business. At the conclusion of routine morning business tomorrow, the Senate will proceed to the consideration of the bill making appropriations for Public Works, H.R. 15155. There is a time agreement on that bill. Undoubtedly, rollcall votes will occur on the passage thereof and perhaps on amendments thereto.

Upon the disposition of H.R. 15155, the Senate will proceed to the consideration of H.R. 15323, an act to amend the Atomic Energy Act of 1954, to revise the method of providing for public remuneration in the event of a nuclear incident, and for other purposes.

There is a time agreement on that bill. It is anticipated that rollcall votes will occur thereon.

A rollcall vote on the motion to invoke cloture on the consumer protection bill will occur at about 2:30 p.m.

Tomorrow gives promise of being a busy day and it could be a very long day with several rollcalls throughout.

ADJOURNMENT TO 9:30 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 9:30 a.m. tomorrow.

The motion was agreed to; and at 6:48 p.m., the Senate adjourned until tomorrow, Thursday, August 1, 1974, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 31, 1974:

DEPARTMENT OF JUSTICE

Richard W. Velde, of Virginia, to be Administrator of Law Enforcement Assistance, vice Donald E. Santarelli, resigned.

DIPLOMATIC AND FOREIGN SERVICE

The following-named Foreign Service Officer for promotion from class 3 to class 2:

Richard W. Berg, of New Hampshire.

For appointment as a Foreign Service information officer of class 2, a consular officer, and a secretary in the Diplomatic Service of the United States of America:

Gerald Stryker, of Virginia.

Now a Foreign Service officer of class 3 and a secretary in the Diplomatic Service, to be also a consular officer of the United States of America:

Peter C. Walker, of the District of Columbia.

For appointment as Foreign Service officers of class 3, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Roy Y. Fujioka, of California.
Esther Magdalena Rice, of Ohio.

For appointment as a Foreign Service officer of class 4, a consular officer, and a secretary in the Diplomatic Service of the United States of America:

Richard Augustus Calfee, of Michigan.

For appointment as Foreign Service information officers of class 4, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Ray Heyden Burson, of North Carolina.
Vincent Chiarello, of New York.
Sally M. Grooms, of Illinois.
Alan A. Rogers, of California.
Dennis Ray Shaw, of South Dakota.
Karin Thorbecke Stephen, of Florida.
Frances F. Switt, of New Jersey.
Robert Topp Tims, of Virginia.

For promotion from a Foreign Service officer of class 6 to class 5:

William C. Kelly, Jr., of New Jersey.

For reappointment in the Foreign Service as a Foreign Service officer of class 5, a consular officer, and a secretary in the Diplomatic Service of the United States of America:

Mary Michelson Haselton, of New Hampshire.

For reappointment in the Foreign Service as a Foreign Service information officer of class 5, a consular officer, and a secretary in the Diplomatic Service of the United States of America:

Hugh James Ivory, of New York.

For appointment as Foreign Service officers of class 5, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Guy C. Johnson, of California.
Ellen G. Joyner, of North Carolina.
Ishmael Lara, of California.
B. Jerry Lujan, of New Mexico.
Margie M. Mallory, of Texas.
W. Lee Mattingly, of Massachusetts.
Roy Raymond Matson, of Virginia.
Michael L. Milligan, of New York.
Charles E. Pedonti, of Massachusetts.
Eleanor M. Ridge, of Massachusetts.
Diane C. Salisbury, of New York.
Marguerite M. Simonson, of Pennsylvania.
Mary Elizabeth Snapp, of Virginia.
Lyle A. van Ravenswaay, of Missouri.
Bobby L. Watson, of California.
Katherine M. White, of Arizona.
Warren E. Mills, of Massachusetts.

For appointment as Foreign Service information officers of class 5, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Philix Silvio Aragón, of New Mexico.
William Scott Watson, of Virginia.

For promotion from Foreign Service officers of class 7 to class 6:

Leslie Alson Doak, of California.
Shaun Edward Donnelly, of Indiana.
Wayne Stephen Leininger, of Florida.
George H. Mitchell, Jr., of Virginia.
William Howard Moore, of Virginia.
John J. Tkacik, Jr., of Virginia.

For reappointment in the Foreign Service as a Foreign Service information officer of class 6, a consular officer, and a secretary in the Diplomatic Service of the United States of America:

Donna Millons Culpepper, of Washington.

For appointment as Foreign Service officers of class 6, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Charles Lynwood McKinnon, of the District of Columbia.
Elizabeth Ann Powers, of Pennsylvania.
H. Clarke Rodgers, Jr., of Georgia.

For promotion from a Foreign Service officer of class 8 to class 7:

Andrew Sciacchitano, of Illinois.

For appointment as Foreign Service officers of class 7, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Sara E. Barr, of Florida.
Jonathan M. Bensky, of Virginia.
Steven M. Brattain, of Ohio.
Donald Camp, of Maryland.
John Davis Caswell, of Connecticut.
Michael A. Ceurvorst, of Iowa.
Philip Dale Dean, Jr., of Virginia.
Patrick DelVecchio, of Virginia.
Milton K. Drucker, of Massachusetts.
Franklin Huddle, Jr., of Virginia.
Edmund James Hull, of the District of Columbia.
Donald Carter Hunter, of New Jersey.
Donald C. Johnson, of Oregon.
Gerald Richard Lueders, of Nebraska.
Michael E. McNaull, of Washington.
Michael J. Metrinko, of Pennsylvania.
Brian J. Mohler, of New York.
Patrick J. Nichols, of Virginia.
John A. Polansky, Jr., of Texas.
Charles E. Redman, of Indiana.
Ronald MacDonnell Roberts, of California.
Karla R. Smith, of Florida.
David C. Summers, of Ohio.
Robert Craig Van Voorhees, of Michigan.
Michael R. Vick, of Virginia.
Steven Wagenseil, of Rhode Island.
Paul T. Walters, of Ohio.
Kent M. Wiedemann, of California.
William N. Witting, of Virginia.

For appointment as Foreign Service information officers of class 7, consular officers, and secretaries in the Diplomatic Service of the United States of America:

David L. Arnett, of Louisiana.
William C. Dawson, Jr., of Kentucky.
Richard J. Kaplan, of Massachusetts.
Joel J. Levy, of Connecticut.
Karl F. Olsson, of Nebraska.
William G. Pelfrey, of Michigan.
Louise Taylor, of California.

For appointment as Foreign Service officers of class 8, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Edna M. Black, of Massachusetts.
Steven Robert Buckler, of Michigan.
Anne O. Cary, of Maryland.
Kathleen Chisholm, of Massachusetts.
Timothy John Dunn, of Illinois.
George Ernest Hamilton, of Texas.

For appointment as a Foreign Service information officer of class 8, a consular officer, and a secretary in the Diplomatic Service of the United States of America:

Barbara St. C. Calandra, of New York.

Foreign Service reserve officers to be consular officers and secretaries in the Diplomatic Service of the United States of America:

Craig A. Arness, of Virginia.
Philip J. Balestrieri, of Virginia.
Janine M. Brookner, of New Jersey.
John H. Buehler, of Texas.
Stewart D. Burton, of Utah.
Charlotte Z. Bustos-Videla, of Virginia.
Virginia S. Carson, of the District of Columbia.
Allan Price Daw, of Virginia.
Allan V. Ellsbury, of Wyoming.
Victor H. Galt, of Virginia.
Norman D. Glick, of New York.
Vasia C. Gmirkin, of Nevada.
Russell S. Hibbs, of Nevada.
David M. Hoopes, of the District of Columbia.
Stephen M. Hourigan, of Virginia.
Miller N. Hudson, Jr., of New Mexico.
James R. Hughes, of Virginia.
Eugene L. Jeffers, Jr., of Maryland.
Robert H. Larson, of Virignia.
Nicholas G. Mariano, of Maryland.
Warren J. Marik, of Virginia.
Elizabeth Davenport McKune, of the District of Columbia.
James A. Moorhouse, of Virginia.
Felix N. Negretti, of Maryland.
Einar O. Olsen, of Virginia.
Morton M. Palmer III, of Virginia.
Jeffrey G. Peterson, of Virginia.
Ruth H. Phillips, of New York.
Bernard C. Pollock, of Virginia.
Andrew D. Rohlfing, of Virginia.
Thomas A. Ryan, of Virginia.
Frederic H. Sabin, of Virginia.
William C. Simenson, of Virgina.
James J. Soldow, of Florida.
Howell S. Teeple, of Texas.
Donald F. Vogel, of Virginia.
Dan S. Wages, of Virginia.
James C. Whittemore, of Virginia.
Robert H. Wilcox, of Maryland.
William W. Williams, of Colorado.
Geraldine J. Wittbrod, of Illinois.
Gerald A. Zingsheim, of Virginia.

For Service Reserve Offices to be Secretaries in the Diplomatic Service of the United States of America:

Vincent W. Brown, of California.
Charles J. Nelson, of the District of Columbia.
William C. Poole, of Virginia.

Foreign Service staff officers to be consular officers of the United States of America.

Francis J. Holeva, of California.
Camilo E. Leon, of Arizona.
Jack J. Rudolph, Jr., of California.

IN THE COAST GUARD

The following officers of the U.S. Coast Guard for promotion to the grade of lieutenant (junior grade):

Christian T. Bonher
Otis B. Jones, Jr.
James E. Koehler
Richard P. Tittermary
Wayne K. Gibson
Douglas K. McFadden
Thomas A. Trosvig
Richard E. Frye II
Dennis R. Shoebothan
Bruce E. Tate
Walter Sapp
James W. Guin, Jr.
William A. Danner
David J. Doyle
Walter J. Brudzinski
Arthur E. Adkins
Herman S. Pritchard
David V. Romme

The following Reserve officers of the U.S. Coast Guard to be permanent commissioned officers in the Regular Coast Guard in the grades indicated:

Commander

John M. Cece

Lieutenant commander

Kenneth J. Morris
Richard L. Schoel

Lieutenant

Raymond M. Paetzold
Craig T. Lynch
Kyle E. Jones
William H. Boland, Jr.
Darryl R. Hannon
Lewis C. Dunn

Lieutenant (junior grade)

Lawrence M. Jasmann

The following temporary officers of the U.S. Coast Guard for promotion to chief warrant officer, W2:

Thomas F. Weber
Charles O. Gill

HOUSE OF REPRESENTATIVES—*Wednesday, July 31, 1974*

The House met at 12 o'clock noon.

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

Let us search and try our ways, and turn again to the Lord.—Lamentations 3: 40.

Almighty God, who art the source of all our being and the sustainer of our daily lives, give us grace to grow in goodness, to increase in insight and to live in love that every talent Thou hast entrusted to us may be strengthened by faithful use. In all our getting help us to get wisdom—wisdom to see clearly, wisdom to make decisions courageously, and wisdom to seek to live on the higher ground of truth and good will.

Bless our Nation with Thy favor, we pray Thee, and in these troubled times help us to be true to the great ideals of our fathers that our country may ever be the home of freedom, justice, and true brotherhood.

In the spirit of Him who is the Way, the Truth, and the Life 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 PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On July 23, 1974:

H.R. 11385. An act to amend the Public Health Service Act to revise the programs of health services research and to extend the program of assistance for medical libraries.

On July 25, 1974:

H.R. 7824. An act to amend the Economic Opportunity Act of 1964 to provide for the transfer of the legal services program from the Office of Economic Opportunity to a Legal Services Corporation, and for other purposes; and

H.R. 11143. An act to provide the authorization for fiscal year 1975 and succeeding fiscal years for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, and for other purposes.

On July 26, 1974:

H.R. 8543. An act for the relief of Viorica Anna Ghitescu, Alexander Ghitescu, and Serban George Ghitescu.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 3477. An act to amend the act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 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.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15472) entitled "An act making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1975, and for other purposes," and that the Senate agreed to the amendment of the House to the amendment of the Senate numbered 56, to the foregoing bill.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 425) entitled "An act to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. METCALF, Mr. JOHNSTON, Mr. HASKELL, Mr. NELSON, Mr. FANNIN, Mr. HANSEN, and Mr. BUCKLEY to be the conferees on the part of the Senate.

The message also announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 228. Joint resolution to extend the expiration date of the Defense Production Act of 1950; and

S.J. Res. 229. Joint resolution to amend the Export-Import Bank Act of 1945.

The message also announced that Mr. STEVENS was appointed as a conferee on the bill (S. 628) entitled "An act to amend chapter 83 of title 5, United States Code, to eliminate the annuity reduction made, in order to provide a surviving spouse with an annuity, during periods when the annuitant is not married" in lieu of Mr. FONG, excused.

The message also announced that Mr. STEVENS was appointed as a conferee on the bill (H.R. 14715) entitled "An act to clarify existing authority for employment of White House Office and Executive Residence personnel, and for other purposes" in lieu of Mr. FONG, excused.

PROPOSED REDUCTION IN MILITARY ASSISTANCE SERVICE FUNDED PROGRAM

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

Mr. FLYNT. Mr. Speaker, next week when the House considers the Department of Defense appropriation bill for fiscal year 1975, it will very likely contain an item of $1 billion for U.S. support of the military assistance service funded—MASF—program, the principal instrument for American military aid to the Republic of South Vietnam.

At the proper time I will offer an amendment to reduce the $1 billion figure to $700 million. This amendment will be consistent with actions of the House of Representatives over the past few months despite admonitions of calamity from the administration.

The House has previously acted responsibly in reducing the adminstration requests for MASF and has thereby contributed to the possibility of meaningful peace in Vietnam.

We in the Congress again have the responsibility to continue this effort, and for this purpose I will offer the amendment to strike the figure of $1 billion for the MASF program in fiscal year 1975 and insert in lieu thereof the figure $700 million—a figure comparable to the actual MASF expenditures made for South Vietnam in fiscal year 1974.

While it is true that in fiscal year 1974 the Congress provided a limitation of $1.009 billion for military assistance to South Vietnam, less than $750 million was actually applied against the fiscal year 1974 account. Any amount over $750 million would be an increase over fiscal year 1974. Believing as I do that some reduction must be made and after consultation with other members of the Appropriations Committee, I have selected the $700 million figure as one which is both realistic and which while constituting a reduction from the expenditure level of 1974, it is a mild reduction and one which is fully justified.

A number of fundamental considerations have led me to offer the $700 million figure. The 1-minute rule under which I speak does not permit a full discussion of any of these at this time, but I shall discuss these considerations tomorrow again under the 1-minute rule.

MILITARY ASSISTANCE BUDGET SHOULD BE CUT

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

Mr. GIAIMO. Mr. Speaker, I rise to associate myself with the distinguished gentleman from Georgia (Mr. FLYNT) and with his remarks, that the military assistance budget for South Vietnam, which will be part of our defense appropriation bill should be cut as outlined by the gentleman from Georgia. There is no question that we must indicate quite clearly to all that it is America's intent to cut and eventually eliminate these massive amounts of military aid which have been supplied to South Vietnam, so that ultimately a political and peaceful solution can be found for the difficulties in Vietnam, rather than intensification of the military activities which our military aid abets.

COMMODITY CREDIT CORPORATION ANNUAL REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency:

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 806, 80th Cong., 2d Sess. (62 Stat. 1073), I transmit herewith the annual report of the Commodity Credit Corporation for the fiscal year ended June 30, 1973.

RICHARD NIXON.

THE WHITE HOUSE, *July 31, 1974.*

ANNOUNCEMENT OF ADDITION TO LEGISLATIVE PROGRAM

(Mr. McFALL asked and was given permission to address the House for 1 minute.)

Mr. McFALL. Mr. Speaker, I take this time to announce that on tomorrow the first item of business will be the conference report on H.R. 14021, the legislative appropriations bill.

THE LATE HONORABLE FOREST A. HARNESS

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

Mr. HILLIS. Mr. Speaker, it is with deep regret that I announce today the death of a former Member of this great body, former Congressman Forest A. Harness of Indiana who passed away this week. Since that time he and his wife, the former Amy B. Rose, have lived in Sarasota, Fla.

Congressman Harness was a Member of the House of Representatives here beginning with the 70th Congress through and including the 80th Congress. In serving here, he served on the Committee on Armed Services, then known as the Committee on Military Affairs. After his service, in 1948 he practiced law, and then in 1952 became the Sergeant at Arms of the Senate. He left that position in 1955 when appointed to the American Battle Monuments Commission, and retired from Government service altogether in 1960.

While in the Congress, Congressman Harness served on the Committee on Military Affairs, Committee on Rules, Subcommittee on Expenditures and Propaganda in the Federal Government.

He was also chairman of the committee which investigated the Federal Communications Commission. He also served on the Republican Policy Committee.

The Congressman was active in the American Legion since its inception, and served as commander of Post 6 in Kokomo, Ind., judge advocate and department commander for the State of Indiana.

I am proud to have known Congressman Harness and honored to have shared the same hometown.

To his widow I extend my deepest sympathy at this time.

CALL OF THE HOUSE

Mr. CONABLE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 421]

Arends	Chappell	Culver
Baker	Chisholm	Davis, Ga.
Blatnik	Clark	de la Garza
Brasco	Clay	Diggs
Carey, N.Y.	Conte	Drinan
Carter	Conyers	Evins, Tenn.
Foley	Hogan	Powell, Ohio
Gray	Holifield	Rees
Green, Oreg.	Jones, Ala.	Rooney, N.Y.
Green, Pa.	Kuykendall	Rostenkowski
Griffiths	Landrum	Steiger, Ariz.
Gunter	McSpadden	Symington
Hansen, Idaho	Meeds	Tiernan
Hansen, Wash.	O'Neill	Udall
Hébert	Pike	Vander Veen

The SPEAKER. On this rollcall, 389 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF CONFEREES ON S. 2510, CREATING FEDERAL OFFICE OF PROCUREMENT POLICY

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2510), to create an Office of Federal Procurement Policy within the Executive Office of the President, and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island? The Chair hears none and appoints the following conferees: Messrs. HOLIFIELD, ST GERMAIN, FUQUA, HORTON, and ERLENBORN.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT ON HOUSE CONCURRENT RESOLUTION 564, RETURNING SMOKEY BEAR TO HIS PLACE OF BIRTH

Mr. RUNNELS. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight tonight to file a report on House Concurrent Resolution 564, to declare the sense of Congress that Smokey Bear shall be returned on his death to his place of birth, Capitan, N. Mex.

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

There was no objection.

CONFERENCE REPORT ON H.R. 8217, EXEMPTION FROM DUTY OF EQUIPMENT AND REPAIRS FOR CERTAIN VESSELS

Mr. MILLS. Mr. Speaker, I call up the conference report on the bill (H.R. 8217) to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States, 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 Arkansas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 16, 1974.)

Mr. MILLS. Mr. Speaker, in view of the fact that the text of the Senate amendments was printed in the RECORD last week and Members had access to it at that time, I ask unanimous consent to dispense with the reading of the amendment.

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

There was no objection.

MOTION OFFERED BY MR. MILLS

Mr. MILLS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MILLS moves that the House recede from its disagreement to the Senate amendment to the text of the bill, H.R. 8217, and concur therein with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill (page 2, after line 6), insert the following:

SEC. 3. The last sentence of section 203 (e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (as added by section 20 of Public Law 93-233 and amended by section 2 of Public Law 93-256 and by section 2 of Public Law 93-329) is amended by striking out "August 1, 1974" and inserting in lieu thereof "April 30, 1975".

SEC. 4 (a) The second sentence of section 204(b) of the Emergency Unemployment Compensation Act of 1971 is amended to read as follows: "Amounts appropriated as repayable advances and paid to the States under section 203 shall be repaid, without interest, as provided in section 905(d) of the Social Security Act."

(b) Section 903(b) of the Social Security Act is amended by striking out paragraph (3).

SEC. 5. Section 1631 of the Social Security Act is amended by adding the following at the end thereof:

"REIMBURSEMENT TO STATES FOR INTERIM ASSISTANCE PAYMENTS

"(g)(1) Notwithstanding subsection (d) (1) and subsection (b) as it relates to the payment of less than the correct amount of benefits, the Secretary may, upon written authorization by an individual, withhold benefits due with respect to that individual and may pay to a State (or a political subdivision thereof if agreed to by the Secretary and the State) from the benefits withheld an amount sufficient to reimburse the State (or political subdivision) for interim assistance furnished on behalf of the individual by the State (or political subdivision).

"(2) For purposes of this subsection, the term 'benefits' with respect to any individual means supplemental security income benefits under this title, and any State supplementary payments under section 1616 or under section 212 of Public Law 93-66 which the Secretary makes on behalf of a State (or political subdivision thereof), that the Secretary has determined to be due with respect to the individual at the time the Secretary makes the first payment of benefits. A cash advance made pursuant to subsection (a)(4)(A) shall not be considered as the first payment of benefits for purposes of the preceding sentence.

"(3) For purposes of this subsection, the term 'interim assistance' with respect to any individual means assistance financed from State or local funds and furnished for meeting basic needs during the period, beginning with the month in which the individual filed an application for benefits (as defined in paragraph (2)), for which he was eligible for such benefits.

"(4) In order for a State to receive reimbursement under the provisions of paragraph (1), the State shall be in effect an agreement with the Secretary's which shall provide—

"(A) that if the Secretary makes payment to the State (or a political subdivision of the State as provided for under the agreement)

in reimbursement for interim assistance (as defined in paragraph (3)) for any individual in an amount greater than the reimbursement amount authorized by paragraph (1), the State (or political subdivision) shall pay to the individual the balance of such payment in excess of the reimbursable amount as expeditiously as possible, but in any event within ten working days or a shorter period specified in the agreement; and

"(B) that the State will comply with such other rules as the Secretary finds necessary to achieve efficient and effective administration of this subsection and to carry out the purposes of the program established by this title, including protection of hearing rights for any individual aggrieved by action taken by the State (or political subdivision), pursuant to this subsection.

"(5) The provisions of subsection (c) shall not be applicable to any disagreement concerning payment by the Secretary to a State pursuant to the preceding provisions of this subsection nor the amount retained by the State (or political subdivision).

"(6) The provisions of this subsection shall expire on June 30, 1976. At least sixty days prior to such expiration date, the Secretary shall submit to Congress a report assessing the effects of actions taken pursuant to this subsection, including the adequacy of interim assistance provided and the efficiency and effectiveness of the administration of such provisions. Such report may include such recommendations as the Secretary deems appropriate.".

SEC. 6. (a) Section 1611 of the Social Security Act is amended—

(1) in subsection (a)(1)(A), by inserting "(or, if greater, the amount, determined under section 1617)" immediately after "$1,752";

(2) in subsection (a)(2)(A), by inserting "(or, if greater, the amount determined under section 1617)" immediately after "$2,628";

(3) in subsection (b)(1), by inserting "(or, if greater, the amount determined under section 1617)" immediately after "$1,752"; and

(4) in subsection (b)(2), by inserting "(or, if greater, the amount determined under section 1617)" immediately after "$2,628".

(b) Part A of title XVI of such Act is further amended by adding at the end thereof the following new section:

"COST-OF-LIVING ADJUSTMENTS IN BENEFITS

"SEC. 1617. Whenever benefit amounts under title II are increased by any percentage effective with any month as a result of determination made under section 215(i), each of the dollar amounts in effect for such month under subsections (a)(1)(A), (a)(2)(A), (b)(1), (b)(2) of section 1611, and subsection (a)(1)(A) of section 211 of Public Law 93-66, as specified in such subsections or as previously increased under this section, shall be increased by the same percentage (and rounded, when not a multiple of $1.20, to the next higher multiple of $1.20), effective with respect to benefits for months after such month; and such dollar amounts as so increased shall be published in the Federal Register together with, and at the same time as, the material required by section 215(i)(2)(D) to be published therein by reason of such determination."

SEC. 7. (a) Section 15(c)(2) of Public Law 93-233 is amended by striking out "December 1, 1974" and inserting in lieu thereof "March 1, 1975", and by striking out "July 1, 1975" and inserting in lieu thereof "March 1, 1967".

(b) Section 15(c)(5) of Public Law 93-233 is amended by striking out "March 1, 1975" and inserting in lieu thereof "June 1, 1975", and by striking out "October 1, 1975" and inserting in lieu thereof "June 1, 1976".

(c) Section 15(d) of Public Law 93-233 is amended by striking out "January 1, 1975, except that if the Secretary of Health, Education, and Welfare determines that additional time is required to prepare the report required by subsection (c), he may, by regulation, extend the applicability of the provisions of subsection (a) to cost accounting periods beginning after June 30, 1975" and inserting in lieu thereof "July 1, 1976".

SEC. 8. Section 249B of the Social Security Amendments of 1972 is amended by striking out "June 30, 1974" and inserting in lieu thereof "June 30, 1977".

SEC. 9. (a) Section 1902(a)(14)(B)(i) of the Social Security Act (relating to certain cost-sharing fees required to be paid by some individuals under medicaid) is amended by striking out "shall" and inserting in lieu thereof "may".

(b) The amendment made by subsection (a) shall be effective January 1, 1973.

SEC. 10. (a) Section 211(a)(1) of the Social Security Act is amended by inserting after "material participation by the owner or tenant" each time it occurs the following: "(as determined without regard to any activities of an agent of such owner or tenant)".

(b) Section 1402(a)(1) of the Internal Revenue Code of 1954 (relating to definition of net earnings from self-employment) is amended by inserting after "material participation by the owner or tenant" each time it occurs the following: "(as determined without regard to any activities of an agent of such owner or tenant)".

(c) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1973.

SEC. 11. (a) The staff of the Joint Committee on Internal Revenue Taxation shall conduct a comprehensive study and investigation of the operation and effect of the Renegotiation Act of 1951, as amended, with a view to determining whether such Act should be extended beyond December 31, 1975, and, if so, how the administration of such Act can be improved. The Joint Committee staff shall specifically consider whether exemption criteria and the statutory factors for determining excessive profits should be changed to make the Act fairer and more effective and more objective. The Joint Committee staff shall also consider whether the Renegotiation Board should be restructured.

(b) In conducting such study and investigation the staff of the Joint Committee on Internal Revenue Taxation shall consult with the staffs of the Renegotiation Board, the General Accounting Office, the Cost Accounting Standards Board, and the Joint Economic Committee.

(c) The staff of the Joint Committee on Internal Revenue Taxation shall submit the results of its study and investigation to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate on or before September 30, 1975, together with such recommendations as it deems appropriate.

Mr. MILLS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the motion and that it be printed in the RECORD.

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

There was no objection.

POINT OF ORDER

Mr. PICKLE. Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. PICKLE. Mr. Speaker, I make a point of order on section 3 of this bill because it does not conform to the House germaneness rule, rule 28, clause 5(b)(1).

In no way can this section be germane to the House-passed H.R. 8217.

The House bill dealt with exempting from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971.

Section 3 deals with the unemployment compensation program as it relates to extended benefits. This has nothing to do with the "repair of vessels."

Mr. Speaker, I feel that it is necessary to take time to explain why the Senate unemployment compensation amendment is nongermane to the House-passed tariff bill.

It is nongermane on its face, and I ask that my point of order be sustained.

The SPEAKER. Does the gentleman from Arkansas (Mr. MILLS) desire to be heard on the point of order?

Mr. MILLS. Mr. Speaker, I must admit that the point of order is well taken. I cannot resist the point of order.

The SPEAKER. The point of order is sustained.

MOTION OFFERED BY MR. PICKLE

Mr. PICKLE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PICKLE moves that the House reject section 3 of the proposed amendment to the Senate amendment to the text of the bill H.R. 8217.

The SPEAKER. The gentleman from Texas (Mr. PICKLE) will be recognized for 20 minutes, and the gentleman from Arkansas (Mr. MILLS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I am objecting to this section of the bill for several reasons.

On its face, the amendment sounds good, but closer examination will reveal why it is wrong for the House to acquiesce to the other body, which has—once again—come in at the last minute to suspend or waiver the provisions of the unemployment compensation laws.

The need for such a study is one reason why I oppose the Senate amendment. For the first time in 2 years we are having an open and full debate on what the Senate is doing to our unemployment compensation program.

For the fifth time in 2 years the other body is tinkering with the extended benefits program. For the fifth time in 2 years the House is being asked to go along blindly with the Senate. We are asked to do so despite promises from the Ways and Means Committee that a permanent solution is forthcoming. The employers of the country are being traded off again.

Just what is it that we are being asked to do?

The extended unemployment benefits program is complicated. Its basic goal is one with which no one quarrels. The goal is that when a State has abnormal unemployment rates, unemployment benefits are extended beyond the normal period for payments. In the unemployment compensation system, the time for extended benefits period is 13 weeks. The extended benefits are financed 50 percent from the State participating and 50 percent from a Federal trust fund.

Moneys in the State fund and Federal fund come from taxes on employers. To

pay the Federal fund—the FUTA—an extra tax is placed on the employers all across the Nation.

Under permanent law, a State gets to tap the Federal fund when two events occur. First the unemployment rate has to be above 4 percent, and second, the unemployment rate for a 13-week period has to be 120 percent of the same 13-week period of the previous year.

So, under the permanent law, when the unemployment rate drops below 4 percent, or becomes less than 120 percent of the previous year's unemployment, the State can no longer get Federal funds for extended benefits payment.

For the past 2 years, the Congress has waived, or eliminated, with temporary measures the 120-percent trigger mechanisms.

Today, we are being asked to waive the 120-percent trigger until April 30, 1975. The present waiver expires July 31, 1974.

The waiver of the 120-percent trigger was done originally to help those states with chronic high unemployment.

I do not quarrel with this original goal, but I do want Congress to know that taxes on employers are paying for these extra benefits.

The sum of it is that the House is being asked time after time to put more taxes on employers in various states without debate.

This is one reason why I ask the House to reject the Senate amendment.

The main reason that I ask the House to reject the Senate amendment is the facts of the situation.

As of June 15, 10 States were receiving extended benefits under the present waiver of the 120-percent trigger. Only three of these states had unemployment rates above 6 percent. Three had unemployment rates below 5 percent.

When the program was originally established, 4 percent unemployment was the goal.

Now, many economists feel 5 percent is the figure to shoot for.

So, it would seem that an abnormal unemployment situation does not exist for 7 States now draining the Federal fund at the expense of employers of the other states.

The House should put a stop to this practice, and establish a permanent system to help those states with unusually high unemployment.

Perhaps a better solution would be to move to a simple solution whereby extended benefits would be paid when the unemployment rate went above 6 percent.

Such a permanent system would bring four States and Puerto Rico under an extended benefits program. Two more States were so close to 6 percent plus as of June 15, that they, too, would probably qualify if this new system was adopted

The rates that I am using are the insured unemployment rates. Let us remember, the uninsured do not receive benefits no matter what. So those who ask the uninsured rate be counted in are using the poor in a devious way.

If we want to help the uninsured poor, a system for them should be considered. We should not be lulled into thinking we are assisting the uninsured, who are generally the lowest income sector of the economy, by tinkering with the insured unemployment benefits program.

In conclusion, Mr. Speaker, I think the House should reject the Senate nongermane amendment.

Legislation that is not fair to all the States should not be passed willy-nilly everytime the Senate asks for it.

The facts also show that the waiver of the 120-percent trigger until June 1, 1975, is not really needed.

I ask the House to vote against the Senate amendment, and to ask the Congress to come up with a permanent solution to the problem.

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

Mr. PICKLE. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. Mr. Speaker, I thank the gentleman for yielding. I would like to be associated with the remarks made by the gentleman from Texas (Mr. PICKLE).

As I understand the situation, besides the fact that this is an ungermane amendment, and it certainly appears to be one to me, it does not seem fair that this extension of the unemployment compensation law should be enacted as a rider put on by the Senate. It should be a bill standing on its own feet—there should be hearings.

Mr. PICKLE. The gentleman from New Hampshire is correct, obviously the section is not germane. I would say to the gentleman that this has happened on about four or five occasions. The gentleman from Arkansas, the chairman of the committee, and I have had colloquies on this matter before. I know that the intent is to try to correct a situation that is obviously and blatantly unfair. It is not right for some 37 States to pay for the extended benefits of 10 or 13 other States. This is what is happening today, and it has happened many times in the last 2 or 3 years.

Unless we handle this problem correctly it can go on and on by virtue of the waiver of this formula of the trigger here at the last moment as the Senate has done on many occasions before.

Mr. CLEVELAND. Mr. Speaker, I want to compliment the gentleman from Texas, (Mr. PICKLE) for bringing this to the attention of the Members of the House.

As I understand it, the gentleman from Texas at one time served in the Texas employment security service, and as such has become an expert in this field. I do know that the gentleman has a national reputation in this field.

I think it is regrettable that we address this with an amendment tacked on by the Senate on a bill that really does not deal with this problem.

Mr. PICKLE. I certainly do not claim to be any sort of an expert in this field, but I was part of the Texas State program when we recommend the formula that established the unemployment extended benefits program.

I think it is good that our States that have abnormally high unemployment should be helped, and it is to the credit of all the States, that they have come together in years past and said, "We will join and help you." But the States that said they wanted to help did not say, "We will allow a few States to continue to take advantage of the program by waiving the formula." We ought to have a change in the formula now.

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

Mr. PICKLE. I yield to the gentleman from Pennsylvania.

Mr. SCHNEEBELI. I thank the gentleman for yielding.

I should like to correct the record in one respect. This is not new legislation. It is merely an extension of legislation that has been on the books for some time.

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

Mr. PICKLE. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. I appreciate the gentleman from Pennsylvania correcting me. This is not new legislation, but when this amendment was tacked onto this legislation, at that time there were no hearings to permit anyone to make their points in regards to the basic legislation to be extended.

Mr. PICKLE. The gentleman is correct.

Mr. CLEVELAND. So this just continues the situation without giving us the opportunity to be heard as to whether or not the formula that is now devised is working properly, or fairly to many States, such as New Hampshire.

Mr. PICKLE. The gentleman is correct. May I make one other point, and then I will reserve my time.

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

Mr. PICKLE. I yield to the gentleman from Arkansas.

Mr. MILLS. I thank the gentleman for yielding.

There have been hearings by the Committee on Ways and Means on this whole subject matter. Contrary to the observation of the gentleman from New Hampshire, we have had hearings this year.

Mr. PICKLE. I appreciate and I would not challenge the statement in a strict sense of the word, but the gentleman knows, and the Members of this House know, that in every instance we have come in at the last minute, in the last 2 or 3 years, and asked that the formula be waived.

Let me recap one statement, and then I will reserve my time. I do want the chairman of the committee to comment on this matter because the impression may be that one is trying to kill the extended unemployment benefit program.

I do think it ought not to be abused. The formula needs to be changed. Either the Members of the House must get together and recommend a formula, or the States must be able to say, "We have

come to some agreement." It is a little difficult for the States in the program to come to full accord for the simple reason that when 10 States get all the benefits and 40 other States pay for it then the States that get the free benefits are naturally not going to vote to do away with their own benefits. But we, the State officials, are close to an agreement in conference.

As it is now, when we waive the 120-percent formula, then all that has to occur is for the employment to be over 4 percent. That means that at least 23 States could come in and take advantage of any seasonal unemployment, so if we do not do something about it, we are going to have a situation where about one-half of the States will be drawing these benefits, and one-half or more will be paying for them. This is not right, and something must be done.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLS. The effect of the motion made by the gentleman from Texas, for whom I have very warm affection and great respect, would be to strike section 3 of the amendment that I proposed earlier. It would be an attack on the basic provisions of the Extended Unemployment Compensation Act. As I understand the gentleman from Texas, his principal objection is that if we vote to extend the authority of the States to waive the 120 percent requirement, the employers in all of the States will be required to help finance a portion of the extended benefits which will be payable only in those States that would be affected under the amendment. This objection to the proposal presently under consideration could be applied equally to the permanent provisions of the extended unemployment compensation legislation. This is an issue that we decided several years ago when the House voted to adopt the basic provisions of the law establishing the unemployment compensation program, which is a Federal-State program financed on a 50–50 basis from Federal and State unemployment tax receipts.

I think there was a general agreement then and there is general agreement now that the basic legislation, except for the flaw that exists on the State trigger provisions, is good and sound legislation.

The purpose of the provision to extend the temporary waiver authority through April 30, 1975, is to buy time in order that a better solution to the State trigger problem can be achieved. The Department of Labor along with the administrators of the State programs, as the gentleman from Texas pointed out, is presently engaged in a study which will not yield any result immediately. This study should provide—and I think we should wait for the study—the basis for the development of alternative improvements in the State trigger provisions. I contend that we will be able to devise a much better alternative and bring it up for consideration early next year.

The gentleman from Texas apparently objects to the timing of the extension, which is of course as I said until April 30, 1975. With all that we have facing us in the Ways and Means Committee and with all that we have facing us in the House, it would be utterly impossible for our committee prior to recommendations from the Department of Labor and the Conference of State Administrators of Unemployment Compensation to develop a program that would be meaningful and that would be an improvement over the existing provisions.

I do not quarrel with the gentleman from Texas that changes are required. It is merely a matter of time. If his motion prevails, extended unemployment compensation comes to a halt in a number of States at the end of this week. I do not think the gentleman wants that. I do not think the House wants that because we are now without any question of a doubt at the edge of or already in a degree of recession in our economy.

I would hope that the House would allow our committee and the Department of Labor and the Conference of State Administrators of this program this much time to work out a proper solution. As I said before and I repeat, the present triggering device is not acceptable. We know it. But we have not had time to get advice from the people who know the subject matter as to what changes should be made.

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

Mr. MILLS. I yield to the gentleman from Pennsylvania.

Mr. SCHNEEBELI. Mr. Speaker, the conferees on this side agree with the position taken by the conference committee in acceptance of this amendment. We all agree constructive changes should be considered in connection with our unemployment compensation laws. As the chairman has stated, the Department of Labor is now undertaking an intensive study, and we hope it will have a report before us soon. The committee has had 2 days of hearings on this subject. We are aware of the problems, but time limitations did not allow us to get into the subject early enough to conduct the thorough review which is necessary.

Mr. MILLS. Would the gentleman agree with me that it would be utterly impossible for us to conform this change and clear it through the House and Senate much earlier than April 30?

Mr. SCHNEEBELI. Yes. At the present time I would like to assure the House the committee is working very diligently and for long hours on a comprehensive tax reform bill. We hope to complete drafting decisions soon, but we have other pressing business to attend to, and I do not believe we have the time, Mr. Speaker, to get to this legislation this year.

Mr. MILLS. Would the gentleman also agree with me that the next subject matter to come before the committee is national health insurance?

Mr. SCHNEEBELI. It is my understanding that national health insurance legislation will be considered very soon.

Mr. MILLS. None of us want to see the program expire, including the gentleman from Texas (Mr. PICKLE), who contends that we should do something within a 60- or 90-day period, as I understand it. That the committee cannot possibly do. It is just a matter of a difference in the time involved. If the House would give us the time that we have asked for in this motion, I am satisfied we can work it out.

The gentleman refers to a statement that was made while I was absent last month that we would do something before the expiration of this present extension.

I think the statement was made sincerely by the gentleman from Oregon (Mr. ULLMAN), but it has been utterly impossible for us to carry out that intention.

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

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

Mr. GROSS. Let me ask the gentleman, was it not known by the House committee and by its counterpart in the other body that this extension would be required on August 1 of 1974? If so, how do you plead to the fact that no action was taken prior to this time and the House is asked to resort to this dishonorable situation created by the other body in attaching to a bill in the House a totally nongermane amendment.

Mr. MILLS. There is no question about it being nongermane. I have to agree to the point of order stated by the gentleman from Texas. That is why we brought it back in disagreement.

But let me remind my friend, the gentleman from Iowa, that the gentleman from Texas himself has said he does not want this legislation to expire this week. He wants a permanent solution; but the Department of Labor has not come up with its recommendation yet, neither has the person in the State of Iowa who administers it, along with the people in other States. We must have the benefit of their advice as to some alternative. I do not know what the alternative is.

Mr. GROSS. But the unanswered question is, why did not the committee bring to the floor of the House a simple extension, rather than go through, I say again, this dishonorable act on the part of the other body?

Mr. MILLS. It is not a dishonorable act.

Mr. GROSS. All right——

Mr. MILLS. If the gentleman from Iowa will note, it was in executive session.

Mr. GROSS. I will retract and apologize for the word "dishonorable," but I do say it is highly objectionable. What we are asked to do here today is accept a totally ungermane amendment, something we have railed against for years and said we were going to stop, yet for the sake of expediency, we are again asked to roll over and play dead.

Mr. MILLS. Oh, no.

Mr. GROSS. Oh, yes, we have.

Mr. MILLS. We have not said that under the rule. We have said if the Senate acts on a matter not germane under the House rule, we have to bring it back so a separate vote can be developed if Members desire it. That is what we have done. As far as I am concerned, I do not object to what was said and done in this instance, because this is a most important matter. It involves several States. It may well involve the State of Iowa before the year is up. It could well involve other States before the year is up. No one knows how much unemployment we will be likely to experience before the end of this year. This has to be done in order to protect people who may be or who are already unemployed.

The gentleman from Texas does not want it to stop. What he wants us to do is develop an alternative to the triggering device in 60 days. The gentleman from Iowa knows the schedule of the House.

It is just a question of time. I think the gentleman from Texas would admit that if I yield.

Mr. PICKLE. Mr. Speaker, if the gentleman will yield, it is a question of time, but may I remind the chairman and Members of the House that we extended this program and waived it last fall. Now, 45 days ago we extended it again with the understanding by the gentleman's committee that we would take some positive action by today. I recognize I have come in on July 31. I do not control the bill and I can do nothing more than express myself here at this hour.

Mr. MILLS. The gentleman from Texas has admitted that the group that administers these programs at the State level have not yet listed what the alternatives should be. Should not we have the advice of that group before we act?

Mr. PICKLE. Yes; I think we should. They have not given a formal vote. I think at this point it is good to point out to the gentleman a poll taken of all the States has now shown—I talked to the chairman of the interstate conference—that 27 States would prefer a simple change in the 6-percent figure; 34 States would rather have a 5-percent figure, and do away entirely with the 120-percent formula, but at least the majority of the States by official report to the chairman has reached a general agreement. The interstate conference is going to meet in September and they will officially take a position on this subject at that time.

Mr. MILLS. Would the gentleman agree that a majority of States agree that this program has to be extended and it should not expire?

Mr. PICKLE. I believe so, and I agree that unemployment program should be extended, yes.

Mr. MILLS. So the difference between the gentleman and the committee is only a question of time?

Mr. PICKLE. A question of time and action, Mr. Chairman, and I repeat to the gentleman again this is the fifth time in 2 years that this program has been extended and we have seen no action on the program yet. If we do not take action, Mr. Chairman, the employers of the various States who are paying the program are going to protest. It may be you will want to take that out of the general treasury. I think as long as the States want to pay for it themselves, that is what ought to be done.

Mr. MILLS. Would the gentleman from Texas consider, since we have debated the matter and since it is only a question of time—would the gentleman entertain a suggestion from me, since he has made his point, and since we are all in agreement that something has to be done and it cannot be done between now and midnight, would the gentleman entertain a suggestion that he withdraw his motion?

Mr. PICKLE. I would like to comment on this in the time that I have reserved, what I hope we can do basically on this.

Mr. Speaker, I would like an expression from the House that obviously what is being done is not fair, and we ought to take action, so that we will not stop these payments to States such as Massachusetts and New Jersey, both of which do have high unemployment rates and do qualify and should be given help. I would like to see a 60-day extension granted.

When the conference came in, the gentleman will remember that we considered what to do and extended the program until April 30. We changed the Senate recommendation from June 30 to April 30. We did cut off 3 months, but we really extended it for 9 months, and that is going to cost the employers of the United States nearly a half billion dollars—somewhere between $400 million and $500 million in the next 9 months.

I propose, if the House knocks this section out when it comes time for adoption of this report on the previous question, I would ask for a "no" vote. If the gentleman will agree to that section and continue it for 60 days and give us time to work on it.

Mr. MILLS. This seems to me a matter that the gentleman and I can resolve very quickly. The gentleman knows the situation we face in the Congress and what may happen or what may not happen. I have advised the gentleman of the situation in the Ways and Means Committee. He is willing to extend it for 60 days. I am really suggesting that the committee cannot come up with a solution until we get the advice of the Department of Labor, and the people who administer the program on the State level. There is no assurance whatsoever even if we had the time in the Congress that they could report back to us in 60 days.

What is the difference between 60 days and time enough for us to work out a proper solution to the problem.

Mr. PICKLE. I am saying to the gentleman that it will be something like $300 million for employers in 37 States.

Mr. MILLS. I know that whatever we do is going to cost the employers. It is not a question of saving the employers. They are going to have to pay something anyway, so I would hope that the gentleman would withdraw his motion.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, the distinguished chairman of the House Ways and Means Committee, WILBUR MILLS, will offer a motion today to recede from disagreement to the Senate amendment to the text of H.R. 8217 and concur with the Senate amendment as agreed to in conference. I urge strong support for this position and hope the House will concur.

I have a particular interest in one amendment which may be the subject of some controversy today, and I mention it now to ask this Chamber's support for an amendment to extend until April 30, 1975, the provision of the present law which permits States to participate in the extended unemployment compensation program if the rate of insured unemployment is 4 percent—without regard to other requirements of permanent law.

Mr. Speaker, as a member of the House Ways and Means Committee, I have repeatedly stressed that a more workable program of long-term unemployment compensation be devised by this Congress. Our experience with the present triggering mechanism for the extended program has unquestionably shown that it is unrealistic, unworkable, and totally ineffective as an index of compensation requirements. It is incumbent upon the Congress to adopt an entirely different approach in benefit planning, one that is based not only on the number of people unemployed, but also on the amount of unemployment the individual is experiencing.

Four times, Mr. Speaker, during the last 2 years, Congress has on a temporary basis waived the requirement that in order to "trigger" on to the extended-benefits program a State's insured unemployment rate must not only equal or exceed 4 percent, but must also be 20 percent higher than that for the same month of the preceding 2 years. I think it is abundantly clear that the trigger mechanism does not take into account the steady, but very high unemployment situations faced by many States, such as my State of Massachusetts.

These suspensions, however, indicate a realization on the part of Congress that these States and the individuals in these States, are desperately in need of the extra 13 weeks of Federal-State-shared benefits. Workers who exhaust their 26 weeks of State benefits in Massachusetts and in 23 other States will have no recourse except welfare unless we take affirmative action to suspend this trigger mechanism again today.

Mr. Speaker, I do not like this approach. No one in this Chamber likes this approach. It is a piecemeal and stopgap approach at best. It is an attempt to get around a provision in the permanent law which if allowed to operate would deny benefits where they are needed most. Perhaps criticism of what we are doing today is entirely justified, but in the absence of reform legislation, I frankly see no alternative. An overhaul of our Federal unemployment compensation program is long overdue. The Ways and

Means Committee began examining alternative approaches earlier this year. I thought that we were finally on the right track then and I applauded the committee's willingness to finally sit down and review a program that has perplexed and discouraged those of us from high unemployment States. I offered legislation at that time which I feel would form the nucleus of a sound and workable system of extended benefits and end once and for all the awkward and unworkable trigger mechanism. In the press for tax reform legislation from all sides, the committee was forced to suspend work on unemployment compensation legislation, and, in the absence of this legislation today we are again faced with the dilemma of what to do with a program which, if allowed to operate would deny benefits where they are most needed.

What we are asking for today is a 9-month suspension of the trigger-mechanisms. The distinguished chairman of our committee has promised that during that time legislation will be considered by our committee to resolve this issue.

I plead with you today to accede to this request. I cannot see how we can act otherwise without showing callous indifference to the welfare of the long-term unemployed in this Nation.

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

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

Mr. PATTEN. Mr. Speaker, New Jersey needs the action that the Committee on Ways and Means has taken, and I wish that my good friend from the 88th Congress would withdraw his motion.

I am opposed to his motion, and I support the conference report of the Committee on Ways and Means.

The SPEAKER. The gentleman from Texas has 7 minutes remaining.

Mr. PICKLE. Mr. Speaker, recently we had a debt ceiling bill before this body. To it we attached another extension and waiver of the extended benefit program, with the understanding of the committee that they would come back and make a formula recommendation before today.

No action was taken, and we are faced now on the very last day of the extension program with the waiver formula.

I know that the Committee on Ways and Means is very busy and has had some heavy problems before it. Therefore, I do not say that the gentleman is unmindful of the problem, but I must say that this is the fifth time in 2 years that the same thing has happened.

The States have paid the unemployment benefits and have joined hands voluntarily to pay for them. They are willing to do it, but I do not think they are willing to continue paying for what is seasonal unemployment. If we waive the formula by removing this 120 percent, then any State that has abnormal unemployment above the 4-percent level, can come in and get the extended unemployment benefits. There are some States which would qualify if we had either formula change recommended, such as the State of Massachusetts where there is a lot of unemployment, the State of New Jersey, and the State of Washington. There are some of those States that really must be helped, and I think it would be a tragedy to stop that, but it is not right for some of our other States to milk the fund. I will not mention them by name, but it is not right for about 10 other States to come in and claim extended benefits, and by waiving this formula. Then the 37 or 40 other States are paying the unemployment benefits for the other 13 States.

The chairman knows that and agrees with it.

It is for that reason that I think we ought to get at this thing, and if this amendment were adopted, then at the proper point, when the previous question was ordered, I would have a motion just to extend it for 60 days.

I am sympathetic with the problem we have, but something must be done. What we are doing is wrong, and it must be stopped.

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

Mr. PICKLE. I yield to the gentleman from Arkansas.

Mr. MILLS. It is my understanding that the Conference of State Administrators and the Department of Labor will not be able to report back to us their recommendations on this subject matter until sometime in November.

Mr. PICKLE. I would have to differ with the gentleman on that. I have been told that this will be ready or should be acted on by early September, the first week in September.

At that point they would hope to have an official position ready.

Mr. MILLS. That is the State administrators, but the Department of Labor would not have a report ready.

Mr. PICKLE. The gentleman may be correct on that point.

Mr. MILLS. Mr. Speaker, if the gentleman will yield further. I think the gentleman's motion is merely one as to time. I further suggest to the gentleman that if it is just a question of time, the gentleman and I are in agreement that something has to be done.

Mr. PICKLE. That is why I have offered my motion.

Mr. MILLS. That is right. The gentleman and I are in agreement that we need to extend the program and not allow it to lapse.

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

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

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

My problem with this procedure, as I have tried to express it before, is that the amendment dealing with the extension of unemployment compensation is made a rider to a bill to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States, and so on.

This amendment cannot and did not, as admitted by the gentleman from Arkansas, stand the test of challenge for consideration on the floor of the House. This amendment ought not to be in this conference report, and I still have received no answer to the question as to why the Committee on Ways and Means of the House or its counterpart in the Senate did not bring forth days or weeks ago, knowing this act would expire, a simple resolution providing for its continuance, instead of subjecting the Members of the House to further humiliation by the other body resulting from the affixing a totally nongermane amendment. The House has a strict rule of germaneness and the Members of the House who go to conference with the Senate ought to insist that it be observed.

Mr. MILLS. Mr. Speaker, if the gentleman from Texas will yield, there is no question about its not being germane. I admitted that when the gentleman from Texas raised his point of order.

However, this is one body of Congress, and there is another body. We cannot in this body control the Senate. We do under the rules of the House say that if an amendment is adopted by the other body that is not germane, it can be brought back in disagreement and the House offered an opportunity to vote one way or the other on it.

Mr. Speaker, that is what we are doing right now.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the gentleman's yielding.

I am a little unclear as to exactly where we stand because of the discussion on amending the non-germane amendment to provide for 50 days.

Am I correct that the gentleman from Texas intends to pursue this motion to reject the nongermane portion?

Mr. PICKLE. Mr. Speaker, the point of nongermaneness has already been ruled on, and we now face the vote on either to adopt or reject the section. Under the rules I cannot amend the conference report, except on motion of the previous question. If I could amend it, I would offer it now.

All the conferees did was change the dates. The other points are not in issue in conference or are not in controversy, so my only alternative is to await that procedure.

Mr. STEIGER of Wisconsin. Mr. Speaker, if the gentleman will yield further, if the motion offered by the gentleman from Texas to reject section 3 is adopted, then what is the intention of the gentleman from Texas insofar as dealing with that issue is concerned?

If that motion is adopted and we have rejected the nongermane portion which was added on by the other body, at what point does the gentleman get to the place where he attempts to deal with the 60 days?

Mr. PICKLE. Mr. Speaker, at the time the gentleman moves the previous question on the adoption of this conference report, I would ask for a no vote. If a no vote prevails, I would then be recognized, I would presume, for the purpose

of offering an amendment to section 3 to extend the benefit program for 60 days. That would give us time to work and a proper formula.

Mr. STEIGER of Wisconsin. Mr. Speaker, I thank the gentleman and urge adoption of the motion to reject section 3.

The SPEAKER. The time of the gentleman from Texas (Mr. PICKLE) has expired.

Mr. MILLS. Mr. Speaker, I have 2 minutes remaining, and in that time I wish to reply to the question raised by the gentleman from Wisconsin (Mr. STEIGER).

I have tried repeatedly to advise the House that the Committee on Ways and Means cannot act within 60 days on this matter, because we need recommendations from the administrators at the State level, and we need recommendations from the Department of Labor, and those recommendations, I am told, will not be forthcoming perhaps from the State administrators until September and will not be forthcoming from the Department of Labor until November.

All we are talking about is the question of time. I can assure the gentleman that the committee is so loaded down now with tax legislation, national health insurance legislation, and other matters, that we could not possibly do anything, if the gentleman from Texas were to prevail, other than to come back to the House at the end of 60 days and ask for an extension of this program.

Mr. SCHNEEBELI. Mr. Speaker, if the gentleman will yield, I agree with the gentleman from Arkansas that the committee does not have the time to handle this properly in such a short period of time. The two reports we need in order to do a competent job in this area will not be forthcoming in the next 60 days.

Mr. MILLS. So my friend, the gentleman from Pennsylvania (Mr. SCHNEEBELI), is joining me in expressing the hope that the House will vote down the motion offered by the gentleman from Texas (Mr. PICKLE).

Mr. SCHNEEBELI. I am expressing the hope that the House will support the position of the conferees.

Mr. PICKLE. Mr. Speaker, I would hope the motion would prevail, but in the event it does not, and if the Interstate Commerce Commission reaches the end of its authority next month, between now and next April, would the committee try to give us a bill back as quickly as possible?

Mr. MILLS. That is absolutely certain. It would be the next thing we would go into, really.

Mr. PICKLE. I want an "aye" vote on the motion, but I am glad to have that assurance.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. PICKLE).

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

Mr. MILLS. Mr. Speaker, I move the previous question on the motion.

Mr. PHILLIP BURTON. Mr. Speaker, regular order.

Mr. GROSS. Mr. Speaker, I was on my feet and seeking recognition.

The SPEAKER. Was the gentleman from Iowa on his feet at the time the question was put?

Mr. GROSS. Mr. Speaker, I certainly was.

Mr. PHILLIP BURTON. Mr. Speaker, regular order. The gentleman from Arkansas (Mr. MILLS) was recognized prior to the gentleman from Iowa seeking recognition.

The SPEAKER. The Chair will state that the Chair did not see the gentleman from Iowa (Mr. GROSS) and did not hear the gentleman from Iowa seeking recognition, but the Chair has to accept the word of a Member who states to the Chair that he was on his feet and seeking recognition at the time.

Mr. GROSS. Mr. Speaker, I was on my feet and I was walking down the center aisle of the Chamber seeking recognition.

The SPEAKER. The gentleman from Iowa was seeking recognition for what purpose?

Mr. GROSS. To object to the vote on the ground that a quorum was not present, and make the point of order that a quorum is not present.

Mr. MILLS. Not on the previous question I hope?

Mr. GROSS. No; I wanted it on the vote on the motion offered by the gentleman from Texas (Mr. PICKLE).

Mr. MILLS. Mr. Speaker, I must make the point of order that the gentleman's request comes too late.

Mr. PHILLIP BURTON. Mr. Speaker, you had already put the question, and announced the result.

The SPEAKER. The Chair will state that the Chair announced that the noes appeared to have it. The gentleman from Iowa states that he was on his feet and seeking recognition of the Chair to make the point of order that a quorum was not present, and to object to the vote on the ground that a quorum was not present.

Mr. MILLS. Mr. Speaker, the Chair had also recognized me on the previous question.

The SPEAKER. The Chair will state that the Chair had not observed the gentleman from Iowa at the time when the gentleman from Iowa was seeking recognition to make the point of order that a quorum was not present and object to the vote on the ground that a quorum was not present.

Therefore the Chair must recognize the gentleman from Iowa, and the Chair does recognize the gentleman from Iowa who objects to the vote on the ground that a quorum is not present and makes the point of order that a quorum is not present, and 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 63, nays 336, not voting 35, as follows:

[Roll No. 422]

YEAS—63

Andrews, N.C.
Archer
Armstrong
Ashbrook
Bafalis
Baker
Beard
Bennett
Blackburn
Brinkley
Burleson, Tex.
Camp
Casey, Tex.
Chamberlain
Cleveland
Collier
Collins, Tex.
Crane
Daniel, Dan
Davis, Wis.
Fisher
Flynt
Fountain
Froehlich
Fuqua
Gross
Henderson
Kazen
Ketchum
Landgrebe
McCollister
Mahon
Mann
Martin, N.C.
Milford
Mizell
Montgomery
Patman
Pickle
Poage
Powell, Ohio
Preyer
Price, Tex.
Rarick
Roberts
Robinson, Va.
Rose
Rousselot
Ruth
Satterfield
Sikes
Steelman
Steiger, Ariz.
Steiger, Wis.
Symms
Taylor, N.C.
Teague
Thomson, Wis.
Thone
White
Wright
Wyman
Young, S.C.

NAYS—336

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Barrett
Bauman
Bell
Bergland
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Bowen
Brademas
Bray
Breaux
Breckinridge
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Carney, Ohio
Cederberg
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cochran
Cohen
Collins, Ill.
Conable
Conlan
Conyers
Corman
Cotter
Coughlin
Cronin
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Grover
Gubser
Gude
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Harrington
Harsha
Hastings
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Hinshaw
Hogan
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Lagomarsino
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
Luken
McClory
McCloskey
McCormack
McDade
McEwen
McFall
McKay
Macdonald
Madden
Madigan
Mallary
Maraziti
Martin, Nebr.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Melcher
Metcalfe
Mezvinsky
Michel
Miller
Mills
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis

Peyser
Pike
Podell
Price, Ill.
Pritchard
Quie
Quillen
Randall
Rangel
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Runnels
Ruppe
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Thompson, N.J.
Thornton
Towell, Nev.
Traxler
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—35

Arends
Blatnik
Brasco
Carey, N.Y.
Carter
Chappell
Chisholm
Clay
Conte
Culver
Davis, Ga.
de la Garza
Devine
Diggs
Evins, Tenn.
Green, Oreg.
Green, Pa.
Griffiths
Gunter
Hansen, Idaho
Hansen, Wash.
Hays
Holifield
Jones, Ala.
Landrum
McKinney
McSpadden
Meeds
O'Neill
Railsback
Rees
Rooney, N.Y.
Rostenkowski
Tiernan
Vander Veen

So the motion was rejected.

The Clerk announced the following pairs:

Mr. Rostenkowski with Mr. Arends.

Mr. Rooney of New York with Mr. Devine.

Mr. Green of Pennsylvania with Mr. McSpadden.

Mr. Evins of Tennessee with Mr. Blatnik.

Mr. O'Neill with Mrs. Green of Oregon.

Mr. Vander Veen with Mr. Brasco.

Mr. Tiernan with Mr. Carter.

Mr. Hays with Mr. Conte.

Mr. Jones of Alabama with Mr. Holifield.

Mr. Diggs with Mr. McKinney.

Mr. Chappell with Mr. Hansen of Idaho.

Mr. Carey of New York with Mr. Clay.

Mr. Davis of Georgia with Mrs. Chisholm.

Mr. de la Garza with Mr. Culver.

Mr. Meeds with Mrs. Hansen of Washington.

Mr. Rees with Mr. Railsback.

Mr. Gunter with Mr. Landrum.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair desires to state that under the rule the gentleman from Arkansas (Mr. MILLS) will be recognized for 30 minutes and the gentleman from Pennsylvania (Mr. SCHNEEBELI) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS. Mr. Speaker, let me say that I have no intention of consuming 30 minutes of time.

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

Mr. MILLS. I do yield to the gentleman from New York.

Mr. BINGHAM. Mr. Speaker, I appreciate the chairman yielding to me.

The reason for my wishing to converse with the chairman is that, as I understand it, the Senate amendment did provide for those eight States which are under the hold-harmless provision.

Is it correct that the Senate amendment to this bill did provide that for States that increase their benefits under the SSI for a cost-of-living increase comparable to what is mandated in this legislation for the Federal Government, they would be protected to the extent of 50 percent of that increase on the hold-harmless basis? In other words, that the Senate provision constituted a kind of compromise of a 50–50 compromise between the position originally taken by the Ways and Means Committee on this matter and the position taken by the House under the amendment proposed by the gentlewoman from Michigan (Mrs. GRIFFITHS). Is that a correct statement?

Mr. MILLS. The gentleman is correct.

Mr. BINGHAM. Mr. Speaker, if the gentleman will yield further, I would say that I consider it most unfortunate that apparently the House has insisted on rejecting this 50–50 arrangement. Those States which are making special effort on behalf of the aged, the blind, and the disabled to keep up with the cost-of-living increases that are mandated, in line with social security cost-of-living increases, will not get the benefit of any Federal assistance in making up that cost-of-living increase. I would have supposed that this was a reasonable compromise between two conflicting positions on this issue.

I wish the chairman could explain to us how States in the position of New York and the other seven States affected can be expected to carry the entire load. Is it expected that the aged and blind in those States are going to have to wait until all other States have caught up to their level?

Mr. MILLS. The gentleman from New York is aware of the fact, I think, that the Congress—not only the Ways and Means Committee—the Congress as a whole has been very reluctant to tell the States what they have to do. We have never done that with respect to welfare payments. We have only suggested that we will go so far in matching State moneys, and whatever the States do, we will do it. There is no reason why the State of New York or any other State—and there are very few States that are involved in this issue—cannot go forward with increases to cover cost of living and so forth. We are paying now a major part, under the SSI program, of the benefits that are paid in the gentleman's State or my State. The States are saving generally a lot of money in this area, along with the program we adopted to help them known as revenue sharing.

As I recall, last fall the House specifically overruled the position that the gentleman suggested we now take. As far as I am concerned, I do not want to have to tell the States what they have to do.

Mr. BINGHAM. Mr. Speaker, if the chairman will yield briefly further, the Ways and Means Committee had recommended that the Federal Government pick up the entire additional burden.

Mr. MILLS. Mr. Speaker, I yield to the gentleman from New York.

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

The point I am trying to make is that the House did not reject the proposal that the Senate had made for a 50–50 arrangement on sharing the costs of these cost-of-living increases. The House rejected a position that had been taken by the Committee on Ways and Means that the Federal Government would continue the hold-harmless provision to the entire extent, and I believe it was an amendment offered in the Senate by Senator MONDALE. The 50–50 arrangement would have been a reasonable compromise.

Mr. MILLS. The House did reject the proposition which is comparable to what the gentleman is talking about.

I just never will put myself in the position of telling the State legislature in New York what it ought to do about welfare. It has done enough, I think, already to take care of those people and I am not going to tell it to do more.

Neither am I going to agree to something in conference that the House had objected to in principle just a few months prior to our conference. I understand the gentleman's position, but I think the gentleman should get in touch with his own State legislature and his own Governor to see if they cannot provide these increases.

Mr. BINGHAM. If the gentleman will yield further, I also know that New York State and seven other States affected have been the ones who have been making the greatest effort in this direction.

What this amounts to is that as to the cost of living increases, which are mandated through this legislation for SSI beneficiaries along with social security beneficiaries, the States in the hold-harmless position do not get the benefit of that legislation.

Mr. MILLS. The gentleman knows that last November, while I was not here, the House did overrule the Committee on Ways and Means on a matter that is similar to this, and in principle, the same. Therefore, the gentleman is asking the conference committee on the part of the House why we did not agree in conference to something that the House in principle objected to. I am not, as a conferee, going to try to override the will of the House. I just cannot do it.

Therefore, the gentleman should take his case to the New York State Legislature. New York State is the beneficiary of a tremendous amount of Federal money under the revenue-sharing program.

Mr. BINGHAM. If the gentleman will yield further, I do not want to take the further time of the House. However, I would like to register the fact that I and I think other members of our delegation are unhappy as to what might have been a compromise position on this issue, but which was rejected.

I thank the gentleman for yielding.

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

Mr. MILLS. I yield to the gentleman from Pennsylvania.

Mr. SCHNEEBELI. Mr. Speaker, the position of the conferees on our side as to other amendments is that they are noncontroversial. Some of them are in answer to requests of executive departments. Some are largely housekeeping items, and I certainly concur that we should approve the rest of this package.

Mr. MILLS. Mr. Speaker, the gentleman from Pennsylvania agrees with me that there is not one amendment agreed to in conference that was not supported by the department which asked for it. All of these amendments were supported by the departments, and all of them were supported by our own staff.

I must say that I do not like the way the Senate operates. I am not a Member of that body, but the Senate has a right under its rules to add amendments to House-passed bills, even though they may not be germane to the subject matter of the bill that we sent over.

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

Mr. MILLS. I yield to the gentleman from Pennsylvania.

Mr. SCHNEEBELI. Mr. Speaker, we turned down other Senate actions which we felt were not in keeping with the legislation we brought to the floor for House approval.

Mr. MILLS. The gentleman is correct. Mr. Speaker, at this point in the RECORD I would like to include an explanation of the entire amendment, other than the sections I have already discussed, which I have offered:

EXPLANATION OF MOTION BY MR. MILLS

Mr. Speaker, let me take a minute to explain to the House the parliamentary situation with reference to the changes the Senate added to H.R. 8217, which was a bill relating to the tariff duties imposed on the equipment and repairs of certain U.S. vessels made in foreign parts.

As Members of the House will recall, the House bill was passed by the House unanimously on October 2 of last year.

The Senate added a series of completely non-germane provisions to this bill. It did not change the provisions of the bill itself. The changes which the Senate added covered a variety of subjects unrelated to the House bill. We found when we went to conference that all of the Senate changes, which I have indicated covered a number of different subjects, were embodied in one Senate amendment. In the light of this fact, and because all the changes are indeed non-germane to the bill itself, we brought back a Conference Report which states that the conferees could not reach agreement.

However, the conferees did discuss all of the changes and we did reach an understanding of what might be done with reference to each of the changes. It was clearly understood by the Senate conferees that the House would not accept certain of those changes but probably would accept other changes.

For example, we made it quite clear that we would not ask the House to accept the proposed change made by the Senate concerning the retirement income credit, even though it is very close to what the Ways and Means Committee very probably will propose to the House in a week or so in our tax reform bill. We made it clear that the Committee will have a tax reform bill, and that there will be a provision on this subject in that bill.

We did, however, suggest to the Senate conferees that we would offer a motion in which we would recommend that the House accept certain of the Senate changes.

The motion which I have presented to the House does, therefore, accept certain of the changes but rejects others of the changes.

I have already discussed the extended unemployment program extension.

I will now cover the other matters.

REPAYMENT OF ADVANCES UNDER THE EMERGENCY UNEMPLOYMENT COMPENSATION ACT

The Senate included an amendment, which is also included in the motion I have offered, relating to the repayment of funds advanced from the general fund of the Treasury to pay for benefits during the first 5 months of the operation of the Emergency Unemployment Compensation Act of 1971. Under existing law, these advances are to be repaid to the general fund of the Treasury by withholding from any State in which payments under the emergency unemployment compensation program were made, amounts which would otherwise be distributed to such States under Title IX of the Social Security Act. These distributions would be paid only when all of the accounts in the Federal unemployment trust fund are built up to their statutory limits and excess amounts of money in the unemployment trust fund are to be distributed to the States according to the Reed Act. It is not expected that this will happen in the foreseeable future. The amendment I have offered would provide that advances made to the States under the Emergency Unemployment Compensation Act are to be repaid to the general fund of the Treasury directly from the extended unemployment compensation account in the Federal unemployment trust fund whenever that account has an adequate balance to permit such repayment. This is the same procedure as applies to the repayment of advances under the emergency unemployment compensation program to finance the cost of benefits paid during the last 9 months of that program.

REIMBURSEMENT TO STATES FOR INTERIM ASSISTANCE TO SUPPLEMENTAL SECURITY INCOME BENEFICIARIES

The motion which I have offered includes a Senate amendment affecting the Supplemental Security Income (SSI) program. This provides authority for the Federal government to reimburse States for assistance provided to individuals who have applied for, but have not yet received SSI benefits. Existing law provides that an eligible individual shall be paid from the month of his application. During the early months of the program some applications have been substantially delayed and the applicants have needed immediate help. If that help was provided by a State or local welfare agency, that agency has had to look to the individual for repayment from the retroactive check that he received when his benefits were approved. This method of collection has proved unsatisfactory and a more direct approach is generally thought desirable. The provision simply allows the retroactive payment to be made to the States or localities if the applicant has so chosen instead of to the applicant. I have no doubt that such an election would be a prerequisite to the receipt of emergency non-Federal aid. The amendment has no cost as the amount payable would be exactly the same as under existing law. The language has been developed jointly by a committee of State welfare officials and the Social Security Administration.

AUTOMATIC COST OF LIVING INCREASE IN SUPPLEMENTAL SECURITY INCOME BENEFITS

The Senate added an amendment to H.R. 8217 which would have done three things. First, it would have provided an automatic cost of living increase for Federal SSI beneficiaries whenever there was such an increase based on the cost of living in social security benefits. Under such an arrangement SSI beneficiaries would gain in Federal SSI and social security benefits whatever percentage the cost of living increase amounted to. This would not have any effect prior to July 1, 1975, and at that time only if the cost of living increase under social security goes into effect. It would on a continuing basis solve the problem of "pass through" of social security benefit increases insofar as the Federal SSI payment is concerned. This provision is included in the amendment which I have offered.

As I have indicated, the provision would have no cost in the fiscal year ending June 30, 1975. The Department of Health, Education, and Welfare, on the assumption that there will be a 5.5 percent cost of living increase July 1, 1975, estimates that there would be a $480 million increase in basic Federal SSI benefits during the fiscal year ending June 30, 1976. There would be an offsetting savings in Federal funds of $93 million. The net cost for the fiscal year 1976 is accordingly $387 million. The Administration has proposed similar legislation with the same objectives and costs.

The other two parts of the Senate amendment were rejected by the House conferees. One of these would have required that States never reduce the amount of their supplementary payments. This seemed an unduly harsh requirement to place upon States since the amount of money which they would be required to spend (under penalty of loss of medicaid funds) cannot be estimated precisely. The third provision of the amendment would have reimbursed the so-called "hold harmless" States of one-half of any costs necessitated by the amendment. The House voted decisively on this question last November. The House conferees accordingly rejected these last two features of the Senate amendment and they do not appear in the amendment which I have proposed.

EXTENSION OF 100-PERCENT FEDERAL FINANCING FOR NURSING HOME INSPECTORS UNDER MEDICAID

Public Law 92–603 authorized 100-percent Federal funding of expenditures under medicaid for the training and compensation of inspectors of long-term care institutions between October 1972 and June 1974. The amendment would extend this provision through June 1977. This proposal has been recommended to the Congress by the Administration.

POSTPONEMENT OF STUDY REPORT ON TEACHING PHYSICIANS

Public Law 93–233 contained two provisions related to the method of paying for physicians' services in teaching hospitals under the medicare program. First, it deferred, until as late as July, 1975, the implementation of the 1972 amendment which provided, in part, that charges would be paid only where a teaching hospital patient is a "private patient." Second, it provided for the Secretary to contract with the National Academy of Sciences to conduct studies concerning appropriate methods of reimbursement under the medicare and medicaid programs for medical services in teaching hospitals and to submit its report by July 1, 1975. The amendment would postpone the due date for the report to July 1, 1976, and changes other dates to coincide with this change. The National Academy of Sciences, in planning the studies authorized by Public Law 93–233, has concluded that it will not be possible to conduct responsible studies of the scope contemplated within the time constraints that have been prescribed.

PERMITTING, NOT REQUIRING, STATES TO IMPOSE PREMIUMS ON THE MEDICALLY INDIGENT UNDER MEDICAID

Public Law 92–603 amended title XIX, medicaid, to require States to impose an enrollment fee, or premium, on the medically needy. The medically needy are persons who

have too much income to qualify for cash assistance, but not enough to pay for their medical care. The amendment would continue to allow States to impose a premium on the medically needy but it would not require them to do so if they do not believe it is feasible or cost effective.

As States have tried to implement this provision, many have found that it is extremely difficult and costly to administer. Medically needy persons typically apply for coverage when they are already facing medical costs and need care. It is difficult to keep track of them and to collect a regular premium payment. Further, at the point when medically needy persons do enter the system, they are often least able to make the premium payment.

EXCLUSION FROM SOCIAL SECURITY COVERAGE OF CERTAIN FARM RENTAL INCOME

In 1956, Congress enacted legislation providing social security coverage for farm rental income of a landowner when the landowner materially participates in the production of the commodities raised on his land. Several years after this provision was enacted, there were court decisions which held that material participation by the landowner could be established through the actions of his agent, and the Social Security Administration has conformed with these court decisions since 1961.

A problem has arisen in the case of landowners who enter into an agreement with a professional farm management company or other person who has the responsibility to choose a tenant and to manage and supervise the farm operation. In such a situation, the landowner often does not consider himself to be participating in the operation of the farm and views his income as investment income rather than income from farm self-employment.

In order to correct this situation, the Senate added an amendment to the bill which would exclude from coverage under social security farm rental income received by a landowner under an agreement between the landowner and another person under which the other person is to manage and supervise the production of commodities on the land if there is no personal participation in the operation of the farm by the landowner.

The amendment I have offered, while it differs technically from the Senate amendment, has the same general purpose and effect. It would restore the original intention of the provision covering farm rental income under the social security system in cases in which the landowner does not materially participate in the operation of the farm.

I wish to emphasize that this amendment makes no change in the law with regard to the coverage under the social security system of farm rental income in situations where the landowner does materially participate in the production of commodities on his land, which of course includes lease arrangements which provide for such material participation as in the past. The amendment is limited to excluding farm rental income only in instances in which the landowner completely turns over the management of his land to an agent, such as a professional farm management company and does not materially participate in the farming operation himself on that land.

RENEGOTIATION ACT STUDY

Mr. Speaker, as to the proposed study concerning the Renegotiation Act, the motion which I have offered simply changes the date on which the report of the staff of the Joint Committee on Internal Revenue Taxation is to be made from May 31, 1975, to September 30, 1975. This is simply because the various studies which are being made by the Renegotiation Board, the General Accounting Office, and the Joint Committee will be ready by the latter date.

Mr. SCHNEEBELI. Mr. Speaker, I support the motion of the gentleman from Arkansas, the chairman of the Ways and Means Committee.

The arrangement made by the conferees on H.R. 8217 represents an effective compromise by the managers on the part of the House and by the managers for the other body. The package, which has the support of the administration, includes changes which are in each case reasonable and which, generally speaking, should be broadly beneficial.

H.R. 8217, the legislative vehicle for the conference report, would exempt from duty certain equipment for, and repairs of, vessels which were operated by or for U.S. agencies, where entries were made in connection with vessels arriving before January 5, 1971. The bill was approved unanimously by our committee, and was passed by the House in October of 1973.

In addition to this bill, the package produced by the conferees include nine amendments:

First. Under existing provisions, those who are eligible for supplemental security income, SSI, are entitled to receive Federal payments effective with application. However, SSI is a new program and the applications in many cases require months for processing. Applicants who are in dire need, therefore, have been turning to State welfare offices for emergency aid. If the State gives such assistance, it must seek reimbursement from the recipients, who are not likely to have any means of reimbursement until their first SSI checks come in. Under the conference proposal, applicants requiring emergency aid could sign agreements permitting the States to receive their initial SSI payments. The States would be required promptly to turn back to the applicants any difference between the amount of the SSI benefits and the emergency aid provided. The change was worked out between State and Federal agencies involved, and appears to be fair and equitable to all parties concerned.

Second. Under present law, social security benefits in the future are tied to the cost-of-living, through an automatic escalator provision which the House overwhelmingly approved. Under the conference proposal, Federal supplemental security income payments also would rise automatically by the same percentage as cost-of-living increases in social security benefits.

Third. When the Congress enacted the Federal-State extended unemployment compensation program, it provided that a State must pay extended benefits if its insured unemployment rate were at least 4 percent, and if that rate had increased 20 percent over the prior 2 years. Subsequent legislation, however, has permitted States temporarily to participate in the program without regard to the 20-percent increase criterion. That legislation expires at the end of this month. The conference proposal would extend it further, until April 30, 1975. It is expected that this extension will be sufficiently long to enable the committee to examine the entire unemployment insurance system thoroughly and to carefully consider proposals for permanent improvements.

Fourth. Another conference proposal related to unemployment insurance would amend a requirement that advances to States from the general fund of the Treasury to finance the payment of benefits for the first half of 1972 under the Emergency Unemployment Compensation Act of 1971 must be repaid by withholding Reed Act distributions to those States. The conferees agreed to provide instead that these advances must be repaid whenever the extended unemployment account has a balance high enough to permit such repayment.

Fifth. The conferees also agreed on a proposal to extend until June 30, 1977, the authority for full Federal funding of expenditures for training and compensation of inspectors of long-term care institutions under the medicaid program.

Sixth. Public Law 92–233 made two changes relating to the method of paying for physicians' services in teaching hospitals under medicare. It deferred until July 1975, the implementation of a requirement that charges be paid only where the teaching hospital patient is a private patient. Second, it authorized a contract with the National Academy of Sciences for a study of reimbursement methods for medical services in teaching hospitals. The Academy is to report by July 1, 1975, but it has since become clear that more time is needed for the study, and the conferees agreed upon a deferral of the report deadline to March 1976, and a further postponement of the implementation of the reimbursement procedure until July 1976.

Seventh. A provision of Public Law 92–603 requires States to impose an enrollment fee, or premium, on the medically indigent as distinguished from cash assistance recipents. At the time, it was thought that this provision would result in substantial savings. However, many States have found that the administrative costs of implementing the provision will far exceed any possible savings. In addition, it has been noted that when medically needy persons are entitled to this type of aid, they are often unable to make a premium payment. Therefore, the conferees agreed to an amendment which would make optional the imposition of a premium by a State.

Eighth. The conferees also approved an amendment directing the staff of the Joint Committee on Internal Revenue taxation to conduct a study and investigation of the operation and effect of the Renegotiation Act, and to report its findings to the Committees on Ways and Means and Finance by September 30, 1975. This was in line with provisions which the Congress earlier enacted in extending the life of the Renegotiation Act.

Ninth. Finally, the conferees agreed to a provision to assure that an owner of farmland who does not participate materially in management or production of the land, but acts solely through an agent, will not have any rental income from that land counted as earned income for social security purposes.

There were other amendments which the Senate had attached to H.R. 8217. But the House conferees declined to accept them. We feel the amendments to which we did agree warrant the support of the House, and I therefore urge the approval of the conference package.

Mrs. GRIFFITHS. Mr. Speaker, attached by the Senate to the tariff bill H.R. 8217 are several nontariff provisions. Several of these provisions are reasonable: The provision that supplemental security income, SSI, benefits be raised automatically to keep pace with cost-of-living increases, and the requirement that such increases be timed to coincide with cost-of-living increases in social security.

But I urge conferees to reject the Senate move to revive the practice of Federal reimbursement for State welfare payments to the aged, blind, and disabled. In passing SSI in October 1972, Congress took a giant step of responsibility. It assumed the duty of giving basic income protection to all the needy aged, blind, and disabled, and it agreed that each such American should get the same number of dollars from the U.S. Treasury, no matter where he lived. We decided to stop paying $62 for an aged woman in Mississippi, but almost twice as much for one in Michigan, and to pay them both the same $130 monthly. Before the program started, we raised the figure to $140, and now, on July 1, to $146.

The Senate proposal would put us back in the business of giving more to some than to others, and it would discriminate in favor of the least needy. It would have the Federal Government give more to a person in Boston than in Baltimore, in San Francisco than in Cincinnati, in New York than in Chicago. This is wrong. The proposal would—

First. Require all States to pass along any future cost-of-living increases in the basic SSI floor payments, and would be enforced by loss of medicaid funds; and

Second. Pay half the cost of this for any State that already was spending as much on SSI supplements as its 1972 share of former welfare payments to the aged, blind, and disabled. There now are six such States: California, Hawaii, Massachusetts, Nevada, New York, and Wisconsin; New Jersey and Rhode Island may reach this level of hold-harmless SSI spending in fiscal year 1975.

If the House should acquiesce, and if the cost of living were to go up 10 percent a year, it would mean that the Federal Treasury would pay an estimated $75 million in fiscal year 1976 to increase SSI supplementary payments in perhaps eight States, States where levels far exceed the average.

Consider how it would work out. The basic SSI floor would rise from $146 to $161 per individual, a gain of $15. This still would be below the poverty level, by $16.

But in Massachusetts, one of the hold-harmless States, an aged person on SSI already receives $268.96, 52 percent above the poverty line. Under the Senate amendment, his payment would rise $15, too—up to $284, 60 percent above the poverty line. And $7.50 of this increase would be paid by the Federal Government.

In California an aged couple now can receive a maximum of $440 a month in SSI plus the State supplement. This is almost double the poverty level. If the couple also has social security, its monthly guarantee is $20 higher, $460. This is $4 more than the maximum security benefit received anywhere in the country by someone who paid the maximum payroll taxes for all their working lives. Assuming a 10-percent boost in the cost of living, the Senate amendment would boost the California guarantee level for an aged couple on social security up to $482 per month, almost $5,800 per year in tax-free income.

If the object of the amendment is to help those poor persons most injured by inflation, those extra Federal dollars should go instead to help raise the basic SSI floor. If the full $7.50 per single person were added to the floor, it would finally be barely over the poverty line, by a margin of $1.50, although at higher cost.

If the States want their SSI recipients to get the benefit of cost-of-living increases, it is the States responsibility to provide the supplement. In 42 States this can be done without spending an extra penny. This welfare costs for the aged, blind and disabled are less today than in calendar 1972, thanks to SSI; and the cost-of-living boost in the basic floor would give them additional savings to pass along.

Once before, last November, there was an effort to turn the clock backward by returning to Federal matching for State supplements. The House voted 246 to 163 against that move, and on the floor Ways and Means Committee members voted almost 3 to 1 against it—16 to 6, with 3 not voting.

Mr. MILLS. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas (Mr. MILLS).

The motion was agreed to.

The Senate amendment to the title of the bill was concurred in.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO HAVE UNTIL MIDNIGHT, THURSDAY, AUGUST 1, 1974, TO FILE REPORT ON H.R. 12589, FEDERAL MASS TRANSPORTATION ACT OF 1974, AS AMENDED

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight, Thursday, August 1, 1974, to file the report on H.R. 12859, the Federal Mass Transportation Act of 1974, as amended.

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

There was no objection.

INFLATION POLICY STUDY

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1251 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1251

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 concurrent resolution (S. Con. Res. 93) relating to an inflation policy study. After general debate, which shall be confined to the concurrent 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 Rules, the concurrent resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the concurrent resolution for amendment, the Committee shall rise and report the concurrent resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

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

Mr. Speaker, because of the fact that in addition to being a member of the Committee on Rules, I am also a member of the Joint Economic Committee, and because I am anxious not to give the impression that the Committee on Rules was handling too quickly a matter that affected the Joint Economic Committee, I provided, along with the committee—and the Committee on Rules cooperated fully—for an excessive amount of time for the consideration of this Senate concurrent resolution.

The Senate concurrent resolution is the brainchild, I think I might say, of the majority leader of the Senate, Mr. MANSFIELD, and the ranking Democrat and the ranking Republicans of the U.S. Senate, Senators PROXMIRE and JAVITS. It provides, as it passed the Senate unanimously, for a 6-month study—which is now somewhat foreshortened—of the problems of the American economy by the Joint Economic Committee or any of its subcommittees.

It provides also that the Joint Economic Committee may have the power of subpena for the purposes of this study, and it provides for $100,000 in connection with this study.

Mr. Speaker, I do have at least one request for time, but I am not aware of any controversy whatsoever on concurring in the Senate concurrent resolution.

Unless controversy develops, I propose, when the rule is adopted, to ask that the matter be considered in the House as in the Committee of the Whole, thus limiting the general debate that would otherwise be available under the rule.

But if debate is desired and if there is controversy, I am perfectly happy to use whatever time the Members desire.

Having said that, I reserve the balance of my time.

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

Mr. Speaker, as previously explained, House Resolution 1251 provides for the consideration of Senate Concurrent Resolution 93, to provide funds for a study of inflation, under an open rule with 1 hour of general debate.

The primary purpose of this resolution is to authorize $100,000 to the Joint Economic Committee for an emergency study of the current state of the economy and the problems relating thereto, with special reference to inflation, including, but not limited to, such inflation-related problems as Federal spending; tight money and high interest; food, fuel, and other shortages; credit policies; export policies; international exchange rates; and indexing. The purpose of this study is to provide the Congress with specific recommendations for legislation to remedy the existing ills and improve the performance of the economy.

The joint committee is to report its findings to the Congress not later than December 31, 1974.

Mr. Speaker, this concurrent resolution passed the Senate on July 9, 1974.

Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

GENERAL LEAVE

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the Senate concurrent resolution (S. Con. Res. 93).

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

There was no objection.

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

Mr. BIAGGI. Mr. Speaker, I am alarmed that the House is even considering this resolution. Why must the Congress spend an additional $100,000 to study inflation? That in itself is inflationary.

The fact is, this is simply reflective of the age-old practice of this body—do not face the problem: study it and hope it will go away. Have we learned nothing from our experiences with the energy crisis? The Congress was totally unable to meet the crisis with decisive legislation. As a result, the executive branch accomplished everything by fiat, and the Congress was left whimpering that not enough was done.

The country needs no additional studies on inflation. It needs action by its Congress. There are enough committees of the House and Senate to study the problem and report out corrective legislation before the end of the 93d Congress, The people cannot wait until next year for action on inflation. They must have it now.

I propose as a start, that the remaining appropriations bills be pared so that the budget can be balanced. I propose further that, when yet another increase in the public debt comes up for a vote this fall, it be voted down.

Action should be taken by the House Banking and Currency Committee to report out measures to shore up the moribund housing and mortgage market. The Ways and Means Committee should report out legislation to eliminate various tax loopholes and thereby raise needed revenues to produce a balanced budget.

The Agriculture Committee should develop a bill to increase farm production and hold down costs for the consumers.

These actions require no additional appropriations, no further studies, no lollygagging about—just plain, old work by the Members of this body. If inflation wasn't such a serious problem, this bill would be almost laughable. But these are serious times and the country is on the brink of a severe economic depression. High unemployment is already with us; runaway inflation is just around the corner: and few Americans can afford a chicken in every pot.

The President has already announced he will do nothing about inflation. A little jawboning to the general public and subsidies for the fat cats is the extent of his efforts. The country needs legislation from Congress of the magnitude, and with the swiftness, that characterized President Franklin Roosevelt's first 100 days in office. In this Congress last 100 days, we would do well to match his record. And, we can start by voting down this ridiculous resolution today.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. BADILLO).

Mr. BADILLO. Mr. Speaker, I, too, do not wish to have prolonged debate on this issue. I support a study on inflation by the Joint Economic Committee, but I think that it would be important to bring out some of the things that I think the Committee should particularly concentrate on. I am on the Committee on Education and Labor, and for the past few years we have been trying in that committee to come to grips with the problem of unemployment in this country. We have found that many of the theories which have been supported in the past by the economists of the country make it impossible to develop a meaningful employment policy.

I believe that those theories have been discredited by what is going on in the country today, but I also believe that it is important that the Joint Economic Committee address itself to those theories so that we can have a meaningful employment policy.

For example, there is a theory that was developed by a British economist by the name of A. W. Phillips, which says that it is impossible to have a program of full employment in our economy because if that were to happen we would have runaway inflation. Based on that theory, every time that we have tried to come up with a program of full public service employment, we have been defeated because there are people who say that we cannot have full employment because you would then have runaway inflation.

However, today the fact is that we have both runaway inflation and unemployment, so it is certainly clear that that theory does not work.

It is also clear that those economists who have been advising the administration and the Members of the Congress up to now have been consistently wrong, and we are not going to be able to have a policy to control inflation and to provide for full employment unless we repudiate those theories which have been discredited by experience.

This inflation study is basic to all that we may be doing in the next year, and in the year to come, and for that reason it is important that we go forward with this study but that we call in new people who will challenge the theories that have been expressed in the past few years, and who will come up with some meaningful approaches on how to deal with the problems of inflation and unemployment. I trust that this can be done and I urge the adoption of this resolution and urge the Joint Economic Committee to undertake the emergency study without delay.

Mr. BOLLING. Mr. Speaker, I thank the gentleman for his contribution, and will tell him that there is no question but what the Joint Economic Committee has exactly the same thing in mind that the gentleman has stated, to look at the problem afresh without regard to those views that have been prevalent in the past.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Senate concurrent resolution (S. Con. Res. 93) relating to an inflation policy study, be considered in the House as in the Committee of the Whole.

The Clerk read the title of the Senate concurrent resolution.

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

Mr. DEL CLAWSON. Mr. Speaker, reserving the right to object, will the gentleman from Missouri explain to the Members of the House how this procedure will affect them in their response and their debate?

Mr. BOLLING. As the gentleman from Missouri understands, it eliminates general debate and makes amendments under the 5-minute rule in order, and pro forma amendments.

Mr. DEL CLAWSON. We can immediately proceed under the 5-minute rule of the House as in the Committee of the Whole, and Members can seek recognition for amendments?

Mr. BOLLING. That is correct; it simply eliminates the general debate provision of the rule.

Mr. DEL CLAWSON. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 93

Whereas the United States economy has been suffering from serious and persistent inflation; and

Whereas unemployment continues to be an economic problem, for the present as well as the near future; and

Whereas extremely high interest rates have caused serious dislocations in the housing industry, in small business, and in other sectors of the economy; and

Whereas the economy of the United States has been upset by shortages of basic resources; and

Whereas prospective shortages continue to be a cause of concern; and

Whereas solutions to these economic ills require the consideration of a large number of interrelated policy questions; and

Whereas it is incumbent upon the Congress to develop more effective economic policies for the Nation and to provide more effective means for coordinating public policy decisions to the end that the national economic welfare be better served; and

Whereas such requirements require that experts throughout the country be utilized for the purpose of obtaining the best available judgment on these important issues; and

Whereas the Joint Economic Committee of the United States Congress is charged by law with the responsibility of conducting a continuing study of matters relating to the economic reports of the President and with providing guidance to the several committees of the Congress dealing with legislation relating to public economic policy: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Joint Economic Committee, or any subcommittee thereof, as authorized by the Employment Act of 1946, shall undertake, as soon as possible—

(1) an emergency study of the current state of the economy and of the problems relating thereto, with special reference to inflation, including, but not limited to, such inflation-related problems as Federal spending; tight money and high interest; food, fuel, and other shortages; credit policies; export policies; international exchange rates; and indexing; and

(2) to provide the Congress with specific recommendations for legislation to remedy the existing ills and improve the performance of the economy.

SEC. 2. (a) For the purposes of this concurrent resolution, the Joint Committee, or any subcommittee thereof, is authorized from July 1, 1974, through December 31, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold hearings, (4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (6) to take depositions and other testimony, (7) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) Subpenas may be issued by the Joint Committee, or subcommittee thereof, over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the Joint Committee or any member thereof may administer oaths to witnesses.

SEC. 3. The Joint Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate and the House of Representatives at the earliest practicable date, but not later than December 31, 1974.

SEC. 4. (a) The Joint Committee is authorized, from July 1, 1974, through December 31, 1974, to expend under this concurrent resolution not to exceed $100,000 of which amount not to exceed $35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof.

(b) The expenses of the Joint Committee under this concurrent resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Joint Committee.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, I fail to understand what cannot be done by the Joint Economic Committee in the absence of this particular resolution.

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

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

Mr. BOLLING. I thank the gentleman for yielding.

To the best of my knowledge, there are two things that the Joint Economic Committee could do in the absence of this resolution. One is use subpena power, and another is to spend $100,000.

Mr. GROSS. I think the latter is probably the most important of the two objectives cited by the gentleman from Missouri. I agree with the gentleman from New York (Mr. BADILLO), that another look might be taken at the situation in which we find ourselves in in this country. Inquiry might well be made into why a majority of the Members of the House and the other body have consistently followed the policy that we can spend our way out of debt and inflation.

I hope that for $100,000 the committee can provide the answers to all of the subject matter set forth here on inflation-related problems such as Federal spending and tight money. The latter is an interesting topic, as is the disappearance of the dollar.

I note the gentleman from Texas (Mr. PATMAN) is waiting and probably to give us some information on what is proposed to be done with respect to tight money. He may also offer some discourse in support of printing press money.

Perhaps we can also have a discourse on high interest rates; food, fuel, and other shortages; credit policies; export policies; international exchange rate; and indexing. I do not know what is proposed to be done by way of indexing, but I am sure that for $100,000 and additions to the staff they will be an answer to that too.

I note and it seems to me to be significant that there is no provision in the subject matter set forth in the bill for study of the annual foreign handout program, which runs in the neighborhood in all its ramifications of about $13 billion. I would hope that in the absence of an amendment to that effect, the Joint Economic Committee will give serious consideration to what has happened in the field of the foreign handouts which, as I say, is running at an annual rate of $13 billion to $15 billion and to a total of about $260 billion since it was inaugurated as the Marshall plan some years ago.

At any rate I do hope that everything will be lovely and the goose will hang high as far as the Joint Economic Committee is concerned when they get the $100,000 which is here proposed to be appropriated so we can be provided with all the reasons for and solutions to the fiscal situation that threatens national bankruptcy.

Does the gentleman wish me to yield to him?

Mr. BOLLING. Mr. Speaker, I can barely resist the temptation to rise to the gentleman's bait. The subjects he raises are also interesting. If I were not conscious of the very monumental amount of business which is to follow this, I am afraid I would be tempted to debate them, but being a very restrained person I will resist.

Mr. GROSS. I thank my friend, the restrained gentleman from Missouri, for his contribution.

In conclusion, Mr. Speaker, I suggest that the expenditure of this $100,000 will be nothing more than a future contribution to the Nation's deficit and debt.

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

Mr. Speaker, I want to commend the committee for reporting this resolution. I think it is important.

I want to call attention to certain aspects of the current economic problems that I do not think have been dealt with sufficiently in prior studies. In the resolution adopted by the Democratic Caucus the other day, there was a call for the use of credit controls in order to rechannel credit to priority needs in the economy. I have always felt that this was an important tool of economic management, but the fact is that we do not know how to do it. We have not developed the technique. We do not know what kinds of institutions, what kinds of regulations would effectively accomplish the channeling of credit away from low priority needs to high priority needs.

In fact today we induce real distortions into the allocation of credit in a number of ways. One is the arbitrary ceiling on interest rates. Another is that more credit and resources are available to large corporations than are available to small businesses and consumers.

We all know the regressive aspects of our fiscal policy. However, our monetary policy is also regressive. The tightening

of credit is not distributed equitably throughout the economy.

While credit allocation sounds as though we will give preferential treatment to certain investments, we can only try to offset the tremendous advantages large corporations have in obtaining credit. A minimum goal would be to obtain neutrality between all investment alternatives.

Currently 70 percent of the impact of monetary policy fall on the housing industry. Yet housing is one of our highest priorities. We need to develop a system of making monetary policy work toward these social goals, not thwart them.

So one of my purposes in rising now is to urge that when the Joint Economic Committee undertakes this study, it pay special attention to finding means through which we can effectively channel credit to those sectors of the economy which need credit. We must also discourage the use of credit where it contributes to inflation. If a venture neither helps to meet high priority social needs nor breaks up inflationary bottlenecks, credit must be restricted.

The second matter I hope the Joint Economic Committee will look into is the growing disparity in income and resources between the rich and the poor in the United States. We often talk about the growing gap between the rich and the poor nations, but we have the same widening gap between the rich and the poor here at home. Inflation is accelerating that unhappy trend toward making the rich even more wealthy.

In undertaking this study of the economy, we must keep in mind our ultimate goals. The gentleman from New York spoke about the problem of achieving full employment while maintaining low levels of inflation.

We also need to deal with the more fundamental problem of inequality in America, inequality in access to income, inequality in access to credit, and inequality in access to full participation in the mainstream of the American economic system.

So I would add my concern and hope that in its study, the Joint Economic Committee will pay special attention to the problems of inequality and that it investigate legislative measures which can remove, rather than increase, the spread of income between the rich and the poor in the United States. Only as we move in that direction can we come up with an economic system which will redeem the hope of all the people in the future of our Nation.

Mr. BROWN of Ohio. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in support of House adoption of Senate Concurrent Resolution 93, which would provide funds to the Joint Economic Committee—not to exceed $100,000—to conduct a study of the Nation's inflation problems.

Inflation, as one interlocking part of the Nation's economic problem, has become the most worrisome of our domestic issues to the great majority of the American public. Every effort must be made by the Congress to get to the heart of the problem—to rediscover its root causes and analyze the reasons for its persistence. New economic developments, such as the energy crisis and changing patterns of world supply and consumption of food deserve consideration at this particular time. Such findings need new interpretations as they relate to the broad impact of inflation throughout the economy—from the basic industries such as farming, mining and the timber, through the processing and manufacturing stages to the wholesale and retail markets and the ultimate consumers, whether these consumers be the housewife buying groceries or shoes or a shortage industry trying to expand its productive capacity.

Interest rates and their impact on every consumer must be restudied. The whole range of governmental policy in budget, fiscal and monetary areas needs a thorough review in light of continuing deficit spending and tight control over capital growth. Congress own spending habits must be given new scrutiny as those habits relate to the overall problem of inflation and executive branch authority for carrying out programs affecting the economy.

Mr. Speaker, the Joint Economic Committee Monday began a mid-year review of the economy with Presidential economic adviser, Kenneth Rush, as the first witness. At that hearing, I suggested to the committee's vice chairman, Senator WILLIAM PROXMIRE, that the Joint Economic Committee undertake to get the views on inflation of representatives of labor, farmers, housewives, the poor, the elderly, small businessmen, and others. Views of these citizens have not been sought at meetings held by the administration with big business, professional economists, and the president of the Teamsters. No program to curb inflation can hope to succeed with only that constituency and without the support of farmers, consumers, small businessmen, average workers, and so forth. I suggest that the Joint Economic Committee inflation study be accomplished through a series of hearings around the Nation, in the 10 Federal administrative regions, so as to give members of the public an opportunity to provide the Congress with their own views of the impact of current economic problems and their own suggestions as to what Government should be doing to solve those problems.

Mr. Speaker, I think such input from the general public is paramount if the public is going to support the tough decisions that this Government and the Nation must make to halt inflation and find workable long-term solutions to the problems of the economy which have dogged the Nation for the past decade. I was, therefore, pleased that Senator PROXMIRE favorably received my suggestion for regional hearings, and if it is approved by the distinguished committee chairman, Mr. PATMAN, and the remainder of the committee, the funds requested in Senate Concurrent Resolution 93 could be available to the committee for carrying out that proposed series of public hearings. It is for that reason that I most strongly support approval of Senate Concurrent Resolution 93.

The SPEAKER. The time of the gentleman has expired.

(On request of Mr. GROSS and by unanimous consent Mr. BROWN of Ohio was allowed to proceed for 3 additional minutes.)

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

Mr. BROWN of Ohio. I yield to the gentleman from Iowa.

Mr. GROSS. Will the gentleman give us some idea of what is already being expended on the Joint Economic Committee?

Mr. BROWN of Ohio. The current budget of the Joint Committee, unfortunately, is not one of the figures I have in my head, I must reply to the gentleman.

Mr. GROSS. Would the gentleman agree with me that what Congress needs to do is stop spending billions for unessential programs? Inflation will not be stopped by creating a so-called budget control committee, or by an addition to the Joint Economic Committee for study? Is it not the fact that what we have to come back to in the end is to cut spending, as Mr. Burns, Chairman of the Federal Reserve Board, has told us almost every day recently?

Mr. BROWN of Ohio. Absolutely. I concur with the gentleman that there is a need to curb Federal spending, reduce the deficit and get control of the fiscal policy of this Nation. In addition to that, of course, there are somewhat more sophisticated problems, such as the money supply and what we should do with that; some things that relate to international trade and even some things, I may say to the gentleman, that relates to policies that might not precisely be called fiscal matters but relate to it such as housing loan guarantees and guarantees of personal deposits in banks, and things like that, which, if we get into deeper economic trouble than we are already in, would have the impact of being even more inflationary than some of our direct spending fiscal policies are currently. I think the gentleman would agree with me.

Mr. GROSS. It will all come back in the end, no matter how many studies are made, it will all come back in the end to contain spending within revenue.

Mr. BROWN of Ohio. That certainly would be one of the basic needs of getting to the problem.

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

Mr. BROWN of Ohio. I yield to my colleague from Ohio.

Mr. VANIK. Mr. Speaker, I thank the gentleman for yielding to me.

I want to say that I concur in what the gentleman says with respect to regional hearings on this issue. I would like specifically to ask whether the scope of this economic study is going to be broad enough to include a review of other forces which contribute to inflation, which occur from outside the

United States, which have an impact in the country.

For example, the effect of the OPEC policies; the effect of the cartel control of commodities by investor groups outside of the United States which control supply and thereby inflate the price of these commodities when made available to the consumers of America. Will the gentleman's study be broad enough to include that area of review?

Mr. BROWN of Ohio. I would assume, if we get into regional studies, we will deal with those parts of the economy which are affected by trade abroad.

The SPEAKER. The time of the gentleman from Ohio has again expired.

(On request of Mr. VANIK and by unanimous consent Mr. BROWN of Ohio was allowed to proceed for 2 additional minutes.)

Mr. BROWN of Ohio. I would assume, in our study, we would get input in our regional sessions from those activities in this country that are impacted by trade abroad, and certainly from those individuals and those companies which are impacted by the oil producing nations and their control of at least a third of our supply of the oil we utilize.

Mr. VANIK. Mr. Speaker, if the gentleman will yield further, the problem extends beyond that. It extends to the control of such commodities as coffee, sugar, and other items that are in short supply and which appear to be controlled by cartel investments outside of the United States.

Mr. BROWN of Ohio. I agree with the gentleman. I agree with the recommendation of the gentleman. I would say to him that in addition to that, we should probably get into such things as our foreign trade policy, and what should be done regarding the foreign trade bill which, as I understand it, is being held up in the Senate. That will have an impact on how much we can sell abroad and on the rate of exchange. It will affect our trade balance and a great many other things, all of which have some direct benefit or negative impact on the inflationary situation in this country today.

Mr. VANIK. I thank the gentleman for yielding.

Mr. DEL CLAWSON. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. Yes.

Mr. DEL CLAWSON. In response to the first question the gentleman from Iowa, Mr. GROSS, asked in connection with the amount the committee spent, I understand from information coming to me that, the expenditure last year was over $800,000. Perhaps the gentleman will correct me if that is in error.

The SPEAKER. The time of the gentleman has expired.

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

Mr. Speaker, I rise in support of this concurrent resolution.

I think it is absolutely essential that we get on with this job.

I listened with great interest to the remarks of my friend and colleague, the gentleman from Iowa (Mr. GROSS), whom I respect very much, and I agree with much of what he said in terms of his concern about the causes of inflation, and very particularly, what might be done right now in terms of reducing Federal spending. I also think it is something that can be accomplished and ought to be accomplished.

I, for one, happen to think that the Presidential recommendation we heard the other day about a $5 billion Federal budget cut was really inadequate. I think we have to go far beyond that at this time.

I know from my conversations with Dr. Burns at the Federal Reserve that if we really want to talk about easing the restraints on inflation in the monetary policy area, with some hope of bringing down interest rates, we are going to have to do much more in the area of fiscal restraint than what we, in the Congress, have done so far or what we are contemplating at this time.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. RIEGLE. Yes, I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I would like to concur in what the gentleman has said. I also think the restraints on the budget are inadequate, with the present situation.

I might say to the gentleman from Iowa, if he is on the floor, that we need somewhat stronger fiscal restraint than is the situation so far.

Mr. RIEGLE. I might say to the gentleman from Ohio that I think if we want to be serious about what needs to be done in terms of real fiscal impact, overall economic impact as well as psychological impact, we are talking probably in terms of a budget cut of something like $10 billion or more.

I realize that is tough to accomplish, and that all of us would want to apply cuts of that magnitude in different areas of the budget.

What I would hope we could recognize is this: If we are not able category by category to agree on budget reductions where we would like to reduce the budget in the aggregate amount of 10 billion, I suggest that we must then think in terms of an across-the-board percentage budget cut, perhaps exempting some limited number of special situations where there is a particular and very great human need that would warrant an exemption from an across-the-board cut. However, by and large, having recognized the emergency economic situation, if we cannot get an agreement on area-by-area cuts, what we will have to do, I think, is agree on an across-the-board reduction.

Mr. BROWN of Ohio. I think the gentleman's point is very well taken. If, in fact, we are going to balance the budget, there will have to be a cut of $11.4 billion.

Now, that is going to be very possible because the Federal Government does not do anything that is undesirable. We do things that are desirable, at least to some segment of the economy.

However, if we are going to get agreement on where those cuts must come or whether we are to have additional taxes, if that is the other thing we must do to balance the budget, then we are going to have to get the support of the average citizen in this country, the support of the people who are facing the inflationary problems, whether they be in industry which needs to expand or the housewife who is trying to buy food.

The way to do that, I think, is to take the problem to the people and get their input and to that extent for us to try to solve the problems.

Mr. RIEGLE. I thank the gentleman for his comments. Mr. Speaker, I would say further on this issue that I do not know of a family or a business or a private institution that has not been required to undergo some sort of budget reduction at the present time. Everyone I speak to and talk to in the private sector, including individuals, is in that situation, and I think it is entirely reasonable for us at the Federal level not only to recognize the fact that we, too, can and should do this—and probably accomplish more by spending less with greater care—but there is an enormously important reason for us to do it right now. The fact is that we must act now to break this inflationary momentum.

Mr. Speaker, let me say one other thing. I think it is significant that this resolution calls for this work to be done by the end of this year. That is an immediate mandate to get on with this job and to assemble and evaluate all the facts. I think, in response to the question that was raised earlier, it clearly does not just center on domestic issues but it gets to issues and causes and influences of inflation that might come from abroad.

I think this mandate, as it is spelled out here, will give us an opportunity to have in our hands before this year is out the critical facts and information and understandings that we will not receive in any other way. Especially so now that we see the Cost of Living Council disbanded and out of business at the very time when we need it the most. That is really a very ironic and troubling fact.

The SPEAKER. The time of the gentleman from Michigan (Mr. RIEGLE) has expired.

(On request of Mr. REID and by unanimous consent, Mr. RIEGLE was allowed to proceed for 2 additional minutes.)

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

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

Mr. REID. Mr. Speaker, I commend the gentleman from Michigan for entering the well and for his support of this resolution, along with the gentleman from New York (Mr. BADILLO). I think this study is clearly needed.

There is one point, however, that has not, as I have understood the debate, been discussed. That is the fact that the United States today is very close to facing a serious depression—not recession, but depression.

In my judgment, there is a total absence today of Presidential leadership to take any steps at all to develop now a coherent policy utilizing both monetary and fiscal approaches while striving also for international monetary reforms.

There is no effective policy which I am aware of to deal with the energy crisis in this country. There is no alternative proposal being developed if we faced with a new oil embargo.

Inflation is out of sight in this country, and many are being driven to the wall, particularly senior citizens.

Mr. Speaker, my point is this: that there is a suggestion made today that some Members of Congress meet with the President and develop within the next few weeks a policy of coherent action. I am afraid if we wait until the end of this year and if there is further delay, this country could be in a very serious depression, with millions of people being affected.

Mr. RIEGLE. Mr. Speaker, I support much of what the gentleman has said, and I agree that the step he suggests ought to be taken, as well as this step.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. RIEGLE. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Speaker, I just want to welcome the expressions of Republican philosophy from that side of the aisle.

Mr. RIEGLE. Mr. Speaker, I might just say to the gentleman from Ohio that the last two speakers have had some training and background in that area.

Mr. BROWN of Ohio. Mr. Speaker, it shows through. It shows through, and I want to congratulate both of them.

AMENDMENT OFFERED BY MR. YOUNG OF ILLINOIS

Mr. YOUNG of Illinois. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Illinois: Page 2, line 7 after ", but not limited to," "the causes of the current inflation and".

Mr. YOUNG of Illinois. Mr. Speaker, I would say that this resolution for an emergency economic study is timely, and I want to support it. I think that there is a slight oversight that should be corrected in the language as to the scope and coverage of this study. If this study is going to be directed to the problems of inflation, then it ought to also include the "causes" of the current inflation.

Mr. Speaker, I would ask that the Members of the House support this amendment, which is merely to clarify the scope of this study so as to give the Joint Economic Committee ample opportunity to not only look into the problem, but also to look into the causes which are really at the root of the problem.

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

Mr. YOUNG of Illinois. I yield to the gentleman from Missouri.

Mr. BOLLING. Mr. Speaker, I thank the gentleman for yielding, and I would say that without any consultation with any of the other members on the committee I certainly will be delighted to accept the amendment offered by the gentleman from Illinois (Mr. YOUNG).

Mr. YOUNG of Illinois. I thank the gentleman from Missouri.

Mr. DEL CLAWSON. Mr. Speaker, will the gentleman yield?

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

Mr. DEL CLAWSON. Mr. Speaker, we have no objection to the amendment on this side, as far as I am concerned.

Mr. YOUNG of Illinois. Mr. Speaker, I thank the gentleman from California.

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

Mr. YOUNG of Illinois. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, this resolution holds out the hope that as a result of what is called an emergency study the Congress may be provided with specific recommendations for legislation to remedy inflation and improve the performance of the economy. If I were to think that such a study would achieve that goal, I would be moved to say that the $100,000 requested to fund it was a meager price to pay.

But just 2 weeks after this resolution was introduced in the House, the Democratic caucus adopted a resolution on the economy. It is difficult to conceive of a situation in which an emergency study might recommend proposals, which if they disagreed seriously with the caucus position, would have much chance of legislative survival. Therefore, though the ostensible purpose of this resolution is to commission a study of inflation, if it does not conform in large measure to the caucus proposals it will be consigned to legislative oblivion and will be essentially useless. Moreover, considering the recommendations made on this topic by the Joint Economic Committee in the past, and the rejection of these proposals by the minority, is it not reasonable to assume that the recommendations to be forthcoming will hardly differ by a hair?

I would submit to my colleagues that what the Democratic caucus provided us is nothing more than a collection of warmed over panaceas which have failed to serve us in the past. In fact that characterization casts their proposals in a benign light which belies their essentially counterproductive approach. First on the list of priorities set by the resolution is the adoption of what was termed "a balanced tax reform package" to offset the harm done by inflation to the purchasing power of middle- and lower-income families.

The notion of a balanced tax reform package entails cuts for some and increases for others. A reasonable estimate of the cost of restoring the purchasing power of middle- and lower-income families through a tax cut comes to approximately $15 billion. I am frankly at a loss to find anywhere a statement on the part of the caucus about how the Treasury might raise the revenues to balance this cut. But should they come from among the traditional targets, they would surely include higher taxes on preference income, repeal of ADR and slashes in the investment tax credit. Yet, pushing aside the disruptive consequences of such action, the annual revenue generated would scarcely exceed $4 billion. This I suggest, Mr. Speaker, is the guidance the Democratic caucus would provide majority members of the JEC.

The caucus also called upon us to expand unemployment compensation programs couched in the alarmist phraseology of a rising tide of unemployment. But what do they recommend? You will recall in May, when for the final time the Standby Energy Act was considered, the committee bill proposed an expanded unemployment program for those put out of work by energy shortages. The Manpower Administration estimated that that provision alone would cost more than $4 billion. Moreover, the eligibility standards set by that legislation held out the possibility of receiving benefits for nearly 2 years. In sum, the proposal given birth by the majority party would have provided dangerous inflationary impulses directly through massive Federal expenditure, and indirectly through establishing a substantial disincentive for unemployed workers to seek job retraining or to seek employment outside their immediate labor market.

Mr. Speaker, any serious recommendation on inflation will have to come to grips with the difficult tradeoffs of the nature which this example raises. But the majority members of the JEC armed with the caucus resolution would undertake the study with their membership in the House demanding essentially inflationary programs or worse. To deal with the problem of high interest rates and tight money, for example, the caucus recommends a program of credit rationing. In other words, at a time when most economists are suggesting the wisdom of getting the Government out of the regulation of the financial markets and reducing the barriers to competition in banking, the caucus would have us interject even greater rigidities.

Mr. Speaker, absent from the proposals the majority would presumably have the JEC adopt is any mention of the area in which Government reform would possibly be most helpful—the elimination of Government-imposed regulations which have had the effect of raising substantial barriers to competition in our economy. Literally hundreds of regulations which owe their existence to legislative action in agriculture, banking, labor, trade, Government operations, and taxation have encumbered the economy for years. At present they present massive resistence to changes in economic policy designed to lower prices and increase efficiency in production. Merely a partial list of the offending legislation would include the Jones Act, the Robinson-Patman Act, the Buy America Act, the Davis-Bacon Act, Federal Reserve Regulation Q, and the Connolly Hot Oil Act.

In this morning's Wall Street Journal, Hendrik Houthakker, professor of economics at Harvard University, presented

what he called a positive program to fight inflation, entailing the reform and elimination of these and other programs. I shall ask the Speaker to insert it in the RECORD at the end of my remarks. It is an outline of the kind of program those of us on the minority side would tend to support, and that we have advocated for years. Yet during the same period, programs adopted by the JEC have largely ignored such an approach, and I find it truly astounding, that not so much as lip-service is paid to them in the resolution on the economy adopted by the majority of this body.

Under these circumstances, Mr. Speaker, I find it impossible to believe that the study advocated by this resolution would offer even the slightest hope for effective reform, and I must urge the defeat of this resolution.

[From the Wall Street Journal, July 30, 1974]

A POSITIVE WAY TO FIGHT INFLATION

(By Hendrik S. Houthakker)

At the present time our efforts to fight inflation are pretty well confined to a single weapon: monetary policy. There are admirable plans to balance the budget and cut expenditures, but they face formidable obstacles and in any case it is not clear that fiscal irresponsibility is a major factor in the present inflation. Price-wage controls have turned out to be a dismal failure; they may well have made inflation worse rather than better. It is understandable, therefore, that the emphasis is on monetary policy, for it was excessive growth in the money supply that permitted the inflation to begin with.

Nevertheless it will be very difficult to bring inflation under control by monetary policy alone. The present growth rate of the money supply, probably somewhere around 6% per year, is certainly not low by historical standards, yet it already puts severe strains on the monetary system. At the same time this growth rate is consistent with an inflation rate of at least 7% and perhaps more. Therefore monetary policy would have to be tightened further if we are ever to go back to a reasonably noninflationary economy. It is doubtful whether the financial system could stand this.

Most people are probably not reconciled to living with inflation rates of 7% or more. We therefore need something more promising than the present approach. We have to recognize that inflation has become a long-run problem and calls for long-run solutions. Our economy has to be made less prone to inflation and more responsive to anti-inflationary policies.

This means, in particular, that institutional barriers to price declines have to be removed, or at least weakened. Stability of the general price level does not mean that all prices remain forever the same; on the contrary, some prices must rise and some must fall, largely in response to technological changes and to fluctuations in demand. In a competitive market prices are flexible in both directions; the recent precipitous decline in the price of electronic calculators is a good example of the reaction of a competitive market to changes in fundamental conditions.

The barriers to competition that exist in many markets usually originated in the desire to prevent such price falls rather than to raise prices. Many years ago a German economist called cartels "children of adversity"; the anticompetitive measures that were part of the New Deal, some of them still in force, are a case in point. A more recent example is the effort to reverse a sharp fall in livestock prices by providing government-guaranteed loans to producers, thus eliminating one of the few areas where relief to the hard-pressed consumer was in sight.

BARRIERS TO COMPETITION

To a large extent fiscal and monetary policy has the same effect. In a competitive market the normal reaction to a fall in demand is a decline in price, but where competition is weak the usual reaction is to cut the quantity supplied, leaving prices more or less unchanged; the steel market during the 1960s is a typical example. Reductions in supply lead in due course to reductions in employment, which is the accepted purpose of fiscal and monetary policy to counteract. Thus general economic policy serves to reinforce the downward price rigidity characteristic of noncompetitive markets. Of course in such markets cost increases are almost automatically passed on to the buyer, and fiscal and monetary policy also serve to validate that practice. Barriers to competition therefore make an economy more susceptible to inflation, in addition to creating inefficiencies of various kinds.

These barriers are not likely to be removed on a piecemeal basis, though the recent House vote against the sugar bill is an encouraging exception. Most of them are supported by powerful pressure groups who will respond with "why pick on us?" If these barriers can be removed at all, it has to be done comprehensively. An omnibus bill to this effect would have to include the following provisions:

In Agriculture it would amend marketing order legislation so as to prohibit restriction of interstate movements, and production quotas on individual producers. The bill would also repeal the Meat Import Act and replace dairy import quotas by tariffs, if needed at all. Export subsidies would be abolished, except when the domestic price is at support level. Agricultural cooperatives with sales exceeding $10 million per year would lose their antitrust exemption. Food stamps would be replaced by cash payments.

In the field of Transportation the bill would remove all route and other restrictions in existing trucking licenses. Changes in railroad rates would be approved automatically if they fall within a zone of reasonableness determined by variable costs. The Interstate Commerce Commission would lose the authority to grant general rate increases. The antitrust exemption of railroad and trucking rate bureaus would be terminated. The Federal Aviation Act would be amended to make discount air fares legal, and to bring capacity-limiting agreements under the antitrust laws. The Jones Act, which reserves coastal shipping to U.S. vessels, would be repealed. Subsidies for ship construction and operation would be abolished unless military need is proved.

In the area of Energy the bill would deregulate the wellhead price of new natural gas. It would outlaw state prorationing of oil and gas and repeal the Connolly Hot Oil Act. It would terminate crude petroleum allocations and oil price controls, and reform pipeline legislation so as to make oil pipelines effective common carriers. The present embargo on uranium imports would be rescinded.

In Banking there would be a general revision of Federal Reserve Regulation Q, including permission for banks to pay interest on demand deposits. The limitations on interest rates paid by savings institutions would be phased out. Interstate banking would be permitted subject to the antitrust laws. The accounting procedures of financial institutions would be subjected to more rigorous standards.

In the field of General Business resale price maintenance would be abolished. The antitrust laws would be amended to make refusal to sell a violation in the case of large corporations, thus reducing their market power. The Justice Department merger guidelines would be reformulated to emphasize the effect of mergers on competition rather than numerical standards. All corporations over a certain size would be required to have a minimum number of outside directors.

In the field of Labor unreasonable restrictions on union membership, such as prior apprenticeship or excessive entrance fees, would be prohibited. Union-operated hiring halls would be abolished. The Davis-Bacon Act and similar laws concerning wages paid under government contracts would be phased out. The bill would also reform unemployment insurance so as to make it less of a disincentive to work, and would exempt juveniles from minimum wage laws.

In Foreign Trade the Buy American Act would be phased out. A constitutional amendment to remove the obsolete prohibition against export duties would be initiated. The voluntary export agreements on textiles and steel would be terminated. Export-Import Bank credit would be allowed only where our exports are at an artificial disadvantage.

In the area of Government Operations present prohibitions against the sale of surpluses from the stockpile would be terminated, and so would the interest rate ceiling on long-term government bonds. The private express statutes which give a monopoly to the Postal Service would be repealed.

Finally, this omnibus anti-inflation bill would have provisions for administration by a special board and establishment of an adjustment assistance fund which could make limited grants to firms or workers seriously damaged by provisions of the bill, or guarantee loans to firms for restructuring made necessary by the bill.

Enactment of such a bill would not only have an immediate impact on the general price level, but would also make the U.S. economy more resistant to inflation in the longer run and stimulate productivity. It would have to be supplemented by other measures, one of which would permit the Treasury to issue cost-of-living bonds, whose interest and principal would be related to the consumer price index, thus making it easier for small investors to protect themselves against such inflation as is still to come.

EXPANDING INDUSTRIAL CAPACITY

Another important component of a positive strategy against inflation is the expansion of industrial capacity. It has become increasingly clear in recent years that capacity bottlenecks are a powerful contributor to inflationary pressures and may cause unemployment at the same time. In several basic industries, steel being the outstanding case, capacity has fallen far behind demand, thus opening the door for sharp price increases. There are various reasons for the shortage of capacity, but one measure that would help alleviate it is an overhaul of the corporate income tax to facilitate the financing of new investment.

In particular, dividends paid to domestic stockholders should be exempted from the corporate income tax, though not from the individual income tax. Dividends are factor payments just like wages, rent and interest, which are already subject to the tax on individuals only. The exemption of dividends would increase corporate cash flows and make equity issues more attractive to corporations as well as to investors, thus reduc-

ing pressures on the new issue market in fixed-interest securities. It would also cause a loss of federal revenue amounting to about $15 billion which could be made up by two other changes in the corporate income tax.

One of these would be a surcharge on corporations whose rate of return to net worth, averaged over a period of years, exceeds a certain figure (say 15%). In most cases persistently high rates of return are an indicator of great market power reinforced by a failure to expand capacity as much as cash flows allow. The averaging feature would protect corporations with fortuitously high profit from the surcharge, while the use of net worth as a divisor would be a safeguard against excessive depreciation. Since the surcharge would by itself encourage additions to capacity there would be less need for the investment tax credit, which could thus be eliminated or modified to make up a further part of the revenue loss. Additional individual income tax receipts from dividend income would also help.

These three legislative proposals—the comprehensive removal of barriers to competition, the issuance of cost-of-living bonds, and the corporate income tax reform—are independent of each other and should be evaluated separately. Together they constitute a program that will get us away from the present excessive reliance on monetary policy.

Given enough patience we can perhaps control inflation by bringing the economy to a virtual standstill or worse, but the cost in terms of lost output and employment will be staggering. By adding new weapons to the fight against inflation we can not only make success more probable and more timely, but we can also lay a better foundation for the performance of our economy in the future.

Mr. YOUNG of Illinois. Mr. Speaker, I would also like to say that I hope this study will be approved by the Members, and that it will be completed, and that, when the study is completed, the House will study it very thoroughly, and follow its recommendations.

The SPEAKER. The time of the gentleman has expired.

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

The gentleman from Missouri hesitates to say what he is about to say, but the gentleman from Missouri and the gentleman from California, I believe, were together trying to pass a relatively innocuous resolution. There is a great deal of business before the House scheduled for this day. The gentleman from Missouri is perfectly competent to deal with partisan debate, and he has heard a good deal of it, and he is prepared to engage in it if it becomes essential. But the gentleman from Missouri is primarily interested in disposing of a resolution to allow a committee created under the Employment Act to make a simple study of a great problem, the solution to which seems to be rather different in the minds of different people.

If we are to pursue this a great deal further, the gentleman from Missouri would feel compelled to defend the position of the party that he represents, but I think it is rather silly to engage in this on a resolution which was introduced at the request of the majority leader by the ranking Democrat and the ranking Republican in the Senate. I should like to see the resolution pass, and incidental to that I should like to see the amendment offered by the gentleman who just had the floor adopted.

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

Mr. BOLLING. I yield to the gentleman from Connecticut.

Mr. McKINNEY. I thank the gentleman for yielding.

Mr. Speaker, the seriousness of the economic situation is apparent to everyone in this Chamber and to all Americans. Once the Joint Economic Committee begins its consideration of this subject, I would commend to their attention the record of the extensive hearings now being held by the Banking and Currency Committee on the subject of high interest rates now plaguing the American people.

The situation as regards tight money and the concurrent high interest rates is acute. It is destroying savings and loan liquidity and it has pulled the rug out from under the housing industry, virtually excluding the average American from homeownership and worsens as his savings are eaten up by inflation.

I hope that the Congress acts quickly, not only to establish this study and upon the Joint Economic Committee's recommendations in December, but also upon the many innovative proposals which have already been introduced and are pending action. One measure I especially hope will get consideration is aimed at giving tax credit on a dollar-for-dollar basis for the interest earned from passbook savings up to a maximum of $250. I introduced such a bill, H.R. 16121, in order to give incentive for savings which in itself is anti-inflationary but it will also act to encourage those with funds already in savings accounts to keep them there, blunting disintermediation and lessening some of the pressure on those banks and other financial institutions which provide mortgage money. This is especially a help at a time when the U.S. Treasury itself is competing for investment capital by offering high interest Treasury notes and tax-exempt bonds. There is no way that savings and loans, and mutual and thrift institutions can compete with such high interest offerings when the interest rates they can offer are federally regulated at lower than market levels.

I have great confidence in the abilities of the able members of the Joint Economic Committee to study the problem thoroughly and recommend a course of action. But there are steps that Congress can take now to reduce the rate on inflation. Giving tax credit for increased savings is just one of many suggestions which have already been made, not only by myself but by other Members of Congress. Most should be considered by both Houses before the end of this year when the JEC report is made. The American people urgently need our action now to begin to stem the inflation which increases almost daily. We can not be content to wait until December.

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

Mr. Speaker, I will vote for the resolution in the hope that the study will be beneficial and because of the magnitude of the problem of inflation. But, my constituents can tell Congress now how to reduce inflation. They are pressing for a balanced budget and have been for many years.

The popular Phillips or British theory that employment begets inflation has been disputed by many respected economists including Dr. Alan Greenspan who recently stated that he had never seen proof that reducing Federal spending increases unemployment. He stated that unemployment caused by excessive spending can be proved and pointed to the inflation-caused, major retrenchment underway in the consumer market and housing industry. The retrenchment, Greenspan said, is causing and will cause substantial unemployment.

Let me offer a simple example. As the price of refrigerators soars, the housewife stops buying refrigerators and refrigerator companies stop manufacturing refrigerators. Unemployment results. So, cutting inflation can increase employment.

Many respected economists like Herbert Stein, Alan Greenspan, and Dr. Arthur Burns agree that excessive Federal spending is the root cause of our current crippling inflation.

Congress must take strong action and I recommend passing a strong bill like H.R. 144 introduced by my good friend, the gentleman from Iowa, Mr. H. R. GROSS, or H.R. 15375 which I introduced which would cut Federal spending 2 percent below income. We really do not need to appropriate $100,000 to reduce inflationary pressures. But, I will admit that the studies contemplated under this resolution, if properly carried out, could recommend future courses of action to avoid many of our present problems.

I yield back theb alance of my time.

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

Mr. Speaker, I choose not to take a great deal of time this afternoon. I should like to applaud my distinguished colleague on this side of the aisle who offered an amendment to get the Joint Committee to deal with the issue of causes.

I tried to listen as diligently and as carefully as I could this afternoon to some of the proposals made. It seems to me they are symptomatic in approach, because they are only dealing in symptoms. If we are going to talk about causes, I should like to make a nonpartisan statement, because I think my statement constitutes accord for both the Republican and the Democratic Party. If we are going to talk about the causes of inflation, there are three major areas of misallocation we must examine. I hope this Joint Committee does that. They are, one, our exorbitant Defense budget; two, the lack of equity in our tax structure; and, finally, the major subsidies, huge subsidies, to major corporations in this country. Unless the Joint Committee addresses itself to the causes of inflation, looks at the question of how much

money we spend on defense, looks at the fact that middle-income Americans pay most of the taxes, whereas the wealthy and the major corporations of this country pay little or no taxes, and, finally, the extraordinary giveaways to major corporations in this country, it would seem to me that the Joint Committee is going to play partisan games dealing with symptomatic approaches, and we are never going to solve the problems of inflation.

I would simply admonish my colleagues on both sides of the aisle to bite the bullet and make some recommendations to come to this floor to talk about cutting the Defense budget, to talk about tax reform, and to talk about removing some of these huge giveaways to major corporations. Beyond that, we are, in fact, taking an ineffective approach to an extremely difficult problem.

Mr. Speaker, I yield back the balance of my time.

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

As the ranking minority House member of the Joint Economic Committee, I convene with the gentleman from Missouri (Mr. BOLLING) and move to accept the amendment offered by the gentleman from Illinois (Mr. YOUNG), and it should be adopted.

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

Mr. Speaker, I support Senate Concurrent Resolution 93, the inflation study by the Joint Economic Committee, but I do so with some skepticism.

Inflation is the number 1 problem today. We all know it, and so do our constituents. My skepticism arises from that knowledge and from the track record of the JEC.

Inflation needs congressional attention. Congress has done nothing and has no policy on the economy. Study will improve the Congress, or is likely to do so, since the only way we have to go is up.

The JEC has plenty of staff as it is. The extra $100,000 may be inflationary, but it wil be a minor transgression among our inflationary sins. The JEC has no legislative authority. I would rather see an inquiry handled by a legislative committee. I want to warn that some of us in the House will not tolerate another whitewash of our high spending, Congressional extravagance.

The majority party has to take full responsibility for years of overspending. One harmless study can't erase that sorry record. Nor can it cover the total absence of some economic policy. Congress can do something. It can tighten its belt. It can provide leadership and example. I cast my aye vote in hope, but I must admit my hope, based on our performance to date is a forlorn one.

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

Mr. Speaker, I rise in opposition to this resolution, the fact that this resolution—which calls for a study by the Congress of the causes and effects of inflation—is now before us is in my opinion, a ringing indictment of the Congress continuing inaction and confusion on this crucial problem of inflation. It tells the American public that the majority in Congress do not yet understand that excessive Government spending is the cause of inflation and that the Congress is going to yet spend more money to "study" inflation. Passing this resolution will not symbolize action. To the contrary, it symbolizes more inaction.

We do not need to spend more of the taxpayers' money—on one more study of a phenomenon which has been studied endlessly—to tell us what we already know. Government spending is the cause of inflation. And, since the leadership of Government—executive and legislative—created the problem, it has the power to correct it. It can do so now. It does not need to wait on the results of this study.

If one wants to know why we have inflation, read the pages of the CONGRESSIONAL RECORD each day and look at the excessive spending which the Congress is foisted upon the American taxpayers—spending which results in deficit spending for which the Government must both borrow more and more money at exorbitantly high interest rates and print additional paper money behind which there is no commensurate growth in national productivity.

Our economic history is clear on the fact that additional increases in money supply, unaccompanied by increases in national productivity, drive up prices. For every surge in money supply, there has been a direct, corresponding surge in prices. As a matter of fact, there has never been a dramatic price surge which has not been accompanied by a drastic increase in paper money supply or some similar form of artificial government manipulation of the marketplace. We need no new study by the Congress to tell us that.

The Federal Reserve Board has been pressured into issuing more paper money as a means to lessen the amount which the Government has to borrow to cover its deficits. When Government has a deficit—and it has one every year now—it can do one or both of two things: it can borrow the money, just like any other borrower, in the money markets of the country, and/or it can print new paper money with which to cover its debts unlike any other borrower. The way to correct both of these problems—for one takes crucially needed funds away from capital-starved industries and the other fuels the fires of inflation—is to deal with it at its primary source—Government spending.

We attack this basic problem of excessive spending by balancing the budget. The President should submit a revised budget message for the current fiscal year, recommending specific cuts of at least $10 billion. I would prefer $15 or $20 billion. He should veto all appropriations bills in excess of his spending requests, as revised. He should withhold the obligation of funds already approved but in excess of his spending requests. He must insist upon a balanced budget for the next fiscal year, a budget balanced on the basis of realistic projections of revenue. He should direct his department and agency heads to stop hiring more Government workers, allowing natural attrition—retirements, deaths, terminations, and resignations—to bring down Federal employment. He should direct the Federal Reserve Board of Governors to tie money supply directly to national productivity, or, at a minimum, to curtail the money supply growth rate to about 5 percent this year—a manageable level.

The Congress should insure a balanced budget and hold total spending down to the level of revenue—not a dollar more. It should authorize the President to withhold the obligation of funds when the exercise of that power would help control inflation and curtail spending, for with such a specific statutory grant of power to the President, his actions in this regard would not be invalidated by court orders. The Congress should legislate a requirement which limits the growth in paper money. The Congress should require that all new Federal programs be tested first—to see if they will work or not—before they are made the law of the land and applicable to everyone, eating our tax dollars in the process. The Congress should start its appropriations process for each fiscal year from a zero base; that is, every program would have to justify its continued funding, in order that only those programs which deserve tax dollars will continue to receive them. The Congress should impose revenue and budget ceilings in relation to aggregate national income.

The Congress alone has the constitutional power to tax and to appropriate money. We should exercise that power by holding the line both on spending and the taking of taxes necessary to support that spending. It is time to stop passing the buck on this issue to the administration, for that administration—while there are things as I have enumerated which it can and should do—is not the branch of Government which authorizes and appropriates money. We should exercise that authority instead of trying to sidestep the question by having it studied. What can a new study tell us that the revenue-raising and appropriations committees have not already explicitly or impliedly shown to us? Or, that countless economists and professors and hundreds of textbooks—and 200 years of national experience—have not told us? Nothing; or at best, very little.

The time has come for action—actions like slashing spending, actions like trimming the sails on the printing of more paper money. The time has long since passed when a study would have been appropriate.

Mr. Speaker, I urge the defeat of this spending proposal and urge my colleagues to tell the American people the truth—we must cut the cost of Government in order to cut the cost of living. We owe it to the taxpayers of our country and to the future of our free enterprise system.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois (Mr. YOUNG).

The amendment was agreed to.

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

Mr. Speaker, I did not want this occasion to pass without making an observation. The question was raised earlier about the current budget for the Joint Economic Committee. I understand from the committee staff the budget is $950,000 approximately already this year for

this committee's activities. By our action, we are here adding $100,000 of the taxpayers' money to that committee budget to allow them to conduct a study of the national economy, called "an emergency study," which will take 6 months—some "emergency," I must say.

I only wish, since the decision may be made to permit television to cover our debates, that the American people could see the confession of failure occurring here in the House this afternoon. By this resolution we are admitting that the Congress of the United States does not know what the economic problems are and that it will take 6 months and one-tenth of a million dollars to find out what these problems are. Apparently, we are all oblivious to the reality around us.

I must commend the Speaker because it took him only an hour the other day during his special order to explain in great detail what the economic problems were and who caused them. He assured us he was offering a complete program to solve all these ills, and his entire remarks only took an hour and did not cost a dime. So I hope when the Members get to vote on this they will consider the taxpayers and the free advice of our beloved Speaker. I do not think we need another study to tell us what we already know. If this resolution passes, I suggest we use the rollcall vote as "exhibit A" to show what is really wrong with our economy; that is the total unwillingness of the majority of the Congress to restrain their habit of constantly spending money we do not have for projects of dubious merit.

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

Mr. BAUMAN. I yield to the distinguished gentleman from Missouri. I will always yield to the gentleman from Missouri.

Mr. BOLLING. Mr. Speaker, I would like to explain that I answered the question of the gentleman from California on the $800,000 budget of the Joint Economic Committee accurately. It is approximately $800,000 for the Joint Economic Committee as a whole. The other moneys expended are for a special study separately financed by the appropriations committees of the House and the Senate for the very excellent study made by the gentlewoman from Michigan (Mrs. GRIFFITHS) through our Subcommittee on Fiscal Policy. So both the gentleman from Maryland and I are accurate and I do not contest anything else he wishes to say because I will reserve that for another forum.

Mr. BAUMAN. I thank the gentleman from Missouri.

Mr. PATMAN. Mr. Speaker, the U.S. economy is sick. The present inflation is one of the worst in our history and it does not appear to be easing. As soon as one component of the Price Index starts to go down, another begins to rise. In the past year, we have suffered sharp increases in food and energy prices and now we face the unpleasant prospect of continuing sharp rises in industrial prices.

Meanwhile, unemployment, according to the experts, will rise during the second half of the year. Our economy is in a stagnant condition and prospects for recovery are dim. Agriculture is disrupted, our housing industry is in a shambles, and double digit interest rates are stifling the economy.

In the face of these problems, the administration is following a do-nothing policy. They have done nothing to cope with these threats to our economic well being. Not since the days of Herbert Hoover have I seen such a lack of competence to deal with the serious economic issues of the day.

Clearly, Mr. Speaker, Congress must take the initiative and develop a program to save our economy from worse disruption. It is up to this body to develop economic policies for the Nation and to promote a better means of coordinating decisions so as to improve our economic welfare.

In the fact of our current difficulties, I am glad to see that the Senate has just passed Senate Concurrent Resolution 93 which would require the Joint Economic Committee to conduct an emergency study of the economy and to look into all of the important aspects of the present economic difficulties. The Committee would also be authorized to make specific recommendations to the Congress for dealing with our current ills by the end of the year. Admittedly, this is a very rigid schedule but, as chairman of the Joint Economic Committee, I would be happy to undertake it. It is a job that needs badly to be done. My colleagues on the Joint Economic Committee would be proud to undertake it. Accordingly, I urge that the House concur in the resolution.

If granted the authorization and financing of this resolution, I promise that the Joint Economic Committee will call in outstanding experts to advise on the major problems of the economy and on means of resolving them. It would be my hope to supplement this with studies directed to problem areas and undertaken for the purpose of providing the Congress with recommendations to be considered in forming economic policies for the year ahead. I would hope that the results of this undertaking would provide the Congress with additional insights and, hopefully, incentives to counteract the worsening chaos in our economy that the administration is responsible for.

Mr. GILMAN. Mr. Speaker, I rise in support of Senate Concurrent Resolution 93, legislation authorizing funds for the Joint Economic Committee to conduct a 6-month emergency study of the current state of the economy.

While it does seem strange that we should be considering spending $100,000 for an economic analysis at a time when it is so important to keep a tight control of Federal spending, I am hopeful that this will be money well spent and that the committee will expeditiously come forward with some sound recommendations and remedies for our economic woes.

Mr. Speaker, we are confronted with a severe economic crisis. With double-digit inflation, skyrocketing interest rates, climbing food prices and taxes, there is not a single citizen who is not concerned with the unrelenting increases in the cost of living.

In looking at the economic problems confronting our Nation we must also assess the economic stature of the rest of the world. Inflation is a worldwide problem which has been further complicated by energy shortages and the resultant severe rise in fuel prices. While it is little consolation to our wage earners, the inflation rate in the United States is among the lowest of any industrial nation in the world.

The fact remains, however, that most of our populace cannot tolerate the current rate of inflation. The critical economic burdens affecting us are, by far, the most troublesome of all of our domestic problems.

The administration has proposed a policy of economic restraint, advocating a tight rein on lending and vast reductions in Federal spending. While I agree with the necessity for strict monetary and fiscal policies, I feel that these remedies alone do not go to the root of the problem and will not provide us with the means for allowing our citizens to look forward to a prosperous, inflation-proof future.

Accordingly, the moneys we are authorizing for this Joint Economic Committee's study should be spent in fully investigating some solutions for stabilizing our economic seesaw. I urge the committee to specifically consider the following areas of economic concern:

The need for a unified depository of economic data, including an assessment of those materials and minerals which are, or may be, in short supply;

The need for a regional approach to our economic problems, taking into consideration growth of a region, rate of unemployment, and the need for economic stimulation;

The need for encouraging increased development of our energy sources. Fuel shortages, as the greatest contributor to economic instability, must be given the highest priority;

The need for assessing our economic policy in relation to international developments. While we enjoy one of the world's lowest inflation rates, we cannot help but be effected by the skyrocketing inflation rates of other nations. The plague of inflation travels and is not abated because an ocean separates us from the European community or from the hard-hit Eastern countries.

Accordingly, Mr. Speaker, I support this funding of the Joint Economic Committee because it is incumbent upon the Congress to thoroughly and expeditiously investigate the economic concerns confronting us, to assess all of the relevant data and to seek sound paths for our future economic policy.

Mr. DRINAN. Mr. Speaker, the economic situation which confronts the Nation today compels the Congress to take action, to help answer the questions of those Americans who ask why the United States has fallen on such hard times. What are the tough economic facts which confront us today? Mr. Speaker, inflation has continued to grow, exceeding all expectations by reaching

the 11 percent mark. Unemployment hovers above 5 percent, and gives no sign of abating. Interest rates have risen drastically, now at their highest level this century, and these rates have brought on a further worsening of the economy by affecting housing and the business markets. And the picture hardly looks brighter on the international scene, where shortages of materials, the balance of payments, and the value of the dollar threaten our future stability and well-being.

It is increasingly apparent to all of us in Congress as we witness this country's economic stagnation that the solutions to this complex problem are not easy. However, it is also apparent that we, as representatives of our constituents, must do more than hope that the economy will improve. We must do more than simply to ask hard-pressed consumers to save more money, or to implore business and labor to keep wage and price increases to a reasonable level. In recent months the administration's economic policies have reflected little more than such ineffectual requests, but we no longer tolerate these policies. The problems facing us are too severe.

Today I am pleased to support Senate Concurrent Resolution 93, a resolution authorizing an emergency study of the current state of the economy by the Joint Economic Committee. While I would like to see stronger legislation passed to rectify immediately the current problems, it is imperative that we first understand the situation as completely as possible. This emergency study will especially focus in on our rampant inflation, but it will also investigate related problems such as Federal spending, tight money, high interest rates, the shortages of materials, credit and export policies as well as international exchange rates and indexing. In conducting the study, the Joint Economic Committee will be authorized to hire additional staff, to engage consultants, to enter into contracts for further studies, and to consult experts throughout the Nation. In addition, the committee will be granted the power of subpena.

Mr. Speaker, this country's economy needs more than studies; it needs farsighted leadership. If the Nixon administration will not respond to our economic plight, then Congress must take on that responsibility. Our people can no longer tolerate an economy which worsens with each passing day. It is time for us to act.

Mr. BOLLING. Mr. Speaker, I move the previous question on the Senate concurrent resolution.

The previous question was ordered.

The SPEAKER. The question is on the Senate concurrent resolution.

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

Mr. PODELL. 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 335, nays 66, not voting 33, as follows:

[Roll No. 423]

YEAS—335

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Bafalis
Barrett
Bell
Bennett
Bergland
Bevill
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burton, John
Burton, Phillip
Butler
Camp
Carney, Ohio
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collins, Ill.
Conable
Corman
Cotter
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
Delaney
Dellenback
Dellums
Denholm
Dent
Dickinson
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Fisher
Flood
Flowers
Foley
Ford
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Grasso
Gray
Green, Pa.
Grover
Gubser
Gude
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Harrington
Harsha
Hastings
Hawkins
Hays
Hébert
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Hinshaw
Hogan
Holtzman
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
King
Kluczynski
Koch
Kuykendall
Kyros
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lujan
Luken
McClory
McCloskey
McCormack
McDade
McEwen
McFall
McKay
McKinney
Macdonald
Madden
Madigan
Mahon
Mallary
Mann
Maraziti
Martin, Nebr.
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Mills
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
Owens
Parris
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Roush
Rousselot
Roy
Roybal
Runnels
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Schneebeli
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Traxler
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zwach

NAYS—66

Anderson, Ill.
Archer
Armstrong
Ashbrook
Baker
Bauman
Beard
Biaggi
Biester
Bray
Brown, Mich.
Burleson, Tex.
Burlison, Mo.
Byron
Collins, Tex.
Conlan
Coughlin
Crane
Davis, Wis.
Dennis
Derwinski
Devine
Dingell
Dorn
Findley
Fish
Flynt
Goldwater
Gross
Guyer
Hechler, W. Va.
Henderson
Holt
Huber
Hudnut
Jones, Tenn.
Kemp
Ketchum
Lagomarsino
Landgrebe
Lott
McCollister
Martin, N.C.
Mathis, Ga.
Mayne
Montgomery
O'Brien
Passman
Powell, Ohio
Price, Tex.
Rarick
Robinson, Va.
Ruppe
Scherle
Schroeder
Shuster
Smith, N.Y.
Spence
Steed
Steiger, Ariz.
Symms
Taylor, Mo.
Ware
Young, Alaska
Young, S.C.
Zion

NOT VOTING—33

Arends
Brasco
Carey, N.Y.
Carter
Chappell
Chisholm
Clay
Collier
Conte
Conyers
Culver
Davis, Ga.
de la Garza
Diggs
Edwards, Calif.
Evins, Tenn.
Fraser
Green, Oreg.
Griffiths
Gunter
Hansen, Idaho
Hansen, Wash.
Holifield
Jones, Ala.
Landrum
McSpadden
Nix
O'Neill
Rooney, N.Y.
Rostenkowski
Tiernan
Vander Veen
Waldie

So the Senate concurrent resolution was concurred in.

The Clerk announced the following pairs:

Mr. Rostenkowski with Mr. Arends.
Mr. Rooney of New York with Mr. Edwards of California.
Mr. Fraser with Mr. McSpadden.
Mr. Evins of Tennessee with Mrs. Hansen of Washington.
Mr. O'Neill with Mrs. Green of Oregon.
Mr. Vander Veen with Mr. Brasco.
Mr. Tiernan with Mr. Carter.
Mr. Jones of Alabama with Mr. Conte.
Mr. Diggs with Mr. Holifield.
Mr. Carey of New York with Mr. Clay.
Mr. de la Garza with Mr. Hansen of Idaho.
Mr. Gunter with Mr. Landrum.
Mr. Nix with Mr. Culver.
Mr. Davis of Georgia with Mrs. Chisholm.
Mr. Waldie with Mr. Conyers.
Mr. Chappell with Mrs. Griffiths.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO HAVE UNTIL MIDNIGHT TO FILE REPORT ON H.R. 16136, AS AMENDED

Mr. STRATTON. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until midnight tonight to file a report on the bill (H.R. 16136), as amended.

The SPEAKER. Is there objection to

the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON H.R. 69, EDUCATION AMENDMENT OF 1974

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (H.R. 69) to extend and amend the Elementary and Secondary Education Act of 1965, 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 Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 23, 1974.)

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

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

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, the conference report on H.R. 69 extends and improves dozens of Federal aid to education programs. It also authorizes a number of new programs and makes much needed improvements in the administration of Federal aid programs.

If this conference report is not adopted today, there can be no appropriation bill for education this year, and school districts throughout the country will have to rely upon the continuing resolution for their Federal aid. As I pointed out in Monday's RECORD, this turn of events will mean that school districts will receive hundreds of thousands and, in some cases, millions of dollars less in Federal aid to education this year than they would if this bill is passed.

The reason for this loss of funds is that under the continuing resolution the administration is only required to spend at last year's appropriation level. This amount for title I, for instance, was only $1.719 billion; and from that amount the administration on its own has even withheld part from being allocated among the States. But, if the conference report is adopted and signed into law, the President has said that he will request and spend $1.885 billion for title I. This will mean that every State in the country will gain greatly needed dollars for education.

California will gain $18 million. Alabama will gain $5.7 million; Florida $7.8 million; Mississippi $5.2 million; and Virginia $4.8 million.

This conference report must be adopted if we are to continue the progress we have made in Federal aid to education.

I would like to cite for my colleagues some of the improvements contained in this conference report:

In the title I program, the major Federal aid program, we have adopted a more equitable formula for distributing funds which will be effective through fiscal 1978. This formula is a product of a long, protracted debate in the Congress, a debate which I am sure many Members do not want to go through again;

The impact aid program is extended through fiscal year 1978, and public housing children are included for the first time. But there is also included a provision that no school district will receive less in regular impact aid payments due to the inclusion of these children;

A consolidation of seven separate programs into two simplified programs is also contained in the conference report. This consolidation is the number one priority of the administration this year in education. It would be phased in over 2 years and would have to be forward funded and would have to be funded at the same level of appropriations as the separate programs were funded;

A greatly enlarged aid for the handicapped program is also included in the conference report. This program, which will provide $630 million in aid, is meant to assist the States in educating all their handicapped children; and

The adult education program is also extended, as is the Bilingual Education Act and the Indian Education Act.

The conference report also contains several new programs. The most notable of these is a reading improvement program to provide assistance to all children with reading deficiencies, regardless of the income of their family, and the community schools program, which is meant to encourage the better use of school buildings throughout the country. Grants are also provided for the first time to assist States in formulating equalization plans for the better distribution of their State and local resources for education.

The conference report also adopts a simplified application for States applying for Federal aid to education. This simplification is meant to cut down on the amount of paperwork involved in applying for Federal aid.

Those extensions of Federal aid programs and those improvements in their administration are the heart of this bill. Unfortunately, there are also in the conference report amendments dealing with busing. Those amendments by right should not have been attached to this bill, but rather should have been considered by the Judiciary Committees in each House. But, since they have been attached to our education bills, we have done the best we could to work our way to agreement with the Senate conferees.

I would like to point out to my colleagues, first of all, concerning these antibusing amendments that the vast bulk of these provisions were identical in both the Senate and House bills. Both bills contained prohibitions against busing beyond the next closest school. Both bills forbade the disregarding of district lines. Both bills said that the assignment of students to their neighborhood schools did not violate the 14th amendment. Both bills said that population changes should not serve as a basis for new lawsuits. And, both bills stated clearly that racial balance is not required in achieving desegregation.

The conference report retains all those provisions intact, verbatim. No one word is changed.

The conference report also adopts several antibusing amendments which were proposed and adopted on the Senate floor. Those amendments forbid any busing except when all other alternatives have been exhausted. They forbid any busing to start except at the beginning of a school year, and they forbid any busing except after a school district has been given reasonable opportunity to formulate a voluntary plan to achieve desegregation.

All of those amendments were adopted in the conference committee and are contained in this conference report.

The conference report also contains provisions allowing the reopening of court orders when the health of the child is imperiled or when its educational process is impaired. The termination of court orders regarding busing is also permitted if the school district is in compliance with the 14th amendment.

The conference report also contains the Ashbrook amendment which forbids the use of Federal funds for busing. The only change in that amendment as it passed the House is a clarification concerning impact aid.

Mr. Speaker, all these amendments show clearly that Congress does not favor the busing of schoolchildren in desegregation situations. These provisions are the farthest that the Congress has yet gone in expressing its will on busing.

But, I urge my colleagues to look upon this bill primarily as an education bill and not as an antibusing bill. I also urge my colleagues to remember that unless we adopt this conference report today, there will be no education bill this year. A year and a half of work will go down the drain and the education of millions of schoolchildren will be impeded.

Mr. Speaker, I would now like to discuss in more detail the principal provisions of the conference report.

EXTENSIONS OF ACTS

In general, the conference report extends the programs authorized under the Elementary and Secondary Education Act, the Bilingual Education Act, the Adult Education Act, the impact aid laws, and the Indian Elementary and Secondary Education Act through fiscal year 1978. The Education of the Handicapped Act is extended through fiscal year 1977, the Emergency School Aid Act is extended through fiscal year 1976, and title III of the National Defense Education Act is extended through fiscal year 1977.

TITLE I, ESEA

Title I of the Elementary and Secondary Education Act is the major program of Federal aid to elementary and secondary education. It provides funds to local school districts for compensatory education for educationally deprived children.

A major controversy concerning title I

for the past several years has been over the formula for the distribution of funds. I am pleased to say that the conference report on H.R. 69 adopts the formula which was written in the House Committee on Education and Labor and adopted overwhelmingly by the House last March. That formula, to my way of thinking, provides for the most equitable distribution of funds possible at this time in the title I program.

The formula distributes funds principally on the basis of the number of poor children in each school district as determined using the official Federal definition of poverty, the Orshansky index. The adoption of that index for title I will, over time, lead us in the direction of a uniform means of allocating these funds throughout the country.

But, I would like to point out that the formula in the bill is, and will continue to be, still weighted in favor of the wealthier States as is the title I formula in the present law. Under the new formula those States will receive more funds than the poorer States due to the inclusion of AFDC children in addition to these Orshansky children, due to these States' higher expenditures for education which will result in higher payments, and due to the farm-nonfarm differential in the computation of the Orshansky index which favors the more urbanized States. The formula in the conference report, nonetheless, is the best formula we could enact at this time.

The conference report also retains a provision guaranteeing every school district 85 percent of its previous year's allocation and a provision permitting the Commissioner of Education under a separate authorization of appropriations to grant additional assistance to school districts receiving less than 90 percent of their previous year's allocation. The purpose of that latter provision is twofold: To provide assistance to school districts which are hampered in maintaining the present level of support for their title I programs by the operation of the new formula; and also to provide funds to assist school districts which are in counties with declining numbers of title I children, but which themselves have increasing numbers of those children.

Providing some additional assistance to school districts in this last described status is necessary because of the manner in which the Department of Health, Education, and Welfare presently administers the title I program. Instead of allocating funds to local school districts, HEW has been allocating funds only to the county level, claiming that there is a lack of data to provide for allocations to local school districts. This means that unusual circumstances can develop in which the overall numbers of title I children in certain counties can be stationary or declining, while particular school districts within those counties can have increasing numbers of title I children; and, because HEW only allocates funds to the county level, those school districts with increasing numbers of poor children would be held to the same amount of funding as all the other school districts in the county.

This is an inequitable situation and one which should be redressed. This new authority is meant to assist the Commissioner in providing funds to those school districts until the Office of Education is able to obtain the data needed to distribute all the title I funds to the local school district level. The Office of Education should have been compiling that data for such use years ago, and this amendment is meant in no way to condone its present practice of allocating funds only to the county level.

As regards the use of the migrant student record transfer system in the program of aid to State agencies providing education for migratory children, the conference report provides that the Commissioner may use that system for distributing these funds if he determines that it provides the best data obtainable. We urge, however, that if the Commissioner shifts to this new method of allocating funds, the transition take place over time and after a careful study of the MSRTS. That system has not as yet been used to distribute funds and should be perfected before it is put into full use.

The conference report also amends title I to—

Provide local school districts with the discretionary authority to make schools "target schools" if they have the same proportions of poverty children as regular title I schools and yet are not within poverty areas;

Require that a "target school" be designated as such for 3 years;

Require that there be established both local school and districtwide advisory councils composed of a majority of members being parents of title I children; and

Provide that the Commissioner must bypass local and State educational agencies to provide assistance to children in private schools if those agencies cannot by statute, or are substantially failing to, provide such assistance.

The conference report also permits a limited study of the use of methods other than poverty for the purpose of determining "target schools" under title I. A maximum of 20 local school districts in the country are permitted to experiment with such methods in projects under the administration of the National Institute of Education. The conference report also allows the Commissioner to set aside up to one-half of 1 percent of the title I appropriation for the purpose of evaluating title I programs.

BILINGUAL EDUCATION

The conference report strengthens the Federal commitment to bilingual education by increasing the authorization of appropriations for the Bilingual Education Act, by more precisely defining the requirements for federally assisted bilingual education programs, by providing for the voluntary enrollment of English-speaking students in those programs, by requiring consultation with parents of limited English-speaking ability and teachers in developing the applications for those programs, and by expanding the list of eligible activities which can be funded to include supplementary activities such as adult education and preschool programs.

Of particular importance is the emphasis placed in these amendments to the Bilingual Education Act upon the training of personnel involved in bilingual programs. The conference report provides for both preservice training and inservice training of teachers, administrators, paraprofessionals, teacher aides, and parents. The conference report contains all the training provisions under the act in one section. These sections had appeared as two separate sections of the Senate bill and did not appear in the House passed version of H.R. 69. By consolidating these sections of the Senate bill into one provision in the conference report, no change in substance was intended by the conference.

The administration of bilingual education programs was also improved by requiring the creation of an Office of Bilingual Education within the U.S. Office of Education. This Office must administer all programs relating to bilingual education within the USOE.

IMPACT AID

The impact aid laws, Public Law 81–815 and Public Law 81–874, are amended in several very significant respects. I would like to describe certain of these amendments.

Public Law 81–874 is amended to require that heavily impacted school districts, those school districts with 25 percent or more of their enrollments "A" children, must receive the full amount of their entitlements for these "A" children. The conference report also adopts an amendment clarifying that all Indian children living on Indian land which is now used for low-rent public housing are to be considered regular impact aid children and not as public housing children. It is expected that the Office of Education will make payments for all these children in both fiscal year 1974 and thereafter. There seems to have been some administrative confusion concerning the status of those Indian children in fiscal 1974, and this amendment is meant to make clear that payments must be made for them. Effective in fiscal 1976, all children on Indian land, including this land used for public housing, will be considered "A" children.

Also effective in fiscal year 1976 are a series of broad amendments revising the entitlements and payment rates for almost all "A" and "B" children. Those amendments have been delayed in effect until 1976 so that the Office of Education can collect data much more extensively than it has so far on the repercussions of the amendments.

A major amendment effective in 1976 requires that public housing children must be funded for the first time under the impact aid program. Funds for those children, however, unlike other impact aid money, must be used for categorical compensatory education programs. Those programs must be funded in the following order of priority. First of all, programs in title I funded areas which have been harmed by the adoption of the new title I formula must receive funds to maintain those programs. Second, if that first priority is met, then programs in title I eligible areas which are not funded with regular title I appropriations must be funded. And third, if both of the first

two priorities have been met, then other schools in the school district may be funded for compensatory education programs for educationally deprived children of low-income families.

It is expected that the U.S. Office of Education and the State educational agencies will monitor the expenditures of these funds for compensatory education. The title I personnel in both the U.S. Office of Education and the State educational agencies must be involved in this monitoring since they have the expertise developed over many years in dealing with compensatory education programs.

A method for assuring compliance with these requirements could be that a local school district receiving funds for these public housing children must submit a letter of compliance with the U.S. Office of Education and its State educational agency before it receives its impact aid funds. Then, USOE and the State educational agency would monitor its compliance. If the State educational agency has any administrative funds under title I which are not being expended, those funds could be used to assure compliance with these requirements.

The impact aid program is also amended to provide additional assistance for handicapped children of military personnel. It is expected that the same type of administrative procedure will be provided for those children as for the public housing children since their funds must also be used in an identifiable manner for categorical special programs for such children.

The conference report also adopts an amendment to Public Law 81–874 to allow States to consider impact aid as local resources in their distributions of State aid under State equalization programs. Some confusion seems to have arisen over one of the conditions under which States can consider that aid. The report states that impact aid can be considered—

> Provided that a State may consider as local resources funds received under this title only in proportion to the share that local revenues covered under a State equalization program are of total local revenues.

The term "local revenues" in this context clearly means local revenues for education and not all local revenues for all local services.

CONSOLIDATION

The conference report adopts the consolidations of State formula programs which were contained in H.R. 69 as it passed the House. Those consolidations were put into two categories and seven separate Federal categorical aid programs.

Those consolidations, however, must be phased in over 2 years and cannot become effective in their first year before fiscal 1976. They also cannot become effective unless the appropriations for the consolidations are provided in an appropriation bill providing appropriations for the fiscal year preceding the fiscal year in which the consolidations are to be effective. Neither can the consolidations be effective unless the total appropriations for the consolidations are at least equal to the total appropriations for the separate programs before they were consolidated, to the level of appropriations for the consolidations in the previous fiscal year if they were funded in that fiscal year.

These "triggers" on consolidation are meant to assure the best administrative transition to consolidation possible and to assure that consolidation is not used as a device for cutting back on Federal aid to education. When these triggers refer to the consolidations as being "effective" or "in effect," it is meant that the consolidations are actually being funded in that year.

Since the consolidations must be phased in over 2 years with a requirement that 50 percent of the funds used for each program before consolidation must continue to be used for that program in the first year of the phase-in, it will be necessary to identify the sums used for each program in the year before the consolidation is first funded or in fiscal year 1974, whichever year has a higher amount. That determination may be somewhat difficult regarding the guidance and counseling program which is consolidated into the "library and learning resources" category.

According to the U.S. Office of Education, $26,599,689 is the projected expenditure by the States in the fiscal year 1974 for guidance, counseling, and testing under title III of the Elementary and Secondary Education Act. The expenditures under the Commissioner's discretionary funds, section 306 of title III, ESEA, have not been precisely identified as yet. But, it could be reasonably presumed that the same proportion of funds were spent by the USOE for guidance, counseling, and testing as were expended by the States from their total title III, ESEA, allocations. Whatever the combination of those two sums, that amount would be the sum used for determining the phase-in for the consolidation of guidance, counseling, and testing. This same amount would also have to be used in combination with appropriations for title II, ESEA, and title III, NDEA to determine the level of appropriations needed to trigger the "Libraries and Learning Resources" consolidation.

The conference report also adopts a Special Projects Act to serve as an "incubator" for new categorical aid programs. Some of those new programs are the Community Schools Act, the Women's Educational Equity Act, and the Career Education Act. The conference report also requires an administrative consolidation of the paperwork involved in States applying for Federal aid to education. This administrative consolidation is meant to cut back on this paperwork and to be a step in the direction of the simplification of Federal administrative requirements.

EDUCATION ADMINISTRATION

The conference report upgrades the National Center for Education Statistics by putting it in the Office of the Assistant Secretary for Education and by requiring that an Advisory Council on Education Statistics be appointed to review the general policies of the Center and to establish standards to insure that statistics and analyses disseminated by the Center are of the highest quality.

It is our hope that this reorganization will lead to a far better collection of education statistics than is presently being conducted. USOE, which presently performs this function, is now requiring the States and local school districts to fill out hundreds of different forms for education statistics, many of which are overlapping in their requests for information and many of which are of dubious importance. Then, once these statistics are collected, it is frequently 2, 4, or 7 years until the results are tabulated and disseminated. By that time the usefulness of such data is practically nil.

This reorganization will allow a fresh beginning for the collection of education statistics and will provide the opportunity for the policymakers at HEW to commit themselves to correcting the present sorry situation.

Recognizing the importance of library and learning resources to the educational process, I would strongly urge this new National Center to conduct an annual survey of academic libraries, school libraries and media centers, and public libraries. The Center should also conduct at least one survey of special libraries.

The conference report also requires numerous other improvements in the administration of Federal education programs. The most noteworthy is the requirement that all regulations for Federal education programs must be submitted to the Congress for review and that Congress must be given the opportunity to disapprove those regulations.

Also of importance is a provision setting a 5-year statute of limitations on the collection of allegedly misspent funds under the Elementary and Secondary Education Act and a provision requiring the States to submit detailed fiscal data on their use of Federal funds. An amendment is also included requiring schools to give parents and students in post-secondary institutions a right to inspect their school files and restricting the release of this data to third parties.

EDUCATION OF THE HANDICAPPED

In addition to extending all the Federal education programs for the handicapped, the conference report contains a very substantially increased authorization for aid to the States for the education of the handicapped for fiscal year 1975. It is the purpose of that authorization to provide massive aid to the States so that they can begin the monumental task of educating all their handicapped children. Many of the States are now coming under court orders to educate all these children.

OTHER PROGRAMS

The Adult Education Act is amended to eliminate the Commissioners set-aside of funds and to turn all the funds over to the States for operating programs. The act is also amended to permit the States to use up to 20 percent of their allocations for programs of high school equivalency.

The emergency school aid is amended to repeal the authority for the funding of education parks and to repeal the set-aside of funds for metropolitan projects.

A new program is authorized for grants to the States for the purpose of planning the equalization of their State and local revenues for education. Grants will vary by State from $100,000 to $1 million, depending upon the population of the State. I believe that this relatively small grant program offers one of the best opportunities for the Federal Government to help the States in remedying the root cause of much of the inequity that exists in providing educational opportunity today.

The Vocational Education Act is amended to authorize a new 1-year program of bilingual vocational education and to authorize a new 1-year vocational—manpower—training program.

A reading improvement program is also authorized for the purpose of assisting States and local school districts in helping to remedy reading disabilities of children regardless of their economic status.

STUDIES AND WHITE HOUSE CONFERENCE

The conference report also authorizes several studies on updating the information used for distributing funds under title I of the Elementary and Secondary Education Act, for studying the premises of the Orshansky index of poverty, for analyzing the effects of late funding of education programs, for surveying athletic safety in the schools, and for reporting on crime in the schools. The conference report also contains several policy statements dealing with advance funding of education programs, museums, and equal educational opportunity.

A White House Conference on Education is authorized to be convened in 1977 for the purpose of renewing the national commitment to education.

Mr. Speaker, I would now like to insert in the RECORD a short summary of the conference report:

FACTSHEET ON THE EDUCATION PROVISIONS OF H.R. 69 AS REPORTED BY THE COMMITTEE ON CONFERENCE

The conference report on H.R. 69 extends the Elementary and Secondary Education Act, the impact aid laws, the Adult Education Act, the Bilingual Education Act, and the Indian Education Act through fiscal year 1978. It also extends the Education of the Handicapped Act through fiscal year 1977 and the Emergency School Aid Act through fiscal year 1976.

TITLE I, E.S.E.A.

The Title I formula is amended to allocate funds on the basis of more current data. State agency programs for handicapped, migrant, and neglected and delinquent children will receive funds in accordance with the new formula and will continue to receive funds "off the top" in accordance with established practice. No State agency will receive less than its fiscal 1974 allocation. Each local education agency will receive at least 85% of its previous year's allocation. The 1975 authorization is estimated at $3.1 billion for LEA grants.

Part B of Title I, incentive grants to States with a high tax effort for education, is continued with a maximum appropriation of $50 million.

Part C, grants to areas with high concentrations of low income children, is extended through 1975.

Authority is contained in the bill for a separate authorization which permits the Commissioner in special circumstances to make grants to school districts which are receiving less than 90% of their previous year's allocation.

A by-pass for non-public school children is included.

OTHER TITLES

Titles II, III, and VIII of ESEA are extended through 1978 and Title III of NDEA is extended through fiscal year 1977. These programs may not be funded in any year in which there is a consolidation of programs as described below.

CONSOLIDATION

State operated programs are combined into the following divisions:

(a) "Libraries and Learning Resources" includes ESEA II, NDEA III, and the guidance and counseling portion of ESEA III.

(b) "Support and Innovation" includes the balance of ESEA III, Nutrition and Health and Dropout Prevention from Title VIII, and ESEA V.

Consolidation must be forward funded and during the first year there will be a 50% hold-harmless for each program.

A by-pass for non-public school children is included.

Total discretion is given to local educational agencies on spending under Libraries and Learning Resources. States distribute funds under Support and Innovation on a project grant basis.

Also adopted is a provision for a simplified State application for ESEA I, II, III, NDEA III, Adult Education, Vocational Education, and Education of the Handicapped.

The Special Projects Act is included which provides an "incubator" for new categorical programs. Under this concept new programs will be protected for a period and then will compete for funding without the protection of set-asides. These new programs include Women's Educational Equity, Career Education, Consumer's Education, Gifted and Talented, Community Schools, Metric Education, and Arts in Education.

IMPACT AID

Effective in fiscal 1976, amendments are accepted which will include guaranteed funding for public housing children of 25% of entitlement, equal to about $53 million in 1976. Entitlements for military children remain as in current law. Entitlement rates for civilian children are reduced slightly for those who live within the same county (from 50% to 45%) and for those who live within a different county in the same State (50% to 40%). Entitlements for those who live in a different State are eliminated except that those payments will be reduced over a number of years as the result of hold-harmless provisions.

School districts with 25% or more of their enrollments "a" children will be guaranteed the full amounts of their entitlements for these children.

No school district which receives more than 10% of its budget from impact aid will have its payments reduced less than 10% each year. Districts which receive less are guaranteed 80% of their previous year's payments. Also every district is guaranteed that it will not lose any regular impact aid funds due to the inclusion of public housing children.

Handicapped children of military personnel will be entitled to a payment of 1½ times that of other children. These funds must be used for the purposes of providing special education for these children.

Funds which a district receives as the result of public housing children must be used for programs of compensatory education.

ADULT EDUCATION

The Commissioner's 20% set-aside is deleted and all funds are to be allocated to the States. Up to 20% of a State's funds may be used for high school equivalency programs.

The program of adult education for Indians is continued through 1978.

HANDICAPPED

All existing programs for the handicapped are extended through fiscal year 1977. For fiscal 1975, $630 million is authorized to be allocated among the States on the basis of total population ages 3–21. These funds will be particularly helpful in meeting requirements for the education of all handicapped children facing many States as the result of court decisions.

States are required to show how they will meet the needs of those children.

BILINGUAL EDUCATION

Authorizations are increased and special emphasis is placed on the training of personnel. Funds are also provided to States to assist them in developing their capacities to develop programs of bilingual education.

A national assessment of the need for bilingual education is to be conducted in 1975 and 1977 and sent to the Congress.

Also included is a program of fellowships for students who will enter the field of training teachers in bilingual education.

READING

A new program of reading improvement is included. Funds are authorized for grants to local educational agencies and States for comprehensive programs of reading improvement and projects which show promise of overcoming reading deficiencies. Also included are funds for special emphasis projects in reading, for the training of reading teachers on public television, and for reading academies.

VOCATIONAL EDUCATION

Included are two new programs which provide funds in fiscal 1975 for bilingual vocational training and bilingual vocational education.

INDIAN EDUCATION

The Indian Elementary and Secondary School Assistance Act is extended through 1978. Up to 10% of the funds are to be made available to Indian controlled schools.

An annual authorization of $2 million for special training programs for training teachers of Indian children is included and a program of fellowships for Indian students is also included.

OTHER PROGRAMS

The Emergency School Aid Act is continued through 1976. The authority to fund educational parks and the set-aside for metropolitan areas programs are repealed.

An amendment to authorize the CLEO program to assist disadvantaged students to prepare for and attend law schools is accepted.

The Ethnic Studies program is extended through 1978.

A program of grants to States to assist them in planning State equalization programs is included. Grants range from $100,000 to $1,000,000 per State depending upon population.

MISCELLANEOUS FEATURES

An upgraded National Center for Education Statistics within the Office of the Assistant Secretary for Education is created.

Regionalization of the Office of Education without an act of Congress authorizing such regionalization is forbidden.

Congress is afforded the opportunity to disapprove regulations for any Federal aid program for education.

Parents of students and students attending post-secondary institutions are afforded the right to inspect their school files and the release of documents in those files is restricted.

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

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

Mr. ANNUNZIO. I appreciate the chairman's yielding.

In my own city of Chicago, as an example, if what the gentleman is saying is true, can the city school system order forced busing of children from the south side of Chicago to the northwest side of Chicago?

Mr. PERKINS. Does the gentleman mean city board of education has ordered it?

Mr. ANNUNZIO. My question is very simple. Can the Chic..go Board of Education bus people from the south side of Chicago to the northwest side of Chicago? I know about the recent Supreme Court decision. That is a decision where the young people are taken from the city to the suburbs. But now I am talking about just within the city of Chicago.

Mr. PERKINS. If the city is not under a court order to bus and there is only de facto segregation within that school district, I would not see any reason why busing should be ordered by a court. If there has been no discrimination within the school district, I would see no reason why any court should order busing. And since this bill deals only with busing ordered by Federal courts and agencies, I do not see where the gentleman has a problem with this bill in Chicago.

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

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

Mr. BRADEMAS. I thank the gentleman for yielding.

Mr. Speaker, if I might try to respond to the question of the gentleman from Illinois, if I understand it, the bill under consideration does not forbid orders that may be entered into by a school district voluntarily. The bill has to do with busing that may be ordered by a Federal court or agency.

Mr. PERKINS. That is correct.

Mr. Speaker, I would now like to state the reason that I put a statement in the RECORD on Monday showing how much every State in this Nation loses if we continue under this continuing resolution.

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

Mr. PERKINS. I yield to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Speaker, I compliment the chairman for his constructive efforts on behalf of this vital legislation. I would like to ask my chairman a question as to what was the action in conference with regard to the right of a parent in an experimental subject under title III of ESEA to remove a child from an experimental program if in fact they do not agree with what is being taught.

Mr. PERKINS. That was the Kemp amendment offered in the House, was it not? It was agreed in conference that a parent has the right at the secondary school or elementary school level to inspect those records and that a student in college has a right to inspect his own records.

It was also agreed to give parents the right to inspect the curriculum materials used in experimental programs. That particular amendment resulted from the gentleman's action.

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

Mr. PERKINS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Speaker, I simply want to ask the distinguished chairman a question as to whether or not he is going to use the entire 30 minutes allocated to this side of the aisle or whether he is going to allocate any time to those of us who oppose this proposition. I think we are entitled to some time.

Mr. PERKINS. This is one of the most important conference reports that has ever been brought before this Chamber.

Mr. WAGGONNER. And the gentleman is filibustering it, too.

Mr. PERKINS. And I have not taken the time to adequately explain it but I will yield some time.

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

Mr. PERKINS. I yield to the gentleman from Florida.

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

When we had this debate in the House on this bill, the distinguished gentleman from Kentucky, the gentleman now in the well stated that there were three sections in the bill from which funds could be derived for programs to stop school dropouts which are very closely related to crime. Is that preserved?

Mr. PERKINS. It is preserved.

I would like to take this opportunity, Mr. Speaker, to commend Congressman AL QUIE, the ranking Republican member of the Education and Labor Committee, for the tremendous work which he put into achieving this conference report. Without AL's efforts, we would not be here today with as fine a piece of legislation as we have achieved.

I would also like to thank all the members of the General Subcommittee on Education and Congressman JOHN BRADEMAS for their fine work. Every one of them worked long and hard hours to achieve this conference report.

I would also like to thank Jack Jennings, counsel of the subcommittee, and Chris Cross, minority legislative associate, for their fine work.

Lastly, I would like to commend Senator PELL for the tremendous work which he did on the Senate side in achieving this fine piece of legislation. Senator PELL and his professional staff on the subcommittee, Steve Wexler, Jean Frohlicher, and Dick Smith, are to be highly commended for their work.

Mr. QUIE. Mr. Speaker, I yield myself 11 minutes.

Mr. Speaker, although I know that the debate on the House floor today will focus almost exclusively on the issue of busing, I think the Members should also know that this legislation is the most important elementary and secondary education bill to be considered by the Congress in the last several years. Virtually the entire catalog of Federal programs to elementary and secondary schools are contained in this act.

Something in the neighborhood of $26 billion is authorized in the bill over the next 4 years. The authorization for this year alone is more than $7.4 billion. The entire appropriations process for these programs is being held in limbo pending the passage and signing of this act. It is no exaggeration to say that the failure of Congress and the White House to enact this conference report into law will bring chaos to the schools of this country and will result in a substantial lowering of resources available for education.

Those who would be most severely affected by the failure to enact this legislation are those who can least afford to suffer the loss of support. H.R. 69 authorizes very important programs for disadvantaged children, children of limited English-speaking ability, Indian children, handicapped children, and those children who reside in areas which are heavily impacted by the Federal Government. In each of these instances, Federal funds provide very important resources which States and local communities would find it almost impossible to replace. Let us examine some of these programs and their importance as we consider this conference report.

The most important program contained in this bill is title I of the Elementary and Secondary Education Act. This program, authorized first in 1965, is the major source of funds to provide compensatory education to students in our Nation's schools. In fiscal 1974 this program provided $1.720 billion in aid to some 13,000 school districts in every State in the Nation. The President's budget request for this program for fiscal 1975 is $1.885 billion, a $165 million increase from the fiscal 1974 figure.

There is no more important program for providing aid to the approximately nine million children in this country who are eligible for service under the act. The beneficial results of title I have been cataloged in a number of evaluations and studies. School district after school district, State after State can point with pride to the impressive gains achieved by their students as the result of receiving special Federal help. These gains have been particularly impressive in the 3 years of the program. To remove that support at this time would be to subject those nine million students to potential regression in their academic progress.

This act also authorizes several hundred million dollars in special aid to handicapped children through the extension of the Education of the Handicapped Act. The tremendous needs of this group of children has been forcefully demonstrated through court actions in many, many States. The actions of the conferees will lead to better service and greater opportunities for these oft-neglected children. In the current fiscal year alone, H.R. 69 provides $630 million in authorized grants for distribution among the States to serve the special needs of handicapped children.

While this legislation contains many far-reaching titles and programs covering elementary, secondary, adult, bilingual, Indian education, reading and impact aid, it also represents the culmination of 2 years of intensive work in another vital area, namely, the education of handicapped children. Educational practice which has effectively resulted in

the exclusion of over 50 percent of our school-aged handicapped children from an appropriate program in the public school systems is finally being turned around. In order to meet the pressing financial crunch in local communities resulting from the ever accelerating pace of both court orders and State legislation mandating the education of all handicapped children, the legislation alters the formula of title VI-B, Education of the Handicapped, Aid to the States, by providing funding based upon the number of all children within a State between the ages of 3 and 21 in the most recent year for which the satisfactory data is available, multiplied by $8.75. A full appropriation would make available $630 million for fiscal 1975.

Beyond that, this legislation enhances the State plan requirement for the education of handicapped children which is submitted to the Commissioner of Education by ordering the States to submit a detailed blueprint demonstrating how they will identify, evaluate, and serve all of the handicapped children within their jurisdiction. Moreover, vital, long overdue guarantees are mandated in the same State plan:

Provision that priority in the use of title VI-B funds go to children not now receiving an education program;

Provision of specific due process guarantees for the children served and their parents in all matters relevant to identification, evaluation, and placement;

Prohibition against the classification of children to promote racial or cultural discrimination; and

Provision that all handicapped children be educated in the least restrictive environment.

The bill also establishes provisions to assist States that are moving toward deinstitutionalization of handicapped children but are not required to do so by the legislation. Where States are attempting to move children from institutions back to their homes or facilities closer to their homes, the money formerly provided for their educational programs while they were in institutions will now be allowed to follow them to the local program. I sponsored the amendment which will permit a State, for the purposes of determining its allotment under the so-called 89-313 program—Public Law 89-313—to continue to count the children who leave the institutions supported by the State and enter educational programs which are the responsibility of the local school districts. The provision adopted by the conference assures that the money generated under this provision would go to the local school district providing the special education program.

The conferees also changed the amount of money a State would receive in the future under the 89-313 formula from 50 percent of the average per pupil expenditure in the State to 40 percent. So that no State would be penalized, the conference agreed to a hold harmless provision which provides that a State will not receive less than it received in the last fiscal year.

Finally, with respect to the handicapped, the conference accepted a concept that I have long been concerned about, that is, it is generally more expensive to provide educational programs for the handicapped than it is for the "normal" student. In this regard I offered an amendment which was adopted by the conference which will allow school systems receiving impact aid money to count a handicapped child as one and a half for the purposes of eligibility. Because of my concern that handicapped children receive the best educational program possible, in addition to allowing school districts to count children at a higher rate, the legislation also requires that they provide programs for handicapped children which are of sufficient size, scope and quality which show promise of substantial progress in meeting the unique needs of handicapped children.

In my judgment H.R. 69 is truly landmark legislation and will provide benefits which will not only assist the handicapped but all Americans as well.

H.R. 69 also authorizes an extension of both the Bilingual Education and Indian Education Acts. These two programs are the source of a considerable amount of assistance for programs and projects designed to assist children of limited English-speaking ability and Indian children. The needs of these groups, too, are critical and must not be neglected. To withdraw Federal funds will be to deny these children needed opportunities for receiving an adequate educational program.

A final target group who will benefit from this act are the children in school districts which suffer from Federal impact. The impact aid program, Public Law 874 of the 81st Congress, is the oldest program of significant size which provides aid to elementary and secondary schools. As a result of the amendments adopted by the conference committee, this program now will assist districts with a heavy impact of public housing children as well as assisting those traditional impact districts who suffer tax loss as a result of the presence of a Federal installation. This change while of primary interest to urban areas, can be used only for compensatory education for educationally disadvantaged children as in title I.

These then are the major groups who will benefit from this act and whom we shall not deny support.

In addition to these target groups, the bill does a number of other things of which I am particularly proud. First, and in my view most importantly, the bill does provide for a significant consolidation of several programs of aid to elementary and secondary schools. This consolidation, which was authored by Congressman BELL, has great significance for returning a large measure of control over Federal programs to States and local school districts. It is a goal that those of us on this side of the aisle have been after for years.

The consolidation is in two parts. The first, Libraries and Learning Resources, combines the programs formerly authorized under ESEA title II with NDEA title III and the guidance and counseling portions of ESEA title III. The first-named act has provided since 1966 aid to schools to purchase library books and educational material. NDEA title III has been in effect since 1958 and provides funds for schools to purchase equipment. Quite obviously, these two authorities overlap; and as a result the school districts have been forced into dealing with two separate Federal programs with different sets of rules and requirements. The consolidation gives local districts complete authority on how to spend these funds, in my view, a very important issue of local control.

The other part of the consolidation includes the remaining portion of ESEA title III, which provides funds for innovative programs, together with two other innovative programs operated under title VIII of ESEA. These latter two programs provide funds for dropout prevention and programs for nutrition and health. Programs under this part will be totally administered by the States, and grants will be awarded on a project grant basis. Also included, with a ceiling, is the part in ESEA title V providing aid to State departments of education.

H.R. 69 has also made some fundamental changes in a number of existing programs which I believe are of major importance. First, a new formula for the distribution of funds under title I of ESEA has been adopted. In my view the new formula is much more equitable and will redress many of the imbalances which were created in recent years by a title I formula which has been based upon out-of-date data and a highly unreliable set of figures relating to welfare payments. The new formula treats the States much more evenhandedly.

In addition, the conferees agreed to changes which will increase programs for migrant students and permit State agencies for the handicapped to continue to count for the purposes of payment those students who they assist who have been deinstitutionalized. I am also pleased that the conferees have agreed to terminate the part C program of concentration grants after fiscal 1975. This action will result in making available more funds for the most important program under title I, programs operated in local school districts.

The impact aid changes agreed upon by the conferees represent probably the most important reform of that program to occur since it was enacted in 1950. For the first time school districts will be guaranteed of receiving payments for children who reside in public housing projects constructed with Federal funds, and for the first time the act will recognize the obvious differences in burden which result from the presence of various kinds of Federal employees.

Military personnel will continue to be counted as they are under present law, thereby recognizing the fact that these Federal employees represent the greatest burden on a community since for the most part they do not pay State taxes and if they reside on Federal property do not pay any real estate taxes.

The important distinctions are made in the case of civilian employees whose presence does not represent the same sort of burden on the community. Un-

der the conference agreement civilian employees who both live and work in the same county will be entitled to a payment rate of 45 percent of the local contribution rate. Under current law the rate is 50 percent. This very minor reduction, in my view, a reduction smaller than facts indicate, does represent a modest bow toward the fact that these employees are contributing in a positive way to the economy of the community. Civilian employees who do not live in the same county in which they work will have their entitlements reduced to 40 percent, again a rather minor adjustment. Finally, civilian employees who live in a different State will not be eligible for any entitlement, thereby acknowledging the fact that their situation is no different from that of a private-sector employee who crosses a State line in search of employment. This latter provision will be mitigated by an amendment added in the other body, which will phase those reductions over a period of time.

I am very pleased with these changes in impact aid and commend them for the support of my colleagues.

H.R. 69 also extends the Adult Education Act and makes some significant amendments to that act which I believe will be quite beneficial. First, it makes the program one entirely administered by the States. Under current law 20 percent of those funds are administered by the Commissioner on a discretionary basis. The allotment of all of these funds to the States is another positive step in returning control to States and local communities. Conference amendments also provide that adult education programs must be coordinated with the manpower programs and with reading programs for adults. The act will also permit a State to establish or designate an advisory council for adult education. Finally, the conference agreement provides that up to 20 percent of a State's allotment may be used for programs of equivalency for a certificate of graduation from a secondary school.

H.R. 69, in addition, continues a number of amendments to the Higher Education Act. Although several of these amendments are of a rather technical nature, others have a rather significant impact on such programs as the veterans' cost of instruction program and the Teacher Corps.

The veterans' cost of instruction program is amended to remove the barrier that has existed in the act to schools receiving funds after they had established the fact that they were serving larger numbers of veterans. This becomes particularly important since with the declining Armed Forces the actual number of veterans available is decreasing, thereby making it harder and harder for schools to qualify for payments.

The Teacher Corps amendment goes in the direction of permitting the Corps to involve experienced teachers, who might not otherwise be attracted to teach in heavily disadvantaged areas, in addition to recruiting inexperienced teachers who have been to date the focus of the program. In times of a declining market for teachers, I believe this provision is very important since it places the emphasis where it should be placed, on the retraining of already experienced professionals.

As is inevitable, when dealing with the other body, H.R. 69 also authorizes a number of new categorical programs. Although I have reluctance in supporting more categorical programs, I believe some of these have significant merit; and I commend them for your support.

The first and largest of these is the reading program contained in title VII. This program consists of several parts, the most important of which in my view is part B, which provides for the creation and execution of comprehensive State programs to deal with problems of reading. Since education is a fundamental State responsibility, I think it very important that this program recognize the State role and seeks to get them to commit their own energies and resources to alleviating reading problems at the elementary and secondary level.

H.R. 69 also contains a Senate creation known as the Special Projects Act. This is what might be called a holding company for new categorical programs. The Senate concept is that funds will be available for a 3-year period for a specified set of programs after which they would compete against one another and with other national priorities for funding but without set-asides to guarantee specific amounts. The idea is that if a program has merit then after 3 years of funding it should be able to stand on its own and achieve success. If it is not meritorious, it should fall and not continue to be artificially supported. Under the Special Projects Act, the Senate has created seven new programs. They are education of the gifted and talented, women's educational equity, career education, metric education, consumers' education, community schools, and arts education. Of these I believe the most meritorious are the programs for the gifted and talented, which will provide needed support for a group often overlooked, and the community schools program which was also in the House bill, which seeks to aid communities in making better use of their school facilities.

In addition to these program features in the bill, there are a number of other aspects of the legislation which I believe deserve some special mention. First of all, under title I there is a significant change in the migrant program. For the first time HEW will be directed to use statistics other than those rather inadequate ones provided by the Labor Department. The conference bill directs the Commissioner to use the system known as the Migrant Student Record Transfer System. It also permits him to use another system which is reasonably comparable to MSRTS.

One aspect of the title I migratory program that is unchanged by this bill is that which relates to children who were formerly migratory but who have settled into an area served by an agency carrying on a program or project under that program. As was the case prior to these amendments, such children may, with the consent of their parents, continue to be considered migratory children for a period of up to 5 years after they cease migrating and may thereby continue to participate in title I migratory programs. However, they may not be counted for the purpose of increasing a State's migrant allocation; and children who are presently migratory must be given priority in consideration for participation in title I migratory programs.

In determining the number of migrant children for the purposes of making allocations of migrant funds, the bill requires the Commissioner to use statistics made available by the Migrant Student Record Transfer System or such other system as he determines accurately and fully reflects the number of migrant students in a State. Although the Migrant Student Record Transfer System will provide accurate data for those States which have been participating in the program, it will not contain data for those areas—such as Alaska, Hawaii, and Puerto Rico—which are not now included in the record transfer system. Therefore, it will be necessary for the Commissioner to make estimates as to the number of migratory children in those areas during that period in which those children are being added to the record transfer system.

Another title I amendment which is of particular concern to me is that which is known as the excess cost amendment. From its beginning title I has been viewed as being a program to provide additional services for disadvantaged children over and above those which a school district might normally provide. Through my efforts this concept was included in the law with specific language stating that title I is to be used only for excess costs.

A further amendment removes the situation in current law which operates to penalize a State which has special programs for particular groups of children. The primary concern of the conferees in adopting the amendment on excess cost was that the Federal Government not be in the position of creating a situation in which States and local districts are penalized if they choose on their own initiative to provide funds to meet the special needs of educationally deprived children, handicapped children, children with specific learning disabilities and children of limited English-speaking ability. It is the understanding of the conferees that special programs of this type do exist in a number of areas and are currently being hampered in their operation through the over-rigid application of the comparability provisions of the law. This amendment is intended to rectify that situation. It is not intended to be a device through which school districts and States can subvert the basic intention of title I comparability, to assure that regular services provided to children in title I schools are equivalent to those provided to children in nontitle I schools. It is my hope that the operation of this provision be monitored and audited very closely by the Office of Education, the HEW audit agency, and the General Accounting Office. Any abuse of this provision should be brought to the attention of the two committees immediately and without delay.

I would also like to make clear the fact

that the phrase "similarly disadvantaged children" in the definition of excess cost is meant to refer to children with similar needs. In other words, children with similar handicaps should be treated equally in both project and nonproject areas. It should also be made clear that the excess cost language does not require or imply a matching by State or local districts of Federal dollars for compensatory education.

H.R. 69 also specifically permits LEA's to use their title I funds for the training of teachers.

Title I also contains a provision directing the National Institute of Education to conduct a full and comprehensive study of State and Federal compensatory education programs, including specifically the study of whether funds may be distributed for title I on a basis which counts children who have severe educational needs rather than continuing to allocate money on the basis of census and welfare figures. I believe that it is crucial that we develop a more sensitive measure to get the funds to the children who need them regardless of their economic status. A middle-income child who needs help is almost as apt to be a burden on society as a child from the very lowest incomes. This amendment is a direct reflection of my concerns as expressed through the introduction of H.R. 5163 in the first session of this Congress.

With regard to impact aid, I would like to note particularly that the conference agreement includes language which removes another barrier to effective State action in education. The conferees have adopted language which permits States under carefully controlled circumstances to count Federal impact aid funds when they determine allocations for State aid programs. This amendment is particularly important now that so many States are taking strong affirmative action to deal with unequal expenditures in various school districts within the same State. Without this sort of amendment, the Federal Government could be guilty of providing unequal resources and thereby negating a State's efforts to redress this problem.

The conference agreement also contains an amendment which would effectively bar the regionalization of education programs by HEW unless they obtain positive congressional sanction for that action in legislation enacted subsequent to this bill. My colleagues know of my long disenchantment with regional offices. Although they may have merit in some areas, in education they represent another level of bureaucracy standing between the Congress and those who are to receive Federal aid. Personally, I would hope that we could deal with State departments of education rather than with regional offices. I am, of course, pleased that in his confirmation hearings last October Vice President FORD expressed his belief that regional offices should be abolished.

Finally, the conference report contains a number of provisions dealing with the privacy of student records and the rights of students and parents to have access to those records and the rights of parents to examine instructional material in federally funded programs. The amendments also prohibit the Office of Education from considering an application under ESEA unless the public was provided with an adequate opportunity to present their views on the programs applied for by the LEA. These amendments are long overdue.

Section 437(b)(3) provides an exception to the limitation on access to student records in the case of certain Federal and State authorities who have responsibility for auditing and evaluating Federal education programs and for enforcing Federal legal requirements related to those programs. However, the exception is limited by a proviso under which, unless the collection of personally identifiable data is specifically authorized by law, any data obtained by such officials may not include information which would permit the personal identification of students after the data so obtained has been assembled. Under this provision, GAO or HEW would be permitted to conduct longitudinal evaluations by using a code or other system that would permit the tracking of a student from one point in time to another in order to measure the effect of his participation in a particular program. But any such code or other means of identifying the student would have to be destroyed when all the data necessary to complete the evaluation is essembled.

With regard to the enforcement of Federal legal requirements, nothing in this section is to be interpreted as precluding the Secretary or other authorized officials from having such access to student records as may be necessary to insure that all conditions of participation in Federal education programs, such as compliance with title VI of the Civil Rights Act of 1964, are being met. However, such officials must take all necessary steps to protect the confidentiality of such information and to prevent its use for any purpose other than the enforcement of such legal requirements.

In closing, I would like to compliment several people on the fine work that went into this bill.

I am particularly indebted to Chairman PERKINS for his fine leadership. It is not the slightest exaggeration to say that without his tenacious leadership and determination to get a bill we would never have concluded the conference. I am also very indebted to the work of my Republican colleagues who participated so fully and so actively. The contributions of AL BELL, JOHN ASHBROOK, ED FORSYTHE, and BILL STEIGER were all vital in formulating a final bill.

In this bill, perhaps more than most, the staff played a key role in developing the conference materials and in the laborious task of committing to language the actions of the conferees. I am particularly impressed with the fine work of Jack Jennings, the subcommittee counsel, who is one of the best professionals on Capitol Hill. Senate staff people, including Roy Millenson, Steve Wexler, Jean Frohlicher, and Dick Smith, were also of great assistance.

In this legislation we also had the very valuable resources of the Congressional Reference Service. The substantial contributions of that staff in dealing with the data and technical questions included in title I formulas and impact aid reform made it possible for us to grapple with these issues with substantial knowledge and with relative ease and assurance as to the outcome. The Education and Public Welfare Division, headed by Bill Robinson and Helen Miller, has one of the finest collections of CRS staffs. The work of Tish Busselle on title I was particularly outstanding. We regret the fact that she will soon depart for California. I also wish to acknowledge the work of Dave Osman and Paul Irwin on impact aid.

The final round of compliments I have reserved for the excellent work of certain HEW people who have worked long and hard to get a bill which contained administration priorities such as consolidation, title I reform, and impact aid reform. Charles Cooke, Deputy Assistant Secretary for Legislation, and his staff, Sue Hause and Peter Gossens, have done yeomen work. The superb negotiating talents of Frank Carlucci are without comparison. He has the qualities which are irreplaceable—candor, humor, and political sensitivity.

I recognize that a substantial portion of this debate over the conference report may not deal with these critical education issues, but rather with the provisions of the bill relating to limitations on court orders in desegregation cases, and particularly busing.

For that reason I had printed in the CONGRESSIONAL RECORD for Thursday July 25, a side-by-side comparison of the features of the House-passed bill and the conference-approved bill relating to these provisions. It begins with a statement on page 25325 of the RECORD. Copies of that special order are at the committee desk if any Member wishes to study it. In brief summary, of the 24 provisions of the House bill relating to this matter, the Senate bill retained 17 intact and they were not in conference. The Senate had eliminated four provisions and amended three. In addition, the Senate added 10 sections dealing with desegregation orders, 9 of which strengthened the general position of the House and are included in the conference bill. The 10th—which I included among the three House provisions which were amended—was the Ashbrook amendment, which emerged from conference in stronger form than in the Senate amendment or in existing law. The remaining two amendments of House provisions both relate to the so-called Scott-Mansfield language, but the conference retained Scott-Mansfield in only one instance. It appears to say no more than that the provisions of the title relating to court orders are intended to conform to the requirements of the Constitution—in short, it simply states the established doctrine that a legislative enactment is presumed to be constitutional.

Of the four House provisions dropped by the Senate amendment, two—attorneys' fees and one provision relating to limitations on the duration of court orders—are not included in the conference bill, but their substance is to a considerable extent preserved in legal precedent which requires no statutory affirmation. In fact, the Senate bill would have nullified the practice of awarding attorneys' fees in certain instances, at least in cases brought under the provisions of this bill, so that in eliminating the Senate provision we preserved the discretionary power of the courts to make such awards to a prevailing party.

The other two provisions eliminated by the Senate, relating to reopening of old proceedings and to limitations on the duration of that part of a court order relating to busing, were retained in weakened form. However, here again it is worth noting that a court may always review an order in the form of a decree in equity—which these proceedings are—in the light of changed circumstances and upon motion of a proper party. So I believe that the House conferees did very good work in reaching a fair compromise of the limited matters in issue relating to busing.

And let us keep this central point in mind. The heart of the Esch amendment as approved by the House—the limitations on court orders and Federal agency compliance orders, particularly as they relate to busing—were retained intact by the Senate bill and were never before the conference. They are intact in this conference report bill. They go farther than the Congress has ever before gone in giving direction to the courts and to Federal agencies in shaping desegregation remedies. If the conference report is defeated, these provisions are lost; and we are left with no congressional direction to the courts.

In closing, let me say again that this is a good bill. It is the best bill that could be obtained under any circumstances. It contains many Republican objectives and in my mind warrants full and unqualified support.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. BELL).

Mr. BELL. Mr. Speaker, I rise in support of the conference report on H.R. 69.

In has taken us almost 2 years to get this far and the school districts of our Nation cannot afford to lose it now.

H.R. 69 contains vital new programs. It contains needed improvements and expansion of other programs. And it goes a long way toward consolidating duplicative programs and eliminating administrative redtape.

I have received countless letters from parents and children who suffer from handicaps or from specific learning disabilities.

I have heard from parents of children who cannot read.

And I have heard from school districts concerned about their ability to help children who need bilingual services.

Mr. Speaker, approval of this conference report is vital if we are to fulfill our obligations to these children.

Until this bill is enacted, we cannot adopt a general appropriations bill for education.

And until this bill is enacted, we cannot reform the formula for distributing title I money.

H.R. 69 effects necessary improvements in the title I formula. Improvements, which I might add, particularly benefit the Southern and rural areas of our Nation.

Unless we approve this bill, Louisiana, for example, will lose over $6 million in title I money.

Alabama and Georgia will lose almost $5 million each.

Michigan will lose approximately $8 million.

What I have just stated represents the financial losses these States will sustain if we vote down this conference report and go the route of the continuing resolution.

And we will all lose the crucial new authorizations for aid to handicapped children.

The vote on this conference report should be based on the merits of these vital education programs not on the relatively minor changes in the House-passed antibusing provisions. But nevertheless in this regard, the very heart of the Esch amendment—limitations on court orders, and on the extent of busing—is in this conference bill. This is the farthest the Congress has ever gone in giving direction to the courts. To defeat this report would mean we lose that direction.

If opponents of the conference report believe so strongly that not one comma of the House language should have been changed, then they can continue in the future to approve the Esch language as amendments to appropriations bills.

But it would be tragic to sacrifice the $26 billion worth of programs for youngsters contained in this bill because of language that, as a practical matter, will have no effect on the ultimate disposition of the busing issue by the courts.

I urge my colleagues to approve the conference report.

Mr. QUIE. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Speaker, I first wish to compliment both the chairman of the committee and the ranking Republican member (Mr. QUIE) on the fine work of the conference. Indeed, this is a monumental education bill, and I commend them for their efforts. Many of the provisions of this bill are concepts that I have worked to develop during the past 2 years and will give new direction to education in this country.

It is, therefore, with great reluctance that I stand here and speak against the conference report, because the busing amendments, I believe, as brought back by the conference committee, will not perform the functions which the orginal Esch amendment proposed.

Unfortunately, I have not been given enough time to explain the situation in full to the Members of the House.

Suffice it to say that many of us feel that the application of the Scott-Mansfield language, although most of the Esch amendment has been left in, raises a cloud over effectiveness of the rest of the Esch amendment.

I would also like to emphasize that, contrary to previous speakers, it should be emphasized that should this conference report be voted down, it is my understanding that the gentleman from Ohio (Mr. ASHBROOK) will offer a motion to send the bill back to the Senate and ask for a conference.

The great majority of the House desire an education bill of this magnitude, and thrust, so I will stress that this, indeed, is a parliamentary situation rather than an attempt to, in any way, kill the education bill.

Let me say a word with reference to another matter. I believe the Supreme Court decision reaffirmed the concept of the Esch amendment.

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

Mr. ESCH. Mr. Speaker, I am sorry; I would like to yield to the chairman of the committee, but I have only about 30 seconds of my time left.

The SPEAKER. The time of the gentleman has expired.

Mr. QUIE. Mr. Speaker, I yield 1 additional minute to the gentleman from Michigan.

Mr. ESCH. Mr. Speaker, I thank the gentleman for the additional time, and I will be happy to yield to the chairman on his time, or as soon as I finish my statement, if I have time remaining.

The point is this, and it is a significant point, I think, for the Members to consider; I believe that we are at a turning point in this country. Throughout the country there is a growing feeling that there are other ways to provide quality education for our children, black and white, other than just busing. That is the thrust of the Esch amendment. I would hope that the Members of the House will move the bill back into conference, and then come out with a bill that contains the Esch amendment in a more clearly drawn manner. Then let us in the country move into programs where we can provide an education that will bring about equality of education for our children, whether they be black or white, without regressing further into the busing-antibusing polarization.

Again I appreciate the gentleman yielding me this time, and I would yield now, if I had 10 seconds left, to my distinguished chairman.

Mr. PERKINS. Mr. Speaker, I would like to ask the gentleman from Michigan if the gentleman realizes that the Senate conferees will not go back into conference?

This is it. We have scraped the bottom of the barrel. There is no way where we can get anything further. These are all of the antibusing provisions we will get, and we will not get any more this year.

Mr. ESCH. Mr. Speaker, will the chairman, the gentleman from Kentucky (Mr. PERKINS) yield me 30 seconds?

Mr. PERKINS. I yield 30 seconds to the gentleman from Michigan.

Mr. ESCH. Mr. Speaker, I appreciate the chairman yielding me this time.

There have been other precedents, I would say to our distinguished chairman, to refer this back to the Senate if this conference report is voted down. We can ask again to go to conference with the Senate. That is a procedural move, and we have done so in the past. The precedents state we can go back into conference with the Senate and I think it would be possible to do so.

I appreciate the gentleman yielding.

Mr. HUBER. Mr. Speaker, I rise in support of the gentleman from Michigan (Mr. ESCH). We cannot let up now. The issue of forced busing must be resolved once and for all. We should not rest on the laurels of the recent Supreme Court decision. Therefore, I urge the defeat of the conference report. Some Members of the other party are saying these days that we should "send a message" to Washington. Let us today send a message to the other body and a beacon of hope to the American people. Let us defeat the conference report on ESEA. The House of Representatives should stand up and be counted on forced busing here and now.

Mr. PERKINS. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Speaker, let me say at the outset, those of us who oppose adoption of the conference report to accompany H.R. 69, the Elementary and Secondary Education Act Amendments, do so not in an attempt to do away with the education programs provided for in this legislation, but rather to improve on the quality of education in this country by passing effective antibusing language.

I am not taking issue with other features of the bill. In fact, I do support title I programs providing assistance for disadvantaged children, the impact aid program and education for the handicapped. I do know in particular what this legislation means in the way of funds for my own home State of Louisiana. But, we can maintain the House position on busing and, at the same time, have an education bill. If we vote down the conference report, the rules of the House allow us to, and we will immediately offer, a preferential motion to send the legislation back to the Senate for further action; thereby insuring that we will have an education bill.

But make no mistake about it, the vote on the conference report is a busing issue vote. A vote in favor of the report is a vote for continued forced busing. Let us not delude ourselves; the so-called antibusing amendments approved by the conference committee are illusory. The language approved by the House has been rendered meaningless.

If you do not believe me, listen to what I am going to read from the Christian Science Monitor of Wednesday, July 24, 1974. I want to see the conferees raise their heads with pride when I read this statement. It says:

> If the courts continue to hold that it is, as they have in the past, then the Senate conferees appear once again to have gotten their House counterparts to accept an agreement that appears to be against busing but really would not prohibit it.
>
> The compromise says essentially that courts cannot require that children be bused farther than the second-nearest school to their homes—except when the courts hold that such busing is necessary to protect the constitutional rights of black children.
>
> This important exception was proposed by Senate conferees. Senate sources who insist on anonymity admit that the purpose of this exception was to nullify completely the staunch anti-busing legislation proposed by the House conferees.

And the article went on to say:

> In this stance, the House reflects the nation's general antibusing stance. For instance, last September a Gallup poll reported only 5 percent of persons surveyed picked busing as the best way to integrate schools. At the same time only 18 percent of Americans, according to the poll, opposed public-school integration.
>
> For many Senate conferees, who find busing more acceptable, the question became: How can we include wording which will negate the antibusing provisions? They hit on the idea of an exception for busing to assure constitutional rights of black children, and House conferees bought it.
>
> In the view of one such Senate source, this gives the courts "free rein" to order busing and renders the busing prohibition meaningless.

And it does just exactly that.

The gentleman from Kentucky (Mr. PERKINS) has just stood in the well here and told the Members the Senate would not go back to the conference. I would like to say to the Members of the House just go back and tell your constituents that you were unable to do so because the Senate would not let you. I want you to go home and tell them that you yielded to the domination of the U.S. Senate.

I would only call attention to what was done in conference with regard to the reopener provision. The changing of one word, "shall," to "may" has left that provision in effect a toothless tiger.

Mr. Speaker, when the education bill was initially considered in the House, the antibusing amendments were adopted overwhelmingly on a bipartisan basis, which in my personal opinion was in keeping with the views of over 80 percent of the people in this country. You will recall on June 5 after agreeing to go to conference with the Senate on the bill, this House adopted by a vote of 270 to 103 a motion to instruct our House conferees to insist on one thing in the education bill and one thing alone: Retain the House antibusing amendment.

Again on June 27, this House adopted yet another motion to instruct the members of the House conference to insist on the busing amendment approved in the House; that vote was 281 to 128. There still being disagreement between the House and the Senate concerning this issue, I offered on July 22 another motion to instruct our House conferees to insist on the House-passed busing language; that motion carried 261 to 122.

Mr. Speaker, the record is only too clear. This House on four occasions—once upon adoption of the antibusing amendments and three times on instruction motions—has by more than a 2-to-1 majority on each occasion expressed our collective view on the question of forced busing. We are opposed to it.

We served notice on the Senate and the Nation as a whole that we would insist on our position. If we do not vote down the conference report on this basis, we have lost faith with ourselves and the American people. The integrity of the House is at stake. We must maintain the integrity of this body; we must keep the faith of ourselves and the American people.

Remember, too, that when this same amendment was considered in the Senate, it failed by only one vote of passage. The fact that the other body is so evenly divided on this same amendment is all the more reason the House should not give up its position. We know that at least 45 Members of the Senate support our position.

Mr. Speaker, the American people throughout the Nation are looking at what we do here today. They know that what is involved here is whether the House will vote to continue busing or vote to halt it.

In conclusion, Mr. Speaker, let me say this. Let no Member here think that the problems and hardships created by forced busing are over simply because of the Supreme Court's recent decision in the Detroit case. This Detroit decision means absolutely nothing, and the gentleman from Kentucky (Mr. PERKINS) knows it means absolutely nothing. It simply means, and the Court has said, that it is not ready yet to order busing to achieve racial balance between adjoining school districts. It does absolutely nothing to prohibit busing within a school district. It does nothing whatsoever to prohibit busing within a city, in the instance of Mr. ANNUNZIO's example. If anything can be concluded from the decision, it is that there is room for legislative action on this issue. The Court has provided us with this opportunity. Let us now make the most of it.

Mr. PERKINS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana, (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Speaker, I rise in support of the conference report on H.R. 69, the Elementary and Secondary Education Amendments of 1974.

I would first like to take this opportunity to congratulate the distinguished chairman of the Education and Labor Committee, the gentleman from Kentucky (Mr. PERKINS) for his great energy and perseverance. The conferees were asked to resolve over 200 points of disagreement between the House and Senate bills during our 6-week conference, and it is due in large part to the leader-

ship of the gentleman from Kentucky, who served as manager of the conference, that we succeeded in reaching agreement on this comprehensive education bill.

I would also like to pay a word of tribute to the ranking minority member of the Committee on Education and Labor, the gentleman from Minnesota (Mr. QUIE) and the ranking minority member of the Subcommittee on General Education, the gentleman from California (Mr. BELL) for their outstanding contributions to this truly bipartisan measure.

Mr. Speaker, the Elementary and Secondary Education Amendments of 1974 is a landmark piece of legislation. It continues our commitment to help the Nation's schools by extending and strengthening the programs authorized in the Elementary and Secondary Education Act of 1965. It reaffirms our commitment to equalize educational opportunities for what we might term the "vulnerable" among our young children—the poor, the disabled, and the handicapped. And it provides important new programs to improve the quality of education in our schools.

The measure extends title I, the Federal compensatory education for the disadvantaged and the largest Federal aid to education program. It authorizes assistance for school libraries, for educational equipment, for school innovation, and for State departments of education. It authorizes programs for the handicapped, bilingual education, and impact aid. It establishes a major new program for teaching reading to elementary and pre-school children. And the measure includes another important new measure, sponsored by the gentleman from Florida (Mr. LEHMAN), to support community school programs.

Mr. Speaker, perhaps the most significant feature of the legislation is the updated formula for title I, which I sponsored in the Education and Labor Committee. I am pleased that after the overwhelming support which the House gave to the committee title I formula, the formula was not a point of disagreement in the conference in fact the Senate had earlier, on the floor, adopted the House formula in its own bill.

The updated formula would distribute title I funds on the basis of the number of poor children according to: First, the Federal Government's official definition of poverty, known as the Orshansky index; and second, two-thirds of the children from families receiving AFDC payments in excess of the official definition of poverty for a nonfarm family of four.

This revised formula will mean that title I funds will now be distributed more equitably across the country.

The new formula will eliminate the distortions in the distribution of title I funds which have resulted from population shifts and from the dramatic increases in the AFDC factor that have occurred since title I was first enacted in 1965.

There is another reaction that the updated formula will provide a more equitable pattern of distribution than the present formula. The new formula will rely on census data which are more accurate and uniform nationwide as a basis of allocating compensatory education funds.

Mr. Speaker, the conference report includes another provision I authored in the committee to conduct a major study by the National Institute of Education of compensatory education programs and alternate methods for distributing such funds.

One of the real problems we encountered is considering H.R. 69 was the difficulty in obtaining reliable and useful information about compensatory education programs, especially about their effectiveness and about alternative methods for distributing such money.

The study authorized in the bill calls for an examination of all compensatory education programs, not only those provided under title I, but State programs as well.

The NIE is directed to study the fundamental purposes of compensatory education programs, evaluate their effectiveness in attaining these purposes and review as well the effect of concentrating such funds in the areas of reading and mathematics.

I am sure, Mr. Speaker, that when we next consider the title I program, we will have the reliable data we need.

Mr. Speaker, the new title I formula, as I have already said, is the most important feature of this legislation. Local educational agencies and State departments of education have been operating for the last several years on continuing resolutions at substantially lower levels than they would receive under the title I formula included in the conference report. In the State of Indiana, for example, adoption of the conference report will mean almost $3 million more for title I programs. We have been operating too long with the uncertainties of continuing resolutions, hold-harmless provisions, and late appropriations, and one of the several reasons that I urge my colleagues to give their overwhelming support to this conference report is the revised and more equitable title I formula I have just discussed.

Mr. Speaker, I want now to say just a word about the importance of the conference report to the 7 million handicapped children in our society.

These children constitute a significant minority group in American life, and, unhappily, many of them have been denied the special educational services they need. Indeed, 1 million of them have been denied any education at all.

Mr. Speaker, two provisions of H.R. 69 will be particularly important to the handicapped. First, part B of title VI of H.R. 69 extends the Education of the Handicapped Act—Public Law 91-230—for 3 years. For fiscal year 1975, the bill authorizes appproximately $630 million to fund State grant programs for the education of handicapped children.

That is an impressive increase, Mr. Speaker, over the $47.5 million being spent in fiscal year 1974 for State grants.

Before my colleagues question if such an increase is justified, let me assure them that it is.

The conferees were persuaded by several reasons to approve such a large increase.

First, we were mindful of the shocking statistics to which I have already referred: Fully 60 percent of the handicapped youngsters in our society are not receiving the educational services they need.

Second, it costs, on the average, at least twice as much to educate a handicapped child as it does to educate a nonhandicapped child.

Third, court decisions all across the land have held during the last 2 years that handicapped children are entitled to the special educational services they need. Mr. Speaker, obviously the States will require assistance in order to implement the court decrees.

Therefore, in order to help the States implement these court orders, Mr. Speaker, the conferees have prudently decided on a large 1-year increase in funding for special education.

Mr. Speaker, the second provision contained in H.R. 69 which means a great deal to the handicapped children of America, extends Public Law 89-313, which amended title I of the Elementary and Secondary Education Act to provide grants for State agencies serving handicapped children in State-supported or State-operated institutions.

EDUCATION OF THE HANDICAPPED ACT

Mr. Speaker, let me briefly mention the most important provisions of the Education of the Handicapped Act and title I of the Elementary and Secondary Education Act as they apply to handicapped youngsters.

In 1966, Mr. Speaker, Congress recognized the special needs of America's then 5.5 million handicapped children, and added a new title VI to the Elementary and Secondary Education Act which provided a program of grants to States for the education of handicapped children, established a National Advisory Committee on Handicapped Children, and created, within the Office of Education, a Bureau of Education for the Handicapped.

In 1970, Mr. Speaker, Congress realizing the handicapped youngsters deserved greater visibility in the Federal legislative process, repealed title VI effective July 1, 1971, and created a separate Education of the Handicapped Act.

In addition to the State grant program, Mr. Speaker, which the conference report would greatly expand for fiscal year 1975, the Education of the Handicapped Act also provides authority for:

Regional resource centers;

Centers for the deaf-blind;

Experimental preschool and early education programs;

Research and dissemination;

Training of personnel to work with handicapped children;

Media services and captioned films for the handicapped; and

Special program for children with specific learning disabilities.

Under the authority of the Education for the Handicapped Act, Mr. Speaker, $152 million was spent in fiscal 1974 to implement the State grant program and the other provisions which I have just itemized.

But, Mr. Speaker, because the majority of handicapped children are not receiving the services they need, and because the courts are increasingly ruling that handicapped children are entitled to appropriate educational services, the conferees agreed that much more must be done.

The conferees agreed, therefore, that for fiscal year 1975 only, the formula by which assistance grants are made to the States under part B of the Education for the Handicapped Act should be changed.

In place of the existing allotment formula, Mr. Speaker, the conferees agreed that in 1975 alone, the formula should be based on an entitlement grant to each State of $8.75 per child between the ages of 3 and 21.

We estimate that this entitlement approach will make available, in fiscal year 1975, $630 million to States for the education of the handicapped.

We have limited this approach to 1 year only, Mr. Speaker, because major legislation to assist States with the education of handicapped youngsters, H.R. 70, is now pending before the Select Subcommittee on Education which I have the honor to chair.

H.R. 70, Mr. Speaker, is a complex measure addressed to a very complicated problem, namely the determination of the excess costs involved in educating nonhandicapped children.

But because the States, Mr. Speaker, and the handicapped of our society need assistance today and cannot await the results of the intensive investigation now being conducted by my subcommittee, the conferees have determined that sound public policy dictates making available, for 1 year, until H.R. 70 is enacted, a significant increase in the moneys available to States for special education.

Mr. Speaker, the conferees have also agreed to new provisions which will insure that the State grant funds are spent as effectively as possible for handicapped children.

These provisions require that—

Priority of title VI-B funds be assigned to children not now receiving educational services;

Due process be guaranteed for the children served with respect to identification, evaluation, and placement;

Classification of children not promote racial or cultural discrimination; and

All handicapped children be educated in the least restrictive environment.

TITLE I "SET-ASIDE" FOR THE HANDICAPPED

Mr. Speaker, let me now turn my attention to another program continued by H.R. 69 which also means a great deal for the education of handicapped children.

I refer, Mr. Speaker, to what is commonly termed the "Title I set-aside for the handicapped" in the Elementary and Secondary Education Act.

As you know, Mr. Speaker, Public Law 89-313, enacted in 1965, extended title I authority to include handicapped children attending State-supported schools.

And the 89th Congress took that action, Mr. Speaker, because we realized that, although the Education of the Handicapped Act and title I did an excellent job of providing financial support for disadvantaged and handicapped children attending local schools—which received the title I moneys—title I funds were not, as the law was originally written, available for handicapped children attending State-supported institutions.

The 90th Congress, Mr. Speaker, went a step further and approved a perfecting amendment under Public Law 90-247 which guaranteed the full funding of the earlier provisions of Public Law 89-313.

And we took that action because we knew that it costs far more to provide educational services to those children so severely handicapped that local educational agencies are often unable to meet their needs than it does to educate a handicapped or non-handicapped child attending a local school.

Mr. Speaker, H.R. 69 continues the full set-aside for handicapped children in State-operated and State-supported schools, which the 89th, and then the 90th Congress endorsed.

Mr. Speaker, the conference report includes an important amendment to the title I set-aside program for the handicapped about which I should say a word.

As I have told my colleagues, the funds for the handicapped under title I are aimed at children in State-supported or State-operated institutions.

But educators and other experts on the education of handicapped children are now convinced that these children benefit greatly from receiving their education, to the extent possible, alongside nonhandicapped children.

The conferees have, therefore, accepted an amendment first proposed in the House by our distinguished colleague from Minnesota, the ranking minority member of the Committee on Education and Labor, Mr. QUIE, which would, for the first time, allow the funds formerly provided for institutional educational programs to follow the child to an educational program offered in an institution closer to his home or to a local school district.

The legislation does not require States to begin programs of deinstitutionalizing handicapped children, but by making the funds available to local programs, the bill encourages the States to do so.

This is a good amendment, Mr. Speaker, one that promises greatly to improve the quality of life for these children and their families.

Mr. Speaker, let me remind my colleagues that we are discussing the funding of programs for those children with the most severe and tragic physical, mental, and emotional problems.

And the educational services required by these children do not always focus on reading, writing, and arithmetic.

In some instances, the services require, first, that the child be taught to speak.

In other cases, the child must be taught to walk, or to bathe himself.

Mr. Speaker, these kinds of programs require enormous expense, frequently involving costly equipment and 1-to-1 teacher-student ratios.

Indeed, the Bureau of Education for the Handicapped, Mr. Speaker, estimates that it costs at least $2,000 annually to provide the services these children need.

And some States are reporting expenditures as high as $6,000.

Mr. Speaker, reasonable people may differ in how best to provide funding for those children with the most severe handicaps in State-supported institutions.

This is a well-conceived program endorsed by our predecessors in both the 89th and the 90th Congresses.

It is a program that we in the 93d should support.

LANDMARK LEGISLATION

Mr. Speaker, to reiterate, passage of H.R. 69 will be seen in the years ahead as landmark legislation.

H.R. 69 reaffirms the Federal commitment to equalizing education opportunity for poor and other vulnerable children.

It provides, also, for a study of the best means of allocating title I funds for disadvantaged youngsters, as well as for a White House Conference on Education.

But in stressing today, Mr. Speaker, the provisions to assist handicapped youngsters contained in H.R. 69, I do so because only 40 percent of the 7 million handicapped children in America are receiving the special educational services they need.

Surely, Mr. Speaker, it is time the Federal Government helped make good for handicapped children the rich promise of the American dream: That each individual will be able to achieve to the full extent of his or her abilities.

Because H.R. 69 will help us make that dream a reality, I urge my colleagues to join with me enthusiastically supporting the conference report on H.R. 69 when it comes before us for adoption.

Mr. QUIE. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Speaker, I thank the gentleman from Minnesota for yielding.

Mr. Speaker, I would like to make it very clear that I too believe in quality education and I think it is very obvious that an improvement is badly needed in our education in our public schools in America today.

However, I do not think that busing is the answer. I am convinced that busing across district lines is still permitted regardless of this bill and of course regardless of the recent Supreme Court order.

Nor do I think education will be improved through the experiments and the psychological testing and the atheistic humanism that is still authorized in this bill without parental consent or knowledge.

What we are getting in this bill really is 1 ounce of Federal support, 1 pound of Federal regulations, and a ton of Federal Government and education bureaucracy. This is what we have to offer to the students and the moms and dads and the taxpayers of America.

Mr. Speaker, many members may be

persuaded to vote for this conference report because of the recent Supreme Court decision on busing, Milliken, Governor of Michigan, et al. against Bradley et al. From the newspaper headlines, one might think that this decision would prohibit or greatly restrict busing for racial purposes. But this is a false assumption. Not only does this decision allow busing within a school district, but it also allows court ordered busing across district lines.

The House version of H.R. 69 prohibited all cross-district busing and thus it was much more desirable than either the Senate version or the decision of the Supreme Court, which are themselves quite similar in nature and intent.

Thus the Supreme Court decision really has no bearing on H.R. 69. It only appears to have bearing because of the way the news media has played it up as a defeat for advocates of forced busing and as a concession to us opponents.

This raises the question of the timing of this Court decision. Why was the decision handed down now, just prior to consideration of this conference report?

The Supreme Court usually closes its session in June of each year. This year, however, they extended their session. Why? Was it because of Watergate and the possibility of impeachment actions against our President? Why did the Court hurriedly consider the case of the Presidential tapes, United States against Nixon, instead of waiting until its next regular session?

Is the Supreme Court above politics? Have its last two decisions, busing and the tapes, placed the Court in the mainstream of current political activities, thereby destroying its traditional image of being above gut politics?

The normal process of litigation was short-circuited in United States against Nixon by the willingness of the Supreme Court to accept a case that had not yet been argued before all of the competent lower courts. Historically it has been the function and practice of the Supreme Court to act cautiously, deliberately, not hastily, particularly in extremely important cases. For example, in ex parte Milligan, the Court decided that President Lincoln did not have the authority to suspend habeas corpus, nor to try civilians before military tribunals, 3 years after the trial had taken place and after Lincoln was dead. Similarly, the Supreme Court acted deliberately, not hastily, in Marbury against Madison.

It should be pointed out that, contrary to the impression given by the unanimity of the Court's decision in the tapes case, this decision is still controversial and questionable. For example, Prof. Charles L. Black, Jr., author of "Impeachment: A Handbook," and an acknowledged expert in constitutional law, disagrees with the Court's decision in this case, as do many other recognized legal authorities.

So why did the Supreme Court extend its regular session and issue a hastily arrived at decision just as the House Judiciary Committee was considering articles of impeachment? At what time could that negative decision possibly be more damaging to our President, I ask you? On this most important of all important issues "the balance of power between the three branches of our Government" why did they not take much time for exhaustive deliberation?

The President is not above the Court or Congress, but neither is he below the Congress or the Court. Yet lowering the Presidency to a level below that of Congress and the Court is the result of this Supreme Court decision.

Now, in addition, consider the timing of the busing decision. The Supreme Court went into extended session because of the Presidential tapes case. But the busing decision was handed down after the tapes case. Why was not this case disposed of during the regular session of the Court? Why did the Court wait until now?

While one naturally hesitates in accusing the Supreme Court of playing politics, the timing of these two decisions certainly raises that question. However, regardless of the motives, the timing, the decisions of the Supreme Court, this conference report should be defeated on the busing question alone.

Yet, there is another, possibly more dangerous, aspect of this whole question of Federal involvement in primary and secondary education. That is, the elimination of the House-passed language guaranteeing the protection of the rights of students and parents.

Last October I introduced H.R. 10639, a bill I later offered as a substitute to H.R. 69, and which contained several provisions protecting the rights of parents. I received more than 1,300 letters from prominent educators, and from moms and dads across the country supporting my bill and protesting that many untested, unproven, and controversial programs—courses in behavior modification, atheistic humanism, and sensitivity training, for example—are being funded by the Federal Government under title III of the Elementary and Secondary Education Act. Reasonable, responsible people consider these programs to be very dangerous but are powerless to exercise any choice over the nature of the education their children are receiving. In short, their rights as parents are being usurped.

To correct this, H.R. 10639 contained a provision requiring that schools obtain the "prior, informed, written consent" of parents or guardians before requiring a student to participate in a research or experimental program funded by the Federal Government. This provision passed the House as part of H.R. 69 in weakened form:

> Students would not be required to participate in experimental programs if their parents objected in writing, but schools would not be required to inform the parents that their children would be in such programs.

Even this weak provision was eliminated by the conferees.

Thus not only will parents not be informed that their children are being placed in experimental programs, but parents are not even being granted the legal right to withdraw their children from programs they believe to be damaging.

If the Federal Government is going to continue funding and promoting experimental programs in "modifying" the behavior of students in our public schools, the very least it can do is provide parents and students some protection by legally recognizing that the parents, the taxpayer yet have some rights in the education of their children. There are other defects in this bill both in content and in theory but I'll conclude by simply but most sincerely urge the Members to vote against this conference report.

Mr. QUIE. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, I trust the Members of this House will think a long time before they lightly dismiss the work of this conference. I can think of no worse exercise in futility than to have this conference report go down in flames over the issue of busing, which when we get all said and done is more form than substance.

The heart of the Esch amendment is continued in this bill. This bill contains far more in terms of effective antibusing provisions than any bill yet passed in this or any previous Congress, and yet apparently it does not go far enough. It goes further than I would like but as a conferee I voted to sustain the House position.

It contains significant revisions in the title I formula for distribution of funds all across the Nation. Yet apparently even on the part of some who gain it has gone too far in some areas and not far enough in others.

Let me level with the House. The distinguished chairman of the committee, the gentleman from Kentucky, and the distinguished ranking minority member, the gentleman from Minnesota, both of whom fought long and hard to sustain the House position, I think if they were asked to report to this body would explain that there was almost no conference report, that there clearly was an indication by the other body and the conferees on the part of the other body that as a result of the adoption of the title I formula in this body and the adoption of the McClellan amendment, which is the title I formula, in the other body that there were certain of the conferees who lost funds who did not want a conference report. Let us not kid ourselves about the degree to which this conference almost fell down as a result of the significant shifts under the title I formula added by this body. So if we decide to reject H.R. 69 in its present form because of our desire to satisfy our constituency not on substance but on form, we make a tragic mistake.

There is one other provision which I think this body ought to consider, particularly those such as the distinguished gentleman from Louisiana or the distinguished gentleman from New York, and that is the Buckley amendment concerning the rights of parents and students to privacy and access to records. I know of no single issue on which the liberals and the conservatives alike can join more than on the need to protect the privacy

of the students' records and the right to allow access to those records on the part of the students and the parents which is now not the law. Adoption of the Buckley amendment was supported by the American Civil Liberties Union and the National Committee for Citizens in Education.

The Buckley amendment is consistent with the Kemp amendment which was adopted in the House and is an important part of what this report must be judged on.

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

Mr. STEIGER of Wisconsin. I yield to the gentleman from New York who has played such an important role in this matter of privacy. I commend him for his leadership.

Mr. KEMP. I appreciate the gentleman yielding.

There is one aspect of the amendment which was not adopted and that was to provide an opportunity for a family to remove their child from an experimental program under title III, if they did not approve, and I wonder if the gentleman can share with me why it was that this aspect of the Kemp amendment was removed from the conference report.

Mr. STEIGER of Wisconsin. As you know, on pages 98 and 99, section 439 of the conference report reads:

> All instructional material, including teacher's manuals, films, tapes, or other supplementary instructional material which will be used in connection with any research or experimentation program or project shall be available for inspection by the parents or guardians of the children engaged in such program or project.

May I say to the gentleman from New York that we almost lost the Kemp amendment because there was no clear definition of what was experimental or a research project.

Second, this would in my view and in the view of the conferees be mischievous to allow the parents to come in and say they object without any reason whatsoever.

The key to that system working well is the existence of what was retained by the conferees, that is access to the materials so that the parent or guardian may make a judgment about what is done in an experimental project.

I would hope the gentleman from New York realizes the conferees worked very hard to keep the amendment in balance with the informational requirements associated with the evaluation of Federal programs with the needs of parents and students, so that when we take the Kemp amendment, section 439, with section 438 the Buckley amendment, in my view we have taken a giant step to insure a far greater access to records than we have had before as well as more protection of privacy.

Mr. Speaker, as one of the House conferees on H.R. 69, I want to convey to you and to my colleagues in the House my belief that we have brought from conference a good, solid bill. It contains the key features of the bill passed by the House, in some respects improved by the inclusion of some of the Senate provisions and in some cases modified by the necessary process of compromise.

The Senate having included the House formula on the allocation of title I funds in its bill, we succeeded in conference in further refining some of the detailed title I provisions. The essence of the House consolidation of State-operated programs was accepted by the Senate conferees. We accepted certain Senate reforms to impact aid, many of which constitute valuable refinements to the impact aid program.

In addition, the bill contains the provisions necessary to extend and modify the present programs as well as new sections establishing worthwhile programs in a variety of key educational areas: adult education, education of the handicapped, bilingual education, emergency school aid, Indian education, vocational education, and reading. I believe the educational package which comprises the bill represents a responsible and carefully considered extension and reform of the Elementary and Secondary School Act. I recommend the result to my colleagues in the House.

I would like to draw my colleagues' attention to two areas which I believe merit specific mention at this time.

In conference we adopted the essential elements of an amendment proposed in the other body by Senator Buckley, and strongly supported by the American Civil Liberties Union and the National Committee for Citizens in Education; this amendment represents the first steps toward providing much needed protection of the right to privacy of schoolchildren and their parents.

Called the Family Educational Rights and Privacy Act of 1974, it provides that no funds shall be made available under any Federal education program to any educational institution or agency which denies parents the right to inspect and review any and all official records, files and data related to their children, including all material incorporated into each student's cumulative record folder.

Furthermore, parents shall have an opportunity for a hearing to challenge the content of their child's school records, and thus be able to correct or delete any inaccurate, misleading, or otherwise inappropriate data contained therein.

In addition, no funds shall be made available to any educational agency or institution that permits the release of personally identifiable records or files without the written consent of their parents, except for certain designated local educational purposes. Authorized representatives of specifically designated agencies may have such access to records as may be necessary in connection with the audit and evaluation of federally supported programs or in connection with the enforcement of Federal legal requirements, but any data collected by such officials shall not include information which would permit the personal identification of such students or their parents after the data has been collected except when authorized by Federal law.

These provisions represent a first step toward establishing a responsible balance between the legitimate rights of Federal official to make sure Federal money is being spent wisely on the one hand, and the likewise legitimate rights of students and their parents to privacy on the other. The rights of students and parents are frequently infringed upon by overzealous Government agencies in their ever-increasing search for information. In this bill we now begin to redress the balance. I hope the House will pursue the effort to establish such protection, not only in the education field, but in other areas as well.

Allow me to draw your attention to another important part of the bill. It authorizes continuation of assistance to programs for migratory children. Based on estimates of eligible migrant children provided by the U.S. Office of Education and on projections of actual migrant student counts provided by the Migrant Student Record Transfer System, migrant allocations are estimated to increase more than threefold by 1976. This growth will result from a switch to use of the Migrant Student Record Transfer System and the inclusion of the children of migratory fishermen, Puerto Rican migrant children, and 5-year provision children.

Given these new estimates, the number of migrant students in the program is estimated to increase from 162,480 this year to 708,000 in 1976, with the estimated cost rising from $78.3 million in 1974 to $262.2 million in 1976.

Assuming a 1974 hold harmless for all other State agency programs, the growth in the migrant programs will represent a 40 percent increase in State agency allocations. Thus, assuming a constant total title I appropriation level in the 1975 budget request of $1.885 billion, this growth will result in a corresponding 11.17 percent decrease in the funds available for LEA grants in 1976 since State agency grants are paid at full entitlement off the top. In this way State agency grants will increase from $187.9 million in 1975 to $371.8 million in 1976, with LEA allocations decreasing by the 11.17 percent from $1.647 billion to $1.463 billion.

While not questioning the worth of the migrant programs, I am not sure that in funding them we want the LEA allocations to be cut this drastically. At this time I just want to flag this issue and promise my colleagues I will be looking into the potential impact of this decrease. We should examine alternatives and try to find some other way of providing the needed services to migrant children without sacrificing LEA allocations.

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

Mr. STEIGER of Wisconsin. I yield to the gentleman from New York.

Mr. KEMP. Mr. Speaker, I rise in support of the conference report on H.R. 69. This conference report extends the Elementary and Secondary Act, the impact aid laws, the Adult Education Act, the Bilingual Education Act, and the Indian Education Act through fiscal year 1978. Additionally, it extends the Education of the Handicapped Act through fiscal year 1977 and the Emergency School Aid Act through fiscal year 1976.

Like most major pieces of legislation before this body, the conference report on H.R. 69 is a compromise. I personally

do not agree with all of its provisions and worked hard, for a year in committee, and later here on the House floor, to forge what I strongly felt to be necessary revisions in the House version of ESEA. Specifically, I fought along with Mr. PEYSER to revise the title I formula to allocate funds on the basis of data different from the data currently in use. I emphatically felt, and still do, that no distribution formula should penalize the residents of New York and Erie County who have demonstrated an outstanding commitment to education, and who have consistently spent a great deal of money furthering education goals.

Although aspects of H.R. 69 have been controversial, and although the conference report before us today is not the perfect reflection of my own, or most of my colleagues, personal views on education, I believe the report is a responsible compromise, which is responsive to the needs of our educational community, and responsive to our national educational goals.

I would like to briefly discuss the provisions of H.R. 69 as reported by the committee on conference.

TITLE I. ESEA

The title I formula is amended to allocate funds on the basis of more current data. State agency programs for handicapped, migrant, and neglected and delinquent children will receive funds in accordance with the new formula and will continue to receive funds "off the top" in accordance with established practice. No State agency will receive less than its fiscal 1974 allocation. Each local education agency will receive at least 85 percent of its previous year's allocation. The 1975 authorization is estimated at $3.1 billion for LEA grants.

Part B of title I, incentive grants to States with a high tax effort for education, is continued with a maximum appropriation of $50 million.

Part C, grants to areas with high concentrations of low income children, is extended through 1975.

Authority is contained in the bill for a separate authorization which permits the Commissioner in special circumstances to make grants to school districts which are receiving less than 90 percent of their previous year's allocation.

A bypass for nonpublic schoolchildren is included.

OTHER TITLES

Titles II, III, and VIII of ESEA are extended through 1978 and title III of NDEA is extended through fiscal year 1977. These programs may not be funded in any year in which there is a consolidation of programs as described below.

CONSOLIDATION

State-operated programs are combined into the following divisions:

First. "Libraries and learning resources" included ESEA I, NDEA III, and the guidance and counseling portion of ESEA III.

Second. "Support and innovation" includes the balance of ESEA III, nutrition and health and dropout prevention from title VIII, and ESEA V.

Consolidation must be forward funded and during the first year there will be a 50 percent hold-harmless for each program.

A bypass for nonpublic schoolchildren is included.

Total discretion is given to local educational agencies on spending under libraries and learning resources. States distribute funds under support and innovation on a project grant basis.

Also adopted is a provision for a simplified State application for ESEA I, II, III, and NDEA III, adult education, vocational education, and education of the handicapped.

The Special Projects Act is included which provides an "incubator" for new categorical programs. Under this concept new programs will be protected for a period and then will compete for funding without the protection of set-asides. These new programs include women's educational equity, career education, consumer's education, gifted and talented, community schools, metric education, and arts in education.

IMPACT AID

Effective in fiscal 1976, amendments are accepted which will include guaranteed funding for public housing children of 25 percent of entitlement, equal to about $53 million in 1976. Entitlements for military children remain as in current law. Entitlement rates for civilian children are reduced slightly for those who live within the same county—from 50 percent to 45 percent—and for those who live within a different county in the same State—50 percent to 40 percent. Entitlements for those who live in a different State are eliminated except that those payments will be reduced over a number of years as the result of hold-harmless provisions.

School districts with 25 percent or more of their enrollments "a" children will be guaranteed the full amounts of their entitlements for these children.

No school district which receives more than 10 percent of its budget from impact aid will have its payments reduced less than 10 percent each year. Districts which receive less are guaranteed 80 percent of their previous year's payments. Also every district is guaranteed that it will not lose any regular impact aid funds due to the inclusion of public housing children.

Handicapped children of military personnel will be entitled to a payment of one and one-half times that of other children. These funds must be used for the purposes of providing special education for these children.

Funds which a district receives as the result of public housing children must be used for programs of compensatory education.

ADULT EDUCATION

The Commissioner's 20 percent set-aside is deleted and all funds are to be allocated to the States. Up to 20 percent of a State's funds may be used for high school equivalency programs.

The program of adult education for Indians is continued through 1978.

HANDICAPPED

All existing programs for the handicapped are extended through fiscal year 1977. For fiscal 1975, $630 million is authorized to be allocated among the States on the basis of total population ages 3 to 21. These funds will be particularly helpful in meeting requirements for the education of all handicapped children facing many States as the result of court decisions.

States are required to show how they will meet the needs of those children.

BILINGUAL EDUCATION

Authorizations are increased and special emphasis is placed on the training of personnel. Funds are also provided to States to assist them in developing their capacities to develop programs of bilingual education.

A national assessment of the need for bilingual education is to be conducted in 1975 and 1977 and sent to the Congress.

Also included is a program of fellowships for students who will enter the field of training teachers in bilingual education.

READING

A new program of reading improvement is included. Funds are authorized for grants to local educational agencies and States for comprehensive programs of reading improvement and projects which show promise of overcoming reading deficiencies. Also included are funds for special emphasis projects in reading, for the training of reading teachers on public television, and for reading academies.

VOCATIONAL EDUCATION

Included are two new programs which provide funds in fiscal 1975 for bilingual vocational training and bilingual vocational education.

INDIAN EDUCATION

The Indian Elementary and Secondary School Assistance Act is extended through 1978. Up to 10 percent of the funds are to be made available to Indian controlled schools.

An annual authorization of $2 million for special training programs for training teachers of Indian children is included and a program of fellowships for Indian students is also included.

OTHER PROGRAMS

The Emergency School Aid Act is continued through 1976. The authority to fund educational parks and the set-aside for metropolitan areas programs are repealed.

An amendment to authorize the CLEO program to assist disadvantaged students to prepare for and attend law schools is accepted.

The ethnic studies program is extended through 1978.

A program of grants to States to assist them in planning State equalization programs is included. Grants range from $100,000 to $1,000,000 per State depending upon population.

MISCELLANEOUS FEATURES

An upgraded National Center for Education Statistics within the Office of the Assistant Secretary for Education is created.

Regionalization of the Office of Education without an act of Congress authorizing such regionalization is forbidden.

Congress is afforded the opportunity to disapprove regulations for any Federal aid program for education.

Parents of students and students attending postsecondary institutions are afforded the right to inspect their school files and the release of documents in those files is restricted.

Mr. Speaker, I believe that the above provisions on H.R. 69 are representative of earnest, bipartisan efforts to update major Federal aid to education. As such, I urge my colleagues to approve the conference report before us.

Mr. STEIGER of Wisconsin. Mr. Speaker, I urge adoption of the conference report.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. FORD).

Mr. FORD. Mr. Speaker, I am not happy to be here in the position I am in, because I have to announce that, after working on some of these education programs for 10 years, and on this particular bill for more than a year and a half now, and after participating to the maximum of my capability in the 100 or more hours of this conference, I have to announce that I am going to oppose the adoption of the conference committee report in its present form and hope that the privileged motion of the gentleman from Ohio will be adopted, which would enable us to refer this matter back to the Senate with the request that the original House antibusing provisions be reinstated.

Mr. Speaker, there are several parts of this bill which trouble me. First of all, if we are to be honest with ourselves we must admit that the new formula for title I is totally illogical and irrelevant to the present needs of education. It is sheer hypocrisy to say that this formula is designed to pump the bulk of Federal education funds to districts with concentrations of poor children, and then on the heels of the recent Supreme Court decision which outlines the very severe problem faced by the Detroit public schools, we pass a bill which increases the amount of funds for sparsely populated Keweenaw County by 251 percent while Wayne County's allocation would be increased by a mere 4 percent.

It is ridiculous for us to say we are passing legislation to help cities and suburbs when the areas which receive the most dramatic increases under this conference report are virtually all rural, sparsely populated regions. Let us just look at some other counties in my own State. Charlevoix will receive a 124-percent increase, Houghton a 136-percent increase, and Mackinac, a 101-percent increase—compared to the 4-percent increase for my own county of Wayne—which is where most of Michigan's population is concentrated.

I am certain that if my colleagues will inspect the printouts made available to the Committee by the Library of Congress, they will discover that this same pattern holds true for all the other States as well.

Mr. Speaker, we are also kidding ourselves when we say that there is language in this legislation which will assure the American public that there will be no more forced cross-district busing.

This body, on no less than three occasions, voted overwhelmingly to instruct its conferees to retain the House antibusing provisions. On June 5, by a vote of 270 to 103 we instructed our conferees to retain the House anti-busing language. We did it again on June 27 by a vote of 281 to 128 and again on July 22 by a vote of 261 to 122.

Nevertheless, the majority of our conferees gave in to the other body and adopted a watered-down version of the antibusing language instead—language that the Detroit News recently referred to in an editorial as mere "empty rhetoric." The News went on to say that the bill now before us contains "a provision inviting the courts to disregard such antibusing legislation if they wish to do so."

Mr. Speaker, I would like to refer my colleagues to another article which appeared in the Christian Science Monitor on July 24. This article quotes a source from the Senate who claims that the purpose of one part of this so-called compromise is to nullify completely the staunch antibusing legislation proposed by the House conferees. The article quotes another Senate source who feels that the language now before us "gives the courts 'free rein' to order busing and renders the busing prohibition meaningless."

Mr. Speaker, the recent Supreme Court decision did not solve the busing issue once and for all. Attorneys on both sides of that case are speculating that the controversy will continue to plague our schoolchildren. We must therefore return this legislation to the Senate with our original antibusing language restored.

The majority of conferees also agreed to another provision—one that was not even included in the House version, and one to which I strenuously object. This is the so-called protection of the rights and privacy of parents and students language.

Mr. Speaker, I firmly believe in everyone's right to privacy. But I do not believe that this is an issue which should be addressed in a Federal aid to education bill.

Let us take a look at what we are voting on today. The bill we have before us provides that no Federal funds shall be available to any State or local school districts which did not comply with all kinds of rules and regulations relating to students' and teachers' records—including inspections, hearings, challenges, et cetera.

What do we accomplish by this?

Under the guise of protecting the right of parents and students, this provision in effect mandates Federal interference in the local administration of schools.

Interference with the local administration of schools has traditionally been the objection to Federal aid to education which has been espoused by anti-Federal aid to education groups. With the adoption of this conference report, it will become a self-fulfilling prophecy, because this provision will permit the U.S. Office of Education to meddle in the affairs of local school districts.

Mr. Speaker, if this provision becomes law, it would create a situation in which one parent, no matter what his or her motives may be, could, simply by making one allegation against a school district, jeopardize all Federal funds coming into either a local or State educational agency.

There is still another major part of this legislation which I cannot buy. This is title IV—the so-called consolidation of certain education programs. This was a gimmick which the Congress was coerced into accepting by the Nixon administration.

This so-called consolidation of programs is nothing more than a watered-down substitute version of Nixon's ill-fated special education revenue sharing plan which nobody on either side of the aisle would buy. This provision is included in the bill only because the President has persisted in threatening the committee with a veto unless we let him save face by giving him at least some consolidation.

Well, now we have consolidation—or at least we will if we adopt this conference report, and all I can say is that I hope this works out better than the rest of the things this administration has tried to get away with.

Frankly, Mr. Speaker, I am extremely disappointed in what our conferees agreed to with respect to the impact aid provisions of H.R. 69.

Ever since 1950, the Congress has acknowledged and accepted the responsibility of the Federal Government to compensate local educational agencies for property and business taxes which these districts were forced to forgo because of Federal property located within the district. The Congress has for over 20 years now reimbursed these districts for the revenue forgon and for the additional cost of education imposed by the influx of federally connected children. This was accomplished by two laws—Public Law 874 and Public Law 815. The House version of H.R. 69 extended these two laws along with all the other provisions of the bill.

Now, after 24 years of successful operations, this conference committee has recommended that we accept the Senate language on impact aid in lieu of the House version which was merely a simple extension.

What is the Senate version? Mr. Speaker, no one really knows what the Senate version will do. The only thing we know for sure about the Senate version is that it has taken a relatively simple and efficient Federal aid to education program and turned it into an administrative nightmare.

Aside from this, we have determined that it will also result in some disastrous cutbacks to some school districts which depend on impact aid funds for their very survival.

Let us examine just a few of these. The conference report before the House today would remove A entitlements from permanent law—despite the fact that

these entitlements have been embodied in permanent law since 1950. Under the conference report, however, authorization for category A grants will expire at the end of 1978.

The conference report would also eliminate entirely funds for out-of-State B children and reduce entitlements for out-of-county B children. Further, the conference report would decrease both the rate of Federal contributions and the percentage payment for all categories of children with the exception of military A children.

The conference report would also include public housing children in payments, but it would do so at the expense of present B children, not as an addition to the program. Finally, I would like to say something with respect to the big cities that have been lulled by the promise of more Federal dollars. Had the conference committee adopted the original House impact aid proposal and agreed to fund part C of title I, ESEA permanently, every single big city, would have received more Federal funds than they can now expect to receive. As things stand now, several big cities will lose millions of dollars under the conference report.

Mr. Speaker, because of these reasons I must reluctantly cast my vote against the conference report on H.R. 69, but I would like to emphasize to my colleagues that I do so not to kill this legislation, but only so we can set the wheels in motion to send it back to the Senate for improvement.

Mr. QUIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Speaker, it is my intention to support the conference report on H.R. 69, the Elementary and Secondary Education Act, but I will do so with some serious reservations which I would like to bring to the attention of my colleagues.

The conference report is startlingly defective in two respects, the first being the failure of the conferees to agree to the House-passed language relating to the forced busing of schoolchildren.

For several years we have listened to the pleas of our constituents for the Congress to take decisive action to stop this method of social experimentation in our schools. I personally deplore the practice of court-ordered busing, and am deeply concerned over its impact upon both schoolchildren and parents alike. Early in the first session of this Congress, I sponsored a constitutional amendment to prohibit forced busing, but regretfully, the Judiciary Committee has to date taken no action to consider House Joint Resolution 190, or any other of the numerous antibusing constitutional amendments proposed by my colleagues.

For this reason I was immensely pleased by the decision of a vast majority of my colleagues in this body to place strong language in the Elementary and Secondary Education Act with respect to busing. In addition, I strongly support the recent decision of the U.S. Supreme Court which held court-ordered busing across county lines to be unlawful.

Mr. Speaker, on three separate occasions the House has instructed its conferees on this legislation to insist on the busing language we adopted. The intent of the House could not be more clear.

Yet the conference report we have before us today contains severely weakened Senate language which will permit the continued implementation of court-ordered busing. I have pledged to my constituents that I would do all in my power to put an end to this deplorable practice, and I do not believe that we can compromise on this issue. Therefore, I would hope and strongly urge my colleagues serving on the Judiciary Committee to turn their immediate attention to the various antibusing constitutional amendments now before them, so that we can put a stop to court-ordered busing once and for all.

Second, I am deeply disturbed by the so-called reform of the impact aid program contained in the conference report. I have contacted the various school divisions in my congressional district, and have been advised that the phaseout of category B children whose parents do not work in the State may well have a significant detrimental impact upon the operation of our school systems. For example, Fairfax County schools may lose as much as $2 to $3 million each year in the event appropriations for impact aid in fiscal 1976 do not meet 100 percent of entitlement. Let me take this opportunity to assure my colleagues and constituents that I will work for funding at 100 percent of entitlement for impact aid in upcoming fiscal years. And again, I would urge my colleagues on the Appropriations Committee to take into consideration the substantial increase in taxes which the people of this Nation—and particularly in the Washington metropolitan area—will have to pay if impact aid funding is significantly reduced.

I do feel, however, that the importance of the other programs and funding authorized by this bill are of such importance that I must cast my vote in its favor. Additional funding for special education is most urgently needed in my congressional district, and H.R. 69 provides that vehicle.

Mr. Speaker, I would hope that my colleagues will feel as I do, and take appropriate action in upcoming months to guarantee a continued viable impact aid program, and to put an end to the court-ordered busing of our schoolchildren.

Mr. QUIE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. VEYSEY).

Mr. VEYSEY. Mr. Speaker, I am on record supporting the Elementary and Secondary Education Act but I would like to make a few comments on this conference report and its effect on my State of California.

Under title VII a significant increase in the funding level would give California approximately a $4.5 million increase for bilingual education. We now have in California 71 language groups identified, with Spanish, Cantonese, Tagalong, Portuguese, and Japanese the most numerous groups. Title VII funds are now serving approximately 25,000 elementary and secondary school children and needless to say, it is a very important program. I have supported bilingual education from its inception and I commend this extension.

As a result of recent court decisions which will require full education services to all handicapped children, there is an urgent need for special education moneys in California. It has been estimated that in excess of $100 million per year will be needed to fulfill this requirement. Last year we received $4.4 million; if fully funded, H.R. 69 will provide $64.2 million to California schools to enable the school districts to begin the necessary improvement of their programs.

At this time, Title I is operating on a continuing resolution which means that California schools are receiving $4.9 million per year less than last year. The formula under this bill will provide a 10-percent increase—$133 million versus $121 million—for local educational agencies. In order to avoid cutbacks, we must pass this bill as quickly as possible.

This measure will consolidate six of the present categorical programs into two. This move will reduce redtape and give more discretion to local school districts, a move sought by the administration and by educators.

Finally, the conferees included language, which I proposed, to guarantee that there will be evaluations of the educational effectiveness of the projects funded in title I. I want to improve education with these funds—not just spend money. I am confident that when we renew title I 4 years from now, we will have a clearer directive.

Mr. Speaker, ESEA is not only important to California but also to the Nation and I earnestly encourage my colleagues to support this conference report.

Mr. QUIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Speaker, no bill of this complexity will not have some feature which one or more of us will be concerned with, but on balance this is an excellent conference report and I urge its adoption.

Mr. QUIE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BELL).

Mr. BELL. Mr. Speaker, there has been so much talk about busing, I thought I would like to put this in perspective. We are talking about 50 million students in America today, youngsters in school, elementary and secondary school. Of that, about 45 percent are bused. 22 million are bused every day to school—not desegregation busing, but just bused to school as a means of normal transportation. Of that percentage of the 22 million, there is no more than 3 percent of those who are under a desegregation busing program.

I think we ought to get this matter in proper perspective.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. ROSE).

Mr. ROSE. Mr. Speaker, I regret to observe at this point that there are those among us who would toss into the dustbin the results of countless hours of labor by the chief architects of H.R. 69. Those of us who are concerned with the plight of impoverished youngsters, of teachers fighting against impossible odds to do their jobs well, and administrators and school boards who must work with woefully inadequate budgets, are aghast at the mean arguments advanced against this constructive and well-reasoned attempt to direct greater Federal attention to the needs of our schools.

We need this bill, not because it is perfect—it is not. We need this bill because without it we will break faith with those who look to Congress for relief and assistance that is impossible to achieve at the State and local levels of government. The testimony of hundreds of witnesses who are on the firing line is reflected in the bold initiatives of H.R. 69. We need stability in Federal authorizations, as provided in this bill. We need new programs to address ourselves to new priority issues that are emerging in the seventies.

We need to support this bill because it represents the framework for a new and revitalizing start in Federal support of elementary and secondary education. We will need to improve it as time goes on, but we need even more to replace anxiety with hope and despair with opportunity. I urge a resounding "yea" for adoption of this conference report.

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

Mr. BADILLO. Mr. Speaker, I am pleased to note that the conferees on H.R. 69, the Elementary and Secondary Education Amendments of 1974, have reported back to the House a bill with comprehensive strengthening amendments to title VII of ESEA, the Bilingual Education Act.

During debate on this legislation on March 27, I proposed to offer a package of bilingual amendments which included changing the title of the act to the Bilingual/Bicultural Act; creation of a Bureau of Bilingual Education in HEW with a Deputy Commissioner of Education as director; authorization of grants and fellowships for preservice and inservice training for bilingual teachers and individuals to train such teachers; an emphasis on cultural and historical studies of each particular language group to foster pride and a sense of identity; and other provisions to insure that children of limited English-speaking ability will be given every opportunity to receive the type of instruction that will enable and encourage them to finish their schooling.

Mr. Speaker, I felt that these amendments were necessary in light of our woeful failure to serve the educational needs of some 5 million youngsters in the schools of America who are not native-English speakers. Though we have had the Bilingual Education Act in force since 1967, the annual appropriations have been but a trickle in relation to the need. In New York City only 7,300 out of 250,000 Spanish-speaking youngsters are enrolled in federally funded bilingual programs. Less than 4 percent of the Chicano students in the Southwest are benefiting from bilingual education. And in fact, throughout the Nation only 111,000 schoolchildren are participating in this effort which may be their only reasonable chance to succeed in a school system oriented almost totally toward the native speaker of English.

There is nothing unique about an American citizen with a limited English-speaking ability, Mr. Speaker. The majority of us are descended from Germanic, Hispanic, Italian, Slavic, Scandinavian, Oriental, and other nationalities besides English. Even now there are more than 10 million Spanish-speaking people in this country. Yet despite our history and the present reality, it is an unfortunate fact that, until recently, teaching in any language other than English in the classroom has been illegal in many States.

The Bilingual Education Act of 1967 marked the beginning of the Federal attack on such discriminatory treatment of children from non-English-speaking backgrounds. I am pleased to note the movement now underway in various State legislatures to enact authorizing statutes and provide funding for bilingual programs as a supplement to our efforts here in the Congress. And the Supreme Court, in Lau against Nichols earlier this year added its imprimatur in a determination that failure to provide bilingual education for those who need it is a denial of equal rights under the law.

The original committee version of H.R. 69 did not broaden title VII nearly as much as necessary, and I had prepared a series of amendments closely approximating bilingual education provisions expected to be included in the Senate education bill. Consequently, on March 27 I engaged in a colloquy on the floor with the distinguished chairman of the Committee on Education and Labor who asked that I withdraw my amendments at that time on the premise that the committee had not had adequate time to consider them.

I did withdraw my amendments, Mr. Speaker, in exchange for the chairman's assurances that House conferees would give every consideration to a more comprehensive bilingual package in the Senate bill, and I am pleased to report that the gentleman from Kentucky has been as good as his word.

The conference report before us today includes provisions for training of bilingual teachers, paraprofessionals, teacher aides, and teacher trainers. Significantly, it authorizes at least 100 fellowships in fiscal 1975 for study leading to a graduate degree in the training of bilingual teachers.

The amended title VII of H.R. 69 authorizes bilingual curriculum development, improvement, and innovation, and it now includes heavy emphasis on studies of cultural heritage and cultural resources as an integral part of bilingual education. I am pleased as well that the bill requires educational agencies to consult with parents during the formulation of applications for bilingual programs and to place parents on advisory committees after the programs are instituted. This is very important in terms of home reinforcement for what students are learning and the schools are attempting, factors too often missing in families where English is not the mother tongue. Bilingual instruction for adults is likewise featured in these amendments, and I cannot stress too strongly my support for full implementation of this particular authorization.

The bill also now includes a requirement that the Office of Bilingual Education conduct a national assessment of the number of children throughout America who require bilingual instruction, with a mandate to report back to the Congress no later than July 1, 1977, on the target population, the number of teachers needed, and the costs that would be entailed in a 5-year plan to provide bilingual education, including adult education and vocational training, to all Americans whose educational or occupational advancement is hindered by deficiency in the English language.

Mr. Speaker, the implementation of these new provisions could and should be the long overdue catalyst in advancing us toward the goal of providing equal educational and occupational opportunity for an ignored segment of our heterogeneous population. Our difficulty continues to lie in obtaining adequate appropriations to reflect the authorization levels and the true national need for bilingual/bicultural education. I hope that the title VII amendments in H.R. 69 will become law and provide some stimulus toward sensitizing more Members of this Congress to the justification for vastly expanded Federal bilingual programs.

I cannot overlook the fact, Mr. Speaker, that there are provisions in this conference report with which I disagree. I deeply regret the cutback of title I funds for New York which my colleagues and I fought so strenuously in previous debate on the new formula. I continue to believe that busing restrictions have no place in an education bill, and I deplore the inability of this body to place its priorities on the quality of education for the children of this country rather than on negative aspects that reflect the fears and hostility of their constituents.

Nevertheless, I believe that on balance this conference report should be approved. The bilingual education amendments are a strong element in my support for the bill, and other excellent provisions such as a community schools program, expanded provisions for education of the handicapped, a broadened national reading improvement commitment, and other features merit the passage of H.R. 69. In addition, school systems around the country desperately need to know what programs and funds will be authorized for the approaching school year, and I urge the passage of the conference report forthwith in the interest of maximum use of our resources

for the educational advancement of the children of America.

Mr. PERKINS. Mr. Speaker, I yield the remaining time to the distinguished gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Speaker, Members of the House, I rise in support of the conference report. I think perhaps the gentleman from Oregon (Mr. DELLENBACK) stated the situation accurately when he described this as such a complex and all-encompassing bill that it would be difficult to find any one member that agreed with every aspect of it. But on balance it is a very substantial improvement in not only the programs that it amends, but in the new ones which it commences.

But, Mr. Speaker, it is disconcerting, to say the least, to have worked for well over a year with a bill as comprehensive as this and a bill which deals with the advances in education that this one does and to have a portion of that bill, indeed only a fraction of the entire bill, that portion dealing with busing, dominate the debate. The controversy over busing rages as if busing were the only thing in the entire bill. The fact is, it is but a minor fraction of a bill that deals with elementary and secondary education, impact aid, adult education, Indian education, handicapped, bilingual education, vocational education, community education and many other improvements.

Others will address various aspects of the bill. I would like to apply my time specifically to adult education, Indian education and certain aspects of impact aid.

ADULT EDUCATION

There is little controversy over the need for a vigorous and expanding adult education program in this Nation. Nearly one-third of the adults in the United States have less than a high school education. Whether adult education consists of GED—high school equivalency—or basic education, adult education enlarges and enhances the opportunity for the individuals and for this society.

The adult education amendment in this conference report extends the Adult Education Act to 1978 and modernizes the present act. The bill provides for up to 20 percent of the funds to be spent for high school equivalency. This we felt brought a proper balance between the protection of the basic educational aspects and the somewhat more visible high school equivalency. One of the important changes is that we now specify the inclusion of institutionalized adults in the target population. Education and training in institutions can do more to reduce recidivism than any other thing.

While we lower the authorization, we feel it is more realistic to the appropriation history and we certainly do not wish it interpreted as any diminishment of our continuing support for adult education.

That is the important program which many Members of both parties joined me in sponsoring at the beginning of the 93d Congress and is now in the conference report. I thank all those who cosponsored and worked with it.

INDIAN EDUCATION

There are numerous sections which enhance the educational opportunities of Indian children. Certainly one of those must be bilingual education. A recent BIA survey estimates that three-quarters of the students in BIA schools need bilingual education. With the present paucity of bilingual education programs in BIA schools, we are taking young Indian children with a strong Indian cultural background and throwing them "cold turkey" into a Dick-and-Jane school setting. This is one—but a very important one—of the reasons that Indian children have dropout rates in excess of twice that of other students in American schools. In sum, the very important bilingual education program instituted by this conference bill will do a great deal for all Americans whose mother tongue is not English.

In addition, amendments to the Indian Education Act provide for increased funds for schools run by Indian controlled school boards, additional funds for professional and graduate training in law, medicine, engineering, and so forth, and also provide training for teachers of Indian students. There is provision for bilingual teacher training as well as for trained personnel in the special needs of Indian children.

IMPACT AID

Mr. Speaker, the conference bill makes many changes in the impact aid law. I must say that I must agree with most of these changes, but I want to direct my attention especially to the equalization provisions. The present law provides that a State may not count impact aid in equalization formulas. This has acted as a deterrent to State equalization efforts—an impediment most of us dislike. But, conversely, we did not want to see impact aid funds absorbed into total State needs without respect to the special needs of impacted districts. The provisions of the bill provide a formula which would allow impact funds to be, in effect, treated as local resources. This carries out the concept that impact aid is to compensate for withdrawal of tax base, but at the same time shall not deter a State which is really trying to create a realistic equalization formula.

The bill provides that "a state may consider as local resources funds received under this title only in proportion to the share that local revenues covered under a State equalization program are of total local revenues." That means that the funds which a State can use in its equalization formula are really a mirror of the State's efforts to adopt a realistic equalization formula. In States with high equalization formulas, those States would be entitled to count considerably more than those States which have equalization formulas but which do not really equalize at a very high level.

I have prepared an illustration of the effect of this provision on a district in a State with a high level of equalization and on a district in a State with a low level of equalization.

In addition to requiring the Commissioner's approval of State equalization formulas before the provisions of the bill become effective, the bill also provides that affected local educational agencies have an opportunity for a hearing prior to the adoption of any formula which would affect a reduction of impact aid funds in that district.

There are many other portions of this conference report which I consider to be extremely important but time does not permit a full discussion of them.

In sum, Mr. Speaker, this is a landmark education bill which will improve educational opportunity for all Americans. I urge its support.

Mr. QUIE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to point out to this body that we ought to get away from percentages. The formula was bad before. This is the wisest formula we can provide. Proof of it is that the Senate did adopt the House formula on title I.

I know there are those Members who wish we had a stronger reopening clause, but those Members who feel there ought to be stronger antibusing language should bear in mind that this is the strongest antibusing language that has ever been enacted, even though I do not like that.

Last, I would say that I have now been told by the Under Secretary of HEW, Mr. Carlucci, that the Department of Health, Education, and Welfare supports this legislation.

Mr. Speaker, I now yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, I believe the distinguished gentleman from Minnesota will agree with me that if we went back to conference, we would never be able to get or to obtain any stronger antibusing provisions than we now have in this bill. Am I correct?

Mr. QUIE. Mr. Speaker, the gentleman is absolutely correct.

Mr. PERKINS. And it would only be doing harm to every local school district in this Nation if we defeated this conference report. The schools would just be deteriorating, not having the funds they need to carry out the educational process.

Mr. BINGHAM. Mr. Speaker, I rise in support of the conference report on H.R. 69, the education amendments of 1974. This legislation authorizes the continuance of vital education programs, and provides the basis for the implementation of progressive new programs essential to a successful learning experience. The generous increased allocation for fiscal year 1975 for the Education of the Handicapped Act, for example, while still not sufficient to provide viable educational opportunities to all of our seven million handicapped youngsters, will be welcomed by educators across the country who are straining to reach each handicapped child and respond to his unique needs. So, too, is the expansion of the bilingual education programs, which to date have been negligently underfinanced and consequently underutilized. In addition to increased authorization for bilingual education, H.R. 69 provides no less than 100 fellowships in the field of training teachers in bilingual education in fiscal year 1975, and establishes an Office of Bilingual

Education in the Office of Education. H.R. 69 also declares it to be the sense of Congress that museums be considered educational institutions and that the cost of their educational services be more frequently borne by the educational agencies and institutions benefiting from those services. I agree that the Federal Government should assume a more positive role in aiding museums to expand their influence in the field of education.

There is one section of H.R. 69 which is of special interest to me, and that is section 825, the safe schools study. Originally introduced by Congressman BELL and myself as separate legislation, this provision would require the Department of Health, Education, and Welfare to conduct a full and complete study of the problem of crime in our Nation's schools, and evaluate the most practicable and effective solutions. The study would measure the cost of crime in our schools, and the real and potential effectiveness of methods schools can use, or are already using, to combat it. I first introduced safe schools legislation 3 years ago when it became apparent that the incidence of vandalism, personal assault, arson, theft and other related crimes were eroding the very foundations of our school systems. I recommended this study only when it became clear that an operational program such as I had first suggested would not be approved by the Congress at this session. It is my hope that the safe schools study will bring to light the serious extent and nature of school crime, and will help to develop effective solutions and restore peace to our troubled schools.

Although H.R. 69 contains commendable advances in the development of this Nation's educational system, the legislation takes some unfortunate steps backward. My initial objection lies in the formula change for the distribution of title I funds to educationally disadvantaged students. This revision will deprive children in New York State of $50 million in title I revenue. The reallocation of title I moneys to the rural areas of this country will shatter the hopes of millions of city youngsters who once held dreams of escaping the education deprivation/economic deprivation cycle. Those hopes will be frustrated because the opportunity for those ghetto children to compete and achieve on equal terms with their peers will be severely limited. I have argued long and hard against this formula change, and again wish to place on record my vehement opposition to the new formula.

The conference agreement to include public housing children in the appropriations for impact aid is a commendable and appreciated effort to restore some of the severely needed title I funds that will be lost by urban school districts. This funding, although only a drop in the bucket, would increase the share of impact aid for which New York would be eligible—the State currently receives only 3 percent of all impact aid moneys—and would thus provide for a more equitable regional distribution of ESEA moneys.

The restoration of parts B and C of title I—incentive grants, and special grants for high concentrations of low income families, respectively—is a most welcome compromise with the Senate. Although the gain that New York would realize from this restoration would be only a fraction of what they will lose as a result of the title I change, it will help to fill the expected void in educational funding. I must again express disappointment in H.R. 69 at this point, however, for part C of title I is a separate line item. This could all too easily result in a lost battle for appropriations for this vitally needed money.

With respect to the provisions relating to busing, I think the conferees are to be commended for working out a compromise which, while unfortunate in some respects, is far superior to the language of the original House bill.

Overall H.R. 69 is a positive piece of legislation, and I urge its acceptance by this body.

Mr. LEHMAN. Mr. Speaker, I rise in support of the conference report on H.R. 69, the Elementary and Secondary Education Act amendments.

Mr. Speaker, the members of the Education and Labor Committee, and those of us on the conference committee, worked long and hard on this legislation over the past year and a half. It is the result of many hours of balancing the interests of our big city schools and our rural areas, between wealthy and poorer States, and between the House and the Senate. There is no doubt that this bill is truly land mark legislation.

In addition to modifying the title I formula, the bill includes an expanded assistance program for the education of the handicapped, a new reading program, education for the gifted and talented, impact aid, community education, women's educational equity, bilingual education—an entire host of educational programs. With local school districts and the States faced with a tight money situation, it is imperative that this conference report be approved today so that these new programs may be begun, and existing programs be carried on without disruption. Education is a continuing process which demands planning in order to be successful. Chaos in funding will reduce our educational programs to ruin.

It would be unconscionable for this body to reject this bill because of a mistaken belief that the conference report is "weak" on busing. I would like to point out to the Members of this House that first, the conference report retains the Ashbrook amendment, which prohibits the use of Federal funds for busing.

Second, the conference report permits court orders requiring busing to be terminated if the judge finds that the school district is in conformity with the Constitution, and the judge believes that the school district will remain in conformity.

Third, the conference report retains language from both the House and Senate bills restricting busing to the next nearest school.

Fourth, it retains language which permits local school districts, parents and guardians to move to intervene in a suit if there is reason to believe that a desegregation plan would be harmful to the children's health or educational process.

Fifth, the conferees adopted four amendments which had been accepted on the Senate floor: First, a court order requiring busing cannot take effect until the beginning of the school year; second, before a court order may be handed down, the school district must be given a reasonable opportunity to formulate its own desegregation plan; third, desegregation plans required by court order may not ignore school district lines; and fourth, busing can not be included as a remedy unless the court finds that all other remedies are inadequate.

The conference report does adopt a provision of the Senate bill stating that nothing in the act is meant to diminish the authority of the Federal courts under the Constitution. I believe that this provision means that the Federal courts will have an opportunity to review the constitutionality of these provisions. Federal courts, however, have this power already, which may not be limited by law.

Mr. Speaker, under unanimous consent I shall include at the conclusion of my remarks a chart I had prepared for the benefit of my colleagues for Florida, indicating the increases in allocations by county under this conference report.

Summary of increased allocations under conference report on H.R. 69 for title I, compared to last year's allocation

County:	Percent change
Alachua	+117
Baker	+84
Bay	+133
Bradford	+170
Brevard	+104
Broward	+101
Calhoun	+43
Charlotte	+128
Citrus	+205
Clay	+111
Collier	+168
Columbia	+85
Dade	+83
De Soto	+95
Dixie	+61
Duval	+99
Escambia	+125
Flagler	+64
Franklin	+144
Gadsden	+85
Gilchrist	+32
Glades	+56
Gulf	+126
Hamilton	+81
Hardee	+162
Henry	+155
Hernando	+163
Highlands	+251
Hillsborough	+125
Holmes	−14
Indian River	+174
Jackson	+38
Jefferson	+58
Lafayette	+89
Lake	+123
Lee	+115
Leon	+133
Madison	+45
Manatee	+138
Marion	+122
Martin	+115
Monroe	+108
Nassau	+74
Okaloosa	+112
Okeechobee	+249
Orange	+116
Osceola	+168

Summary of increased allocations under conference report on H.R. 69 for title I, compared to last year's allocation—Cont.

	Percent change
Palm Beach	+105
Pasco	+169
Pinellas	+99
Polk	+166
Putnam	+149
St. Johns	+124
St. Lucie	+108
Santa Rosa	+135
Sarasota	+149
Seminole	+79
Sumter	+118
Suwannee	+92
Taylor	+108
Union	+76
Volusia	+124
Wakulla	+127
Walton	+45
Washington	+92
State total	+107

Mr. THONE. Mr. Speaker, this is a good bill because elementary and secondary students, as well as adults all over the country, will benefit from the programs contained in H.R. 69. Education cannot be stagnant and by being forced to live under another continuing resolution education will not have a chance to keep up with today's problems and hopes.

Mrs. SCHROEDER. Mr. Speaker, I wish to express my support for the conference report on H.R. 69. This legislation contains authorizations for virtually every program of Federal assistance to elementary and secondary education. It is a solid bill, representing countless hours of substantive work by the Education Committees of both the House and the Senate. The programs it authorizes play a major role in the educational life of our Nation. Further delay, as I am sure my colleagues have been told by their State and local government officials and school administrators, will present almost insurmountable planning difficulties to those who have been forced for too long to labor under the uncertainty of continuing resolutions.

I would like to discuss just a few of the key areas where H.R. 69 strengthens current Federal educational efforts.

There is a long needed revision of the title I formula for aid to educationally disadvantaged children. This compensatory education program is the heart of the original Elementary and Secondary Education Act and constitutes the bulk of Federal education funds available to the States. For too long the money has been maldistributed, based on an outdated census and on an outmoded formula. The more equitable formula found in H.R. 69 is strengthened by the inclusion of a special incentive fund, which rewards those States who spend from their own resources above the national average to finance elementary and secondary education.

For the first time there will be required funding for category C impact aid children, those living in federally subsidized public housing. Certainly schools which are impacted with large numbers of these children have a greater need, and the special needs of these children are recognized in the requirement that this impact aid money be spent for compensatory programs and projects.

I am especially pleased that the bill replaces the current title VII with a greatly expanded and improved bilingual education program which includes: Increased funding for bilingual education projects on the elementary, secondary and preschool level; a bilingual vocational training program; an expanded program for the training of bilingual education teachers and other educational personnel; an in-depth research program by the National Institute of Education to develop better teaching methods and materials; a national survey of the number of children and adults with limited English speaking ability and the extent to which they are being served by Federal, State and local programs; and a strengthened independent National Advisory Council on Bilingual Education which will insure meaningful input from those most directly concerned with the implementation of the above programs.

Another vital step taken in this bill is the initiation of a major program for education for the handicapped. The bill also includes a new national reading improvement program and a consolidation provision which will simplify the paperwork and administration of the current categorical programs.

I ask my colleagues to approve the conference report so that we can get on with the task of educating our children.

Mr. MADDEN. Mr. Speaker, today, we in the House of Representatives will vote on the conference report on H.R. 69 which extends and amends the Elementary and Secondary Education Act.

It is extremely important that we adopt this conference report today. H.R. 69 reaffirms our commitment to better educational opportunities for the underprivileged in our society. The consolidation program in the bill will make it easier to obtain Federal funds for our local school districts.

Far and away the most important provision in the bill is the section providing aid for physically, mentally and emotionally handicapped children. Today only about 40 percent of the more than 7 million handicapped children in the United States receive moneys under title I. This bill will extend coverage under this program to a great percentage of the handicapped children who are not receiving special assistance.

Mr. Speaker, I urge every Member of this House to join me in providing this much needed assistance to the underprivileged and handicapped children of our society by voting for the conference report on H.R. 69.

Mr. BAUMAN. Mr. Speaker, way back on March 27 of this year, this House approved H.R. 69, to extend and amend the Elementary and Secondary Education Act. The bill passed by a margin of 380 to 26, and I was pleased to be among those voting in favor of the measure. I did so for several reasons: It provided assistance to school systems throughout my district according to a formula which will benefit the children there substantially. It contained impact aid provisions which are of critical importance to a number of school districts in the area I represent. And to top it all off, the icing on the cake was a set of antibusing provisions which offered real hope for releasing our Nation's children from the cruel burden of forced busing.

We all know the grim history of the bill following our approval of it on that day in March. The other body failed to approve language regarding busing which was identical to ours by a single vote, 46 to 47. They sent a much weaker busing "prohibition" to conference committee, and their conferees, representing those who had been part of that bare one-vote majority, consistently refused to accept the antibusing language which was so nearly approved by the other body as a whole. Three times this House voted overwhelmingly, by a 2-to-1 margin, to instruct our conferees to insist on the strong House antibusing language. But after a 2-month impasse, the conferees accepted what has been termed a "compromise" in this language.

Mr. Speaker, I would like to state now, for the RECORD, that this language is not worthy of being termed a "compromise," and that it is very little better than no antibusing language at all. The conference version of the bill before us this afternoon represents essentially the Senate version insofar as busing is concerned.

The Ashbrook amendment, which has been adopted by this House several times in recent years, would have prohibited the use of any Federal funds for busing. But the version now before us permits the use of impact aid funds for this express purpose. We cannot approve this language, and then go home and tell our constituents that we have done everything in our power to establish a Federal policy which rejects busing as a proper and viable method of treating America's schoolchildren.

The Esch amendment, adopted by this House overwhelmingly, would prohibit the busing of a child to any school other than that school closest or second closest to his home. On first glance, this provision appears to be contained in the bill now before us. But in fact, it includes an engraved invitation to the courts to ignore this provision entirely, simply by saying that the 5th or 14th amendments to the Constitution may be invoked as a reason for busing as far as the court may wish. Thus, instead of establishing a hard and fast congressional position in opposition to busing as a means of pursuing some absurd notion of mathematical racial balance in schools, we will instead be saying to the courts, "go ahead and bus to your heart's delight if your interpretation of the law differs from ours."

I think it is important to reflect for a moment on just what the Constitution says in this area. The 14th amendment states that no person shall be deprived of equal protection under the law, and in far too many cases around the country, Federal courts have ruled that a de facto situation where attendance at certain schools is heavily black or heavily white constitutes denial of this constitutionally guaranteed equal protection.

Now none of us will deny that in cases where school attendance district lines have been demonstrably drawn for the express purpose of creating schools which are predominantly black or white, the civil rights of those students are being violated. But this falls into the category known as de jure segregation, and is a completely different animal. And even here, the situation can be corrected by fairly and equitably redrawing the district boundaries to reflect neighborhood areas, not by busing these children miles from their homes.

The position of this House is clear. We have consistently voted according to a view of the Constitution which holds that efforts to consciously segregate schools on the part of localities is wrong, but that simply allowing a child to attend a school near his home does not constitute any willful effort to segregate schools, nor does it violate that child's civil rights.

In fact, to bus schoolchildren many miles from their homes simply to pursue a game of mathematical balancing is to violate the civil rights of those children, not the other way around. The very distinguished Senator from North Carolina, Mr. ERVIN, argued this point convincingly on the floor of the other body just 1 week ago. The Senator is a man widely regarded for his expertise and judgment when it comes to matters of constitutional law, and he told his fellow Senators:

When a court orders a school board to bus children solely for the purpose of integrating their bodies rather than enlightening their minds, the court orders the school board to violate the equal protection clause in two respects.

In the first place, the court states to the school board, "You must divide all the schoolchildren in this school attendance zone or district into two groups. You may let the first group attend their neighborhood schools in their school attendance zone or district, but you must deny the second group of children the right to attend their neighborhood schools in their attendance zone or district." That is an order from the court to the school board to violate the equal protection clause because it clearly orders the school board to treat in a different manner children similarly situated, in that all of them are residents of the attendance zone or district in question.

In the second place, the court orders the school board in a schoolbusing decree to violate the equal protection clause in an additional way. The court says to the school board, "The reason you have to divide these children into these two groups and must deny equal protection of the law treatment to the second group is that you must bus the second group to schools elsewhere, either to increase the number of children of their race in the schools elsewhere or to decrease the number of children of their race in their neighborhood schools."

Oceans of judicial sophistry cannot wash out the plain fact that is denying the children who are ordered to be bused the right to attend certain schools solely on account of their race, and that is exactly what the Supreme Court held in Brown against Board of Education of Topeka to be unconstitutional.

Mr. Speaker, I have quoted extensively from the Senator from North Carolina's remarks because they express so well the truly relevant constitutional considerations to which I believe most of us subscribe.

By adopting the conference bill before us this afternoon we will be turning our backs on this position, and will instead be inviting the courts to go on ruling as they have so often in direct contravention to the interpretation so well articulated by Senator ERVIN. I, for one, cannot condone such a move.

Finally, the conference committee deleted a set of provisions now commonly known as the reopening clause. The House had adopted language which directed the courts to reopen cases where busing had already been ordered, and review those cases in light of these newly enacted laws regarding busing. The Senate replaced the word "shall" with the word "may," an alteration which renders the provision meaningless. The courts "may" already reopen such cases if they wish. The House language would direct them to do so, and would establish a uniform policy regarding busing and the courts throughout the Nation. But the language before us here this afternoon will merely say, "For those of you who have not yet come under a court order to bus, here is some relief. For those of you who have already been ordered to bus, tough luck."

Clearly, the antibusing language in the bill before us here today bears little resemblance to the strong provisions we adopted back in March.

Thus, while I continue to strongly support many of the other provisions of H.R. 69, I am going to vote "no" on final passage of the conference report. I do so in the knowledge that a bill will quickly be resubmitted, and that in the near future our school districts will benefit from the many aid provisions contained in this act. But I believe we must show the other body that we are not willing to give in on the drive to curb forced busing, and that we do not consider an arrangement in which we give the other body 90 percent of what it wants in this area a compromise. I urge the Members to vote down this bill, in order that we may move quickly to adopt a more acceptable measure in accordance with the wishes of the American people.

Mr. JOHNSON of California. Mr. Speaker, the House has received the conference report on H.R. 69 and today will vote on this important educational funding measure as agreed to by the conferees. The committee has worked diligently and deserves praise for the many forward-looking provisions they have included.

I rise to question the committee's action on impact aid to public schools: Public Law 81–874. This program, signed into law by President Truman, was designed to assist local school districts encompassing Federal installations so that they would not suffer financial losses. This administration has attempted to phase out impact aid, yet the fact remains that this program is the closest thing to revenue sharing and block grants to come before this Congress.

States like California with 46 percent of its land federally owned and my own Second Congressional District with over 50 percent Federal lands stand to lose a great deal of Federal financial support for our already money-troubled schools. Where will these school people go to absorb losses? California law recently enacted severely restricts the ability of local education agencies to increase their property tax rates, and the State has not demonstrated its willingness to increase State support to even keep pace with inflation.

Of particular concern to schools in my district are the changes agreed to in the civilian 3B categories. While the Second Congressional District of California had 3,235 ADA in fiscal year 1974 from military-connected families, there were 6,362 students in daily attendance from civilian families who worked on federally connected projects. Certainly, these rural and suburban districts can ill afford to lose between 10 and 20 percent of the Public Law 874 funds next year or any other.

Mr. Speaker, accordingly I would like to call to the attention of my colleagues the serious impact which the bill before us will have in connection with the impact aid program. I intend to support the legislation because it is an omnibus bill with a great deal of merit and value to not only the Second Congressional District of California, but to all of California and the Nation, but I do express the clear hope that ultimately a more adequate program of impacted aid under the provisions of Public Law 81–874 and Public Law 81–815 can be enacted by this Congress.

Mr. PODELL. Mr. Speaker, the Supreme Court recently issued a decision concerning the busing of schoolchildren. The Court ruled that children could not be bused across city lines in order to desegregate schools. The only time this would be permissible is in the case where the district lines had been drawn solely on the basis of race and, therefore, is unconstitutional. This decision is an attempt to solidify the neighborhood school system and by doing so, strengthen it by dealing with its problems in fuller detail than in the past.

In the education bill before us, there are provisions that adhere to and embrace the Supreme Court decision. These set forth the decree that children can not be bused to a school that is farther than the second closest to their homes. By doing this, the children would once again be in a neighborhood school environment, which is sound and productive. The provisions, of course, take into account constitutional and civil rights; however it makes clear that busing schoolchildren is not a productive solution to the problems that are facing a fair and sound education for all.

For many years I have opposed the busing of schoolchildren. I feel that it is more than an inconvience, it is potentially dangerous to the well being of the children; and is unproductive. The answer to the problems lies not in busing but in upgrading the educational facilities and providing an avenue of special training for those children who are in need of it; including such areas as reading disabilities, language problems, Spanish and Italian speaking teachers to help those children who have a problem with English. These are of course, but a few areas of need.

Many people, not only in my district, but throughout the country, choose their homes for their proximity to a school for their children. These people should have the right to be able to have their children attend school as close to home as possible. The neighborhood school creates less stress on a child and the parents. This harmony should not be upset, unless it is absolutely necessary; which it is not, as the Supreme Court has pointed out.

The busing of schoolchildren does not guarantee better education. In fact, there are no conclusive studies that suggests it does. Our experience with this question, has, I believe, shown us that busing is not a viable or productive alternative. It cannot and does not deal with the root of the problem of better education. Better education for all can only be achieved by supplying the needs in each school. It cannot be achieved by skirting the issue and moving people around and juggling them as if they were pieces on a chessboard. I support this education bill and urge by colleagues to do the same.

Mr. HANRAHAN. Mr. Speaker, I wish to express my support of H.R. 69, the Elementary and Secondary Education Amendments of 1974. This bill extends the many excellent provisions such as adult, bilingual, and Indian education programs through 1978, thus giving a necessary sense of certainty to the future of these programs. I also commend the extension through 1977 of the Education of the Handicapped Act, and the extension through 1976 of the Emergency School Aid Act.

However, I must express my continued and vehement opposition to the busing provisions contained in this bill. I have always opposed any attempts at the forced busing of schoolchildren, but I feel that the many outstanding features of the rest of the bill outweigh the negative provisions on busing. I am, therefore, compelled to vote in favor of H.R. 69.

Despite my strong opposition to forced busing, I feel the conferees have reached a tolerable compromise on this much-disputed issue. This report would not allow a child to be bused farther than the next closest school, except in extreme cases. If we must have busing, this, at least is a livable alternative to the problem of disrupting a child's life by transporting him miles from his home.

We must always keep uppermost in our considerations the welfare of the children involved. Therefore, I certainly applaud the provision which states that if a child is to be bused, the parents must be notified by the beginning of the school year. It is most important that a child have a sense of security and permanence during the formative years. It is unsettling for a child to be separated from a familiar teacher and friends in the middle of a school year.

Also to be commended is the provision of the Special Projects Act which calls for new and much needed programs, including women's educational equity, career education, consumer education, and many more.

I am also happy to see a provision which withholds funds from institutions which deny parents the right to inspect their children's files, and gives parents the right to a hearing to contest school records. We cannot stand by and allow capricious and arbitrary grading and disciplinary policies. In this highly competitive age, parents and children should have the right to question records which can seriously affect their futures.

Similarly, I commend the provision which denies funds to schools which release records, without parental consent, to other than educational officials. Such a policy is a blatant violation of the individual's right to privacy. I urge all of my colleagues to join with me in support of this conference report.

Mr. MIZELL. Mr. Speaker, I urge the House of Representatives to vote against the adoption of this conference report because of the language in title II dealing with the issue of forced busing.

Time and time again this body has voted to halt the forced busing of our schoolchildren. In three specific instances, we have instructed, by overwhelming votes, our conferees to insist on the strong antibusing langauage of the Esch amendment.

The House-passed language would prohibit forced busing of any student beyond the next nearest school. The House version would also require existing court-ordered busing cases to be reopened.

The report, as my colleagues know, does not contain this language. I urge its rejection, and I also urge the Congress to act on my constitutional amendment which will once and for all end forced busing.

Mr. MATHIAS of California. Mr. Speaker, I rise in support of the Education Amendments of 1974. The passage of this bill is important to me as a strong supporter of education legislation; and it is equally important to the many, many migrant, bilingual, and low-income children of my district.

One of the most apparent drawbacks of an agricultural area has been the lack of proper education provided the children of migrant farmworkers. Because the work of migrants requires several changes of residence in the course of a year, the provision authorizing the use of the migrant student record transfer system will make it easier for the children to enroll in the schools of the school district into which their families have moved. This system should act as an inducement to the children to resume their education following a move, because it will virtually eliminate the hassle of having to wait for school records to be forwarded from the school previously attended.

An area of concern to the 113,000 Spanish surname residents of my district is that of bilingual education. H.R. 69 authorizes increased funding for the development of bilingual education programs. In order to motivate the children of non-English-speaking families to further their education, it is necessary for bilingual programs to be improved. If we fail to improve these programs, we will only be encouraging an increase in unemployment and an increase in the welfare rolls.

Unfortunately, the children of the 18,000 families in my district who earn less than $5,000 a year endure the brunt of their family's misfortune. If low-income children are not afforded incentives to further their education, we can safely assume that they will become menial laborers or welfare cases when they reach adulthood. Therefore, I believe the special grants provisions to be a worthy section of ESEA. It will help provide the necessary incentive to the children of low-income families.

To a degree, these three areas are interrelated in my district. I have in the past, as I do now, supported measures which will minimize the educational disadvantages of these students. I am encouraged by the estimates of increased title I funding for my district, and confident that under the scrutinous supervision of the State of California, and local agencies, we will be able to correct these problem areas.

Mrs. HOLT. Mr. Speaker, the liberal majority of the U.S. Senate has shown callous indifference to the will of the people by destroying the House amendments against forced busing for racial balance in the schools. The provisions on busing that emerge today from the House-Senate conference committee are so weak as to be nearly worthless, because the Federal courts are expressly invited to continue imposing racial quotas requiring mass busing.

On three different occasions, the House instructed its conferees to insist on the strong antibusing amendments which the House attached to the Elementary and Secondary Education Act. But our conferees weakened when confronted with the liberal pressure from the Senate, and they have returned with a report that is extremely distasteful.

Mr. Speaker, none of us wants to kill legislation that provides funding authority for many worthwhile education programs. I am particularly interested in the program sponsored by Senator J. GLENN BEALL, JR., of Maryland, to concentrate on developing reading skills in our children. However, it is equally important that we stop the tyranny of forced, mass busing that has disrupted education in school districts across the land. We must protect the neighborhood school as the best institution for the education of our children.

Let us send this conference report back to the Senate with instructions to accept the strong antibusing amendments originally adopted by the House. If the Senate kills this legislation by refusing to accept the House provisions against forced busing, then the Senate must answer to the public for its irresponsibility. The quality of education in school systems throughout this country has been damaged by mass busing plans ordered by Federal courts and bureaucrats of the Department of Health, Education, and Welfare.

In Maryland, Prince Georges County is forced to bus more than 20,000 students away from their neighborhood schools for racial balancing of enrollment in every school.

Anne Arundel County and other counties are under increasing pressure to abandon neighborhood schools for the

social experimentation of racial balancing.

Baltimore City is in a condition verging on civil crisis because Federal bureaucrats backed by court order are forcing mass transfers of students for racial balance.

Every poll I have seen shows that at least 80 percent of the American people, including the people of my Fourth Congressional District, are against forced busing for racial balance. Yet, the Senate has continued to substitute its judgment for that of the people, making a mockery of the concept of representative government.

Mr. Speaker, it is time for the House to instruct the Senate in the meaning of representative government.

Mr. HOGAN. Mr. Speaker, I rise to express my strong opposition to two major provisions of the conference report on H.R. 69, the Elementary and Secondary Education Act Amendments of 1974.

The first of these provisions has to do with the forced busing of schoolchildren for the purpose of achieving racial balance.

The House of Representatives adopted by an overwhelming margin some very strong antibusing language when this bill was considered last spring. That language established a national policy that the neighborhood school principle was to be adhered to as faithfully as possible.

We provided seven means of desegregation which were to be exhausted before busing was even to be considered as a remedy, and even then, busing was proscribed beyond the next nearest school.

That was good language, strong language, effective language. This House thought so much of that language that on three separate occasions, we voted to instruct our conferees that our language be retained in the final conference report. The votes on those motions were 270 to 103 on June 5, 281 to 128 on June 27, and 261 to 122 on July 22.

There is no way the House could have made its position clearer on this issue, and yet we find our position severely compromised, if not totally emasculated, by a provision inserted by the Senate and acceded to by our thrice-instructed conferees.

That provision states that if all of these remedies, including busing to the next nearest school, fail in a court's opinion to guarantee the constitutional right of equal protection to our schoolchildren, then much more extensive busing will be permissible.

The Supreme Court last week ruled against busing across school district lines in the Detroit case, but apparently any amount of forced busing within a school district—no matter how great the distance—will continue to be permissible.

This is clearly not what the House intended, and it is a bitter pill for us to swallow, especially when we went to such great lengths to insist on our position.

Furthermore, the original House version included a "reopener" clause to allow school districts now under court busing orders to reopen their cases in an effort to find a means short of forced busing to comply with this bill's new desegregation standards.

That clause is nowhere to be found in this conference report, which means that school districts like the one in Prince Georges County, Md., will get no relief from the heavy administrative, transportation and social costs that massive busing involves.

To require these school districts already under court orders to continue extensive busing programs, and then allow other school districts with similar desegration problems to remedy them in less drastic and expensive ways is patently unfair, and this conference report is seriously deficient and quite hypocritical in this regard.

The second provision with which I take issue is that involving impacted aid for school systems with heavy concentrations of Federal employees' children.

When we passed this impact aid section last March 27, we did so by an overwhelming margin of 276 to 129, and that solid victory for extension of impact aid programs through 1977 was well deserved.

The Committee on Education and Labor had recommended phasing out the impact-aid programs at the end of fiscal 1975, despite the fact that other programs under ESEA were granted an extension to 1977. The basic unfairness of this proposal was obvious to a sizable majority of the House membership, and rightly so.

The basis for the committee's opposition to a longer extension for impact aid was a belief that these programs were providing unfair advantages for some school systems that were not afforded to other school systems, and that the impact aid program itself might be outmoded.

But the committee called for further study of these allegations to determine what the future of impact aid should be, and 1 year is simply not enough time to conduct the extensive and definitive study that should be made.

The House rectified this situation in March, with an amendment offered by my distinguished colleague from Hawaii (Mrs. MINK).

But that language does not appear in the conference report before us today, and this is a second very serious deficiency.

Still, the conference report does not include programs that merit the enthusiastic support of the House. Programs for adult education, reading improvements, payments for certain veterans' instruction, education of the handicapped and the disadvantaged, and other worthwhile provisions compel me to support this conference report, even over my strong objection to the two sections mentioned earlier.

Education is probably the most important resource we have in this country, and it is incumbent upon this House and this Congress to provide the measure of Federal assistance required to insure its success and its continuing improvement.

This legislation in its present form is far from ideal, but it is apparently the best we shall have in this Congress, and I urge its passage.

Mr. ANNUNZIO. Mr. Speaker, I rise in opposition to the conference report on H.R. 69, the Education Amendments of 1974.

On March 26, 1974, by a vote of 293 to 112, the House of Representatives adopted an amendment to this bill to ban the busing of schoolchildren except to the schools closest, or next closest, to their homes. The amendment also contained a "reopener" provision which would allow courts to reopen cases in which school districts are already busing in order to assure that desegregation plans are in compliance with the limitations imposed by this amendment.

In spite of this explicit amendment, House conferees ignored the will of the House and dropped completely the "reopener" provision. In addition to that, the conferees diluted the remaining language of the amendment to such that the courts are practically invited to nullify or ignore it.

I am disappointed with the action of the House conferees, because the House position against forced busing did not prevail, despite the fact that the conferees were instructed by the House on three separate occasions not to knuckle under the provisions of the Senate. Since the House conferees failed to uphold the House position, the issue of forced busing has not been resolved, and the view of the American people against forced busing has not prevailed in this conference report.

I would like to call the attention of my colleagues to an article that appeared on July 24 in the Christian Science Monitor entitled "Congress Conferees Sidestep Busing Issue." This article accurately analyzes the empty compromise over busing reached by the Conferees—a compromise which gives the appearance of prohibiting forced busing, but which in reality does not prohibit forced busing, and instead leaves the "basic controversy unresolved." The article follows:

CONGRESS CONFEREES SIDESTEP BUSING ISSUE: ALTHOUGH SENATE-HOUSE GROUPS AGREE, WORDING OF BILL LEAVES IT UP TO THE COURTS

(By Robert P. Hey)

WASHINGTON.—An inside look into the sought-after congressional compromise over busing shows that the basic controversy remains unresolved. Still at issue: Is busing required to protect the constitutional rights of black children?

If the courts continue to hold that it is, as they have in the past, then the Senate conferees appear once again to have gotten their House counterparts to accept an agreement that appears to be against busing but really would not prohibit it.

The compromise says essentially that courts cannot require that children be bused farther than the second-nearest school to their homes—except when the courts hold that such busing is necessary to protect the constitutional rights of black children.

This important exception was proposed by Senate conferees. Senate sources who insist

on anonymity admit that the purpose of this exception was to nullify completely the staunch anti-busing legislation proposed by the House conferees.

There's an additional reason for uncertainty over busing. For the past month those deeply involved in the busing issue have awaited the Supreme Court's pending decision or whether courts legally may require that children from one local school district be bused into another district. No one here is certain when this decision will come.

Sources here declare that this cross-district busing will be required if inner-city schools are to integrate, in those large cities now turning 50 percent or more black—Atlanta, Washington, and so on.

If the Supreme Court should reject court-ordered cross-district busing, sources here hold, it would not long be possible for such large cities to integrate their schools via busing or any other means.

At stake are the futures of hundreds of thousands of American schoolchildren. If the high court does not issue its ruling in a very few weeks, sources here say, it would not be possible for large-city school districts to integrate with nearby suburbs via busing until the middle of the coming school year, at the earliest.

SOURCE OF CONTROVERSY

In their meetings over the past month, congressional conferees nominally were working on the federal government's major bill authorizing aid to elementary and secondary education—$25 billion over four years. But the real controversy lay over the busing question.

Three times House members had instructed their conferees not to abandon the tought anti-busing measures passed by the House. The most recent such vote was July 21, by a 2-to-1 margin.

In this stance the House reflects the nation's general antibusing stance. For instance, last September a Gallup poll reported only 5 percent of persons surveyed picked busing as the best way to integrate schools. At the same time only 18 percent of Americans, according to the poll, opposed public-school integration.

For many Senate conferees, who find busing more acceptable, the question became: How can we include wording which will negate the antibusing provisions? They hit on the idea of an exception for busing to assure constitutional rights of black children, and House conferees bought it.

FREE REIN

In the view of one such Senate source, this gives the courts "free rein" to order busing and renders the busing prohibition meaningless. He notes that in the late 1960's the Supreme Court in a landmark busing case unanimously upheld court-ordered busing and said one reason it can be court-ordered is to protect the rights of black Americans guaranteed by the Constitution.

I am also deeply concerned by the failure of the conferees to adopt language in title III of the bill guaranteeing the rights of parents and students not to participate in behavior modification and sensitivity training programs. Many of these programs are of dubious and unproven value and I feel that parents should at least have the right to object in writing if they do not wish their children to participate.

It is deplorable that even this mild provision was completely eliminated by the conferees.

I, therefore, call upon my colleagues to reject this so-called compromise bill, send it back to the conference committee, and insist on these House-passed sections of the legislation, which so obviously reflect the will of the American people on these issues.

Mr. DON H. CLAUSEN. Mr. Speaker, the conference report on H.R. 69 is, with some exceptions essentially the bill the House passed in March. At that time, I spoke at length on the need for this legislation. I would like to take this opportunity to comment briefly on some of the issues affected by the measure.

Particularly important is that the bill provides a new entitlement formula for assistance to the educationally disadvantaged under title I. The new formula is far more realistic and responsive to the needs of our Nation's students.

I am pleased that the conference report includes the continuation of funding for Public Law 874 until 1978, when it will begin to be phased out. This, at least, gives local school boards the ability to budget with some authority, instead of the hypothetical guesswork they have had to contend with in the past. I would like to stress, however, that this transitional period in phasing out Public Law 874, must be used to develop an alternate formula so students will not be denied a quality education just because their parents are public servants.

The conferees adopted extensive revision of the existing bilingual education programs. Bilingual education has been recognized as essential if we are to provide an equal educational opportunity for all children. The legislation allows for a national assessment of our methods and techniques and clearly outlines the importance of keeping these children in the regular classroom and involving the parents in the program.

The conferees adopted most of the House provisions regarding consolidation of several of the programs in the bill. I strongly favor this approach and hope it is indicative of the future trend toward giving greater flexibility to local administrators and teachers even in those areas where funding is provided by the Federal Government.

Finally, let me conclude by saying that we are extremely late in reaching the point we are at today. This legislation has been before the Congress far too long. If there is one area of educational funding that must be immediately improved it is the lack of timeliness on the part of the Federal Government in making its financial commitments.

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

Mr. Speaker, this afternoon I will join a majority of my colleagues in approving the conference report on the bill H.R. 69. Our action will clear this legislation for the President's signature after many months of consideration in Congress. The complex bill before us is far from perfect. I disagree with several of the compromises which were reached in conference, most particularly on the issue of school desegregation.

Yet America's schools have operated for far too long under the uncertainty of continuing resolutions. Innovative educational programs and refinements of existing programs have awaited passage of a comprehensive education bill by Congress. The legislation before us authorizes nearly $25 billion in Federal aid to education. It makes great strides toward educating the handicapped, the non-English speaking, and children of migratory workers. It provides for a new national reading improvement program to end the problem of illiteracy in our Nation. It authorizes a White House Conference on Education, to be held in 1977, which will provide a foundation for educational policymaking in the years ahead. Important existing programs, including impact aid and Indian education, are refined and strengthened by H.R. 69.

There are, to be sure, provisions in this bill which raise serious questions of policy and constitutional law. I am deeply troubled by those sections which seek to regulate the remedies which courts may order in school desegregation cases, particularly the so-called antibusing provisions.

The House has had occasion in the past to debate this issue at length. When proposals were made which would unequivocally interfere with the judicial power to formulate a remedy for unconstitutional segregation, I have consistently voted against such attempts to arrest the desegregation process. I do not join with those who would impede the pursuit of equal educational opportunities without regard to race or color.

But the antibusing provisions we have before us are of a different order. They, in effect, would direct courts to desegregate schools using devices in an order of priority, with busing as a last resort. This, of course, is the manner in which judges have operated in the past. There is nothing inherently good or bad about busing; it is a tool to correct the racially discriminatory patterns of the past. If other remedial techniques are available which will satisfy the Constitution, then busing is unnecessary.

H.R. 69 is not designed to undermine the function of the courts in adjudicating constitutional rights. Section 203(b) states without reservation that—

> The provisions of this title are not intended to modify or diminish the authority of the courts of the United States to enforce fully the fifth and fourteenth amendments to the Constitution of the United States.

That language clearly demonstrates the congressional intent to leave with the courts the final determination of what the Constitution requires.

That the judicial branch is the final arbiter of constitutional controversies has been made only too plain in recent days. Whatever lingering doubts may have been harbored by those who would assign that responsibility elsewhere were laid to rest by the decision of the Supreme Court in United States against Nixon. In that case, a unanimous Court reminded the Congress as well as the President, as John Marshall observed over 170 years ago, that—

It is emphatically the province and duty of the judicial department to say what the law is.

Thus the provisions of H.R. 69 which would, for example, restrict the use of busing, sections 215, 251, and 252; delay the implementation of desegregation orders, sections 218, 253, 258, and 259; prohibit interdistrict desegregation where the Constitution requires it, sections 216, and 257; and bar the use of Federal funds for transporting students, section 252, must be read restrictively to avoid an unconstitutional interference with the judicial function. While I deplore the inclusion of these provisions in the legislation before us, I trust that the courts will not allow them to be used in contravention of established legal precedent in the area of civil rights.

School desegregation cases have been in the courts for many years. They are not new to the judiciary. The scope of the constitutional right and remedy has been defined with some precision. We do not legislate in the area of novel doctrine. Only a few years ago the Supreme Court invalidated an antibusing law which "would inescapably operate to obstruct the remedies" constitutionally required to remove the vestiges of the dual school system based on race. (*North Carolina State Board of Education* v. *Swann*, 402 U.S. 43 (1971). It is that decision and others which compel us to include in this bill the exception set forth in section 203 (b). We could not do otherwise without being unfaithful to the Constitution.

I could support this legislation far more enthusiastically if it did not include the antibusing provisions I have discussed. Yet, I believe it would be far worse to recommit H.R. 69 and start all over again. The prospect of reverting to funding education programs through continuing resolutions for another year is a dismal one, indeed. More over, antibusing amendments could be attached to such resolutions as readily as they have been added to the legislation before us. I believe that the approval of this conference report is a necessary stop toward reaching the goal of providing an adequate education to all Americans.

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 question was taken; and the Speaker announced that he was in doubt.

Mr. QUIE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 323, nays 83, not voting 28, as follows:

[Roll No. 424]

YEAS—323

Abdnor	Badillo	Bowen
Abzug	Bafalis	Brademas
Adams	Barrett	Bray
Addabbo	Bell	Breaux
Anderson,	Bergland	Breckinridge
Calif.	Bevill	Brooks
Anderson, Ill.	Biester	Broomfield
Andrews, N.C.	Bingham	Brotzman
Andrews,	Blatnik	Brown, Calif.
N. Dak.	Boggs	Brown, Mich.
Ashley	Boland	Brown, Ohio
Aspin	Bolling	Broyhill, Va.

Buchanan	Howard	Reid
Burgener	Hudnut	Reuss
Burke, Calif.	Hungate	Rhodes
Burke, Fla.	Hunt	Riegle
Burleson, Tex.	Ichord	Rinaldo
Burlison, Mo.	Johnson, Calif.	Roberts
Burton, John	Johnson, Colo.	Robison, N.Y.
Burton, Phillip	Johnson, Pa.	Rodino
Byron	Jones, N.C.	Roe
Carney, Ohio	Jones, Okla.	Rogers
Casey, Tex.	Jordan	Roncalio, Wyo.
Cederberg	Karth	Roncallo, N.Y.
Chamberlain	Kastenmeier	Rooney, Pa.
Chappell	Kazen	Rose
Clark	Kemp	Rosenthal
Clausen,	Ketchum	Roush
Don H.	King	Roy
Cleveland	Kluczynski	Roybal
Cohen	Koch	Runnels
Collins, Ill.	Kyros	Ruppe
Conable	Lagomarsino	Ryan
Corman	Leggett	St Germain
Cotter	Lehman	Sarasin
Coughlin	Lent	Sarbanes
Cronin	Litton	Scherle
Daniels,	Long, La.	Schneebeli
Dominick V.	Long, Md.	Schroeder
Danielson	Lujan	Sebelius
Davis, S.C.	Luken	Seiberling
Davis, Wis.	McClory	Shipley
Delaney	McCloskey	Shoup
Dellenback	McCollister	Shriver
Denholm	McCormack	Sikes
Dennis	McDade	Sisk
Dent	McEwen	Skubitz
Derwinski	McFall	Slack
Dickinson	McKay	Smith, Iowa
Donohue	McKinney	Smith, N.Y.
Dorn	Macdonald	Staggers
Drinan	Madden	Stanton,
Dulski	Madigan	J. William
Duncan	Mallary	Stanton,
du Pont	Mann	James V.
Eckhardt	Maraziti	Stark
Edwards, Ala.	Mathias, Calif.	Steele
Edwards, Calif.	Matsunaga	Steiger, Wis.
Erlenborn	Mayne	Stephens
Eshleman	Mazzoli	Stokes
Evans, Colo.	Meeds	Stratton
Fascell	Melcher	Studds
Findley	Metcalfe	Sullivan
Fish	Mezvinsky	Symington
Fisher	Michel	Talcott
Flood	Milford	Taylor, Mo.
Flowers	Miller	Taylor, N.C.
Foley	Mills	Thompson, N.J.
Forsythe	Minish	Thomson, Wis.
Fountain	Mink	Thone
Fraser	Minshall, Ohio	Thornton
Frelinghuysen	Mitchell, Md.	Towell, Nev.
Frenzel	Mitchell, N.Y.	Traxler
Frey	Mollohan	Udall
Froehlich	Moorhead,	Ullman
Fuqua	Calif.	Van Deerlin
Gaydos	Moorhead, Pa.	Vander Jagt
Giaimo	Morgan	Vanik
Gibbons	Mosher	Veysey
Gilman	Moss	Vigorito
Goldwater	Murphy, Ill.	Waldie
Gonzalez	Murphy, N.Y.	Walsh
Grasso	Murtha	Whalen
Gray	Myers	White
Green, Pa.	Natcher	Widnall
Grover	Nelsen	Wiggins
Gubser	Nichols	Williams
Gude	Nix	Wilson, Bob
Guyer	Obey	Wilson,
Haley	O'Brien	Charles H.,
Hamilton	Owens	Calif.
Hammer-	Parris	Wilson,
schmidt	Patten	Charles, Tex.
Hanley	Pepper	Winn
Hanrahan	Perkins	Wolff
Harrington	Pettis	Wright
Harsha	Peyser	Wyatt
Hastings	Pickle	Wydler
Hawkins	Pike	Wylie
Hays	Podell	Wyman
Hechler, W. Va.	Powell, Ohio	Yates
Heckler, Mass.	Preyer	Yatron
Heinz	Price, Ill.	Young, Alaska
Helstoski	Price, Tex.	Young, Fla.
Henderson	Pritchard	Young, Ga.
Hicks	Quie	Young, Ill.
Hillis	Quillen	Young, Tex.
Hinshaw	Railsback	Zablocki
Hogan	Randall	Zion
Holtzman	Rangel	Zwach
Horton	Rees	
Hosmer	Regula	

NAYS—83

Alexander	Armstrong	Bauman
Annunzio	Ashbrook	Beard
Archer	Baker	Bennett

Biaggi	Fulton	Patman
Blackburn	Gettys	Poage
Brinkley	Ginn	Rarick
Broyhill, N.C.	Goodling	Robinson, Va.
Burke, Mass.	Gross	Rousselot
Butler	Hébert	Ruth
Camp	Holt	Sandman
Clancy	Huber	Satterfield
Clawson, Del	Hutchinson	Shuster
Cochran	Jarman	Snyder
Collier	Jones, Tenn.	Spence
Collins, Tex.	Kuykendall	Steed
Conlan	Landgrebe	Steelman
Conyers	Latta	Steiger, Ariz.
Crane	Lott	Stubblefield
Daniel, Dan	Mahon	Stuckey
Daniel, Robert	Martin, Nebr.	Symms
W., Jr.	Martin, N.C.	Teague
Dellums	Mathis, Ga.	Treen
Devine	Mizell	Waggonner
Dingell	Moakley	Wampler
Downing	Montgomery	Ware
Esch	Nedzi	Whitehurst
Flynt	O'Hara	Whitten
Ford	Passman	Young, S.C.

NOT VOTING—28

Arends	Diggs	Jones, Ala.
Brasco	Eilberg	Landrum
Carey, N.Y.	Evins, Tenn.	McSpadden
Carter	Green, Oreg.	O'Neill
Chisholm	Griffiths	Rooney, N.Y.
Clay	Gunter	Rostenkowski
Conte	Hanna	Tiernan
Culver	Hansen, Idaho	Vander Veen
Davis, Ga.	Hansen, Wash.	
de la Garza	Holifield	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill for, with Mr. Diggs against.

Mr. Carey of New York for, with Mr. Landrum against.

Until further notice:

Mr. Rostenkowski with Mr. Davis of Georgia.

Mr. Eilberg with Mr. Arends.

Mr. Clay with Mr. Brasco.

Mr. Rooney of New York with Mrs. Green of Oregon.

Mr. Hanna with Mrs. Hansen of Washington.

Mr. Gunter with Mr. Culver.

Mr. Jones of Alabama with Mr. Holifield.

Mr. Vender Veen with Mr. Conte.

Mrs. Chisholm with Mrs. Griffiths.

Mr. Tiernan with Mr. McSpadden.

Mr. de la Garza with Mr. Evins of Tennessee.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate (S. 2665) entitled "An act to provide for increased participation by the United States in the International Development Association," with an amendment in which concurrence of the House is requested.

REQUEST FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 570, AUTHORIZING CLERK TO MAKE CORRECTIONS IN THE ENROLLMENT OF H.R. 69

Mr. PERKINS. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 570) and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

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

Mr. BAUMAN. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

PROVIDING FOR INCREASED PARTICIPATION BY UNITED STATES IN INTERNATIONAL DEVELOPMENT ASSOCIATION

Mr. PATMAN. Mr Speaker, I ask unanimous consent to take from the Speaker's desk the Senate bill (S. 2665) to provide for increased participation by the United States in the International Development Association, with a Senate amendment to the House amendments thereto, and concur in the Senate amendment to the House amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendments, as follows:

Page 2, line 4, of the House engrossed amendment, strike out "[No rule,]" and insert: "No provision of any law in effect on the date of enactment of this Act, and no rule,".

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

There was no objection.

The Senate amendment to the House amendments was concurred in.

A motion to reconsider was laid on the table.

REQUEST FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 570, AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENROLLMENT OF H.R. 69

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 570).

The Clerk read the title of the concurrent resolution.

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

Mr. ROUSSELOT. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on H.R. 69, Education Amendments of 1974.

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

There was no objection.

PROVIDING COMPREHENSIVE, COORDINATED APPROACH TO PROBLEMS OF JUVENILE DELINQUENCY

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 821) to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 821

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 "Juvenile Justice and Delinquency Prevention Act of 1974".

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

SEC. 101. (a) Section titled "Declaration and Purpose" in title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is amended by inserting immediately after the second paragraph thereof the following new paragraph:

"Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss in human life, personal security, and wasted human resources, and (2) that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency."

(b) Such section is further amended by adding at the end thereof the following new paragraph:

"It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination of (1) develop and implement effective methods of preventing and reducing juvenile delinquency; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives, to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile justice and delinquency prevention."

DEFINITIONS

SEC. 103. Section 601 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is further amended by adding the following new subsections:

"(p) the term 'community based' facility, program, or service, as used in part F, means a small, open group or home or other suitable place located near the adult offender's or 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, but are not limited to, medical, educational, vocational, social, and psychological guidance, training, counseling, drug treatment, and other rehabilitative services;

"(q) the term 'Federal juvenile delinquency program' means any juvenile delinquincy program which is conducted directly, or indirectly, or is assisted by any Federal department or agency, including any program funded under this Act;

"(r) 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."

TITLE II—AMENDMENTS TO THE FEDERAL JUVENILE DELINQUENCY ACT

SEC. 201. Section 5031 of title 18, United States Code, is amended to read as follows:

"§ 5031. Definitions

"For the purpose of this chapter, a 'juvenile' is a person who has not attained his eighteenth birthday, or for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained his twenty-first birthday, and 'juvenile delinquency' is the violation of a law of the United States committed by a person prior to his eighteenth birthday which would have been a crime if committed by an adult."

DELINQUENCY PROCEEDINGS IN DISTRICT COURTS

SEC. 202. Section 5032 of title 18, United States Code, is amended to read as follows:

"§ 5032. Delinquency proceedings in district courts; transfer for criminal prosecution

"A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to an appropriate district court of the United States that the juvenile court or other appropriate court of a State (1) does not have jurisdiction or refuses to assume jurisdiction over said juvenile with respects to such alleged act of juvenile delinquency, or (2) does not have available programs and services adequate for the needs of juveniles.

"If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

"If an alleged juvenile delinquent is not surrendered to the authorities of a State or the District of Columbia pursuant to this section, any proceedings against him shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, in chambers or otherwise. The Attorney General shall proceed by information, and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency except as provided below.

"A juvenile who is alleged to have committed an act of juvenile delinquency and who is not surrendered to State authorities shall be proceeded against under this chapter unless he has requested in writing upon advice of counsel to be proceeded against as an adult, except that, with respect to a juvenile sixteen years and older alleged to have committed an act after his sixteenth birthday which if committed by an adult would be a felony punishable by a maximum penalty of ten years imprisonment or more, life imprisonment, or death, criminal prosecution on the basis of the alleged act may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States, if such court finds, after hearing, such transfer would be in the interest of justice.

"Evidence of the following factors shall be considered, and findings with regard to each factor shall be made in the record, in assessing whether a transfer would be in the interest of justice: the age and social background of the juvenile; the nature of the alleged offense; the extent and nature of the juvenile's prior delinquency record; the juvenile's present intellectual development and psychological maturity; the nature of past treatment efforts and the juvenile's response to such efforts; the availability of programs

designed to treat the juvenile's behavioral problems.

"Reasonable notice of the transfer hearing shall be given to the juvenile, his parents, guardian, or custodian and to this counsel. The juvenile shall be assisted by counsel during the transfer hearing, and at every other critical stage of the proceedings.

"Once a juvenile has entered a plea of guilty or the proceeding has reached the stage that evidence has begun to be taken with respect to a crime or an alleged act of juvenile delinquency subsequent criminal prosecution or juvenile proceedings based upon such alleged act of delinquency shall be barred.

"Statements made by a juvenile prior to or during a transfer hearing under this section shall not be admissible at subsequent criminal prosecutions."

CUSTODY

SEC. 203. Section 5033 of title 18, United States Code is amended to read as follows:

"§ 5033. Custody prior to appearance before magistrate

"Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the arresting officer shall immediately advise such juvenile of his legal rights, in language comprehensible to a juvenile, and shall immediately notify the Attorney General and the juvenile's parents, guardian, or custodian of such custody. The arresting officer shall also notify the parents, guardian, or custodian of the rights of the juvenile and of the nature of the alleged offense.

"The juvenile shall be taken before a magistrate forthwith. In no event shall the juvenile be detained for longer than a reasonable period of time before being brought before a magistrate."

DUTIES OF MAGISTRATE

SEC. 204. Section 5034 of title 18, United States Code, is amended to read as follows:

"§ 5034. Duties of magistrate

"The magistrate shall insure that the juvenile is represented by counsel before proceeding with critical stages of the proceedings. Counsel shall be assigned to represent a juvenile when the juvenile and his parents, guardian, or custodian are financially unable to obtain adequate representation. In cases where the juvenile and his parents, guardian, or custodian are financially able to obtain adequate representation but have not retained counsel, the magistrate may assign counsel and order the payment of reasonable attorney's fees or may direct the juvenile, his parents, guardian, or custodian to retain private counsel within a specified period of time.

"The magistrate may appoint a guardian ad litem if a parent or guardian of the juvenile is not present, or if the magistrate has reason to believe that the parents or guardian will not cooperate with the juvenile in preparing for trial, or that the interests of the parents or guardian and those of the juvenile are adverse.

"If the juvenile has not been discharged before his initial appearance before the magistrate shall release the juvenile to his parents, guardian, custodian, or other responsible party (including, but not limited to, the director of a shelter-care facility) upon their promise to bring such juvenile before the appropriate court when requested by such court unless the magistrate determines, after hearing, at which the juvenile is represented by counsel, that the detention of such juvenile is required to secure his timely appearance before the appropriate court or to insure his safety or that of others."

DETENTION

SEC. 205. Section 5035 of this title is amended to read as follows:

"§ 5035. Detention prior to disposition

"A juvenile alleged to be delinquent may be detained only in a juvenile facility or such other suitable place as the Attorney General may designate. Whenever possible, detention shall be in a foster home or community based facility located in or near his home community. The Attorney General shall not cause any juvenile alleged to be delinquent to be detained or confined in any institution in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges are confined. Insofar as possible, alleged delinquents shall be kept separate from adjudicated delinquents. Every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment."

SPEEDY TRIAL

SEC. 206. Section 5036 of this title is amended to read as follows:

"§ 5036. Speedy trial

"If an alleged delinquent who is in detention pending trial is not brought to trial within thirty days from the date upon which such detention was begun, the information shall be dismissed on motion of the alleged delinquent or at the direction of the court, unless the Attorney General shows that additional delay was caused by the juvenile or his counsel, or consented to by the juvenile and his counsel, or would be in the interest of justice in the particular case. Delays attributable solely to court calendar congestion may not be considered in the interest of justice. Except in extraordinary circumstances, an information dismissed under this section may not be reinstituted.

DISPOSITION

SEC. 207. Section 5037 is amended to read as follows:

"§ 5037. Dispositional hearing

"(a) If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than twenty court days after trial unless the court has ordered further study in accordance with subsection (c). Copies of the presentence report shall be provided to the attorneys for both the juvenile and the Government a reasonable time in advance of the hearing.

"(b) The court may suspend the adjudication of delinquency or the disposition of the delinquent on such conditions as it deems proper, place him on probation, or commit him to the custody of the Attorney General. Probation, commitment, or commitment in accordance with subsection (c) shall not extend beyond the juvenile's twenty-first birthday or the maximum term which could have been imposed on an adult convicted of the same offense, whichever is sooner, unless the juvenile has attained his ninteenth birthday at the time of disposition, in which case probation, commitment, or commitment in accordance with subsection (c) shall not exceed the lesser of two years or the maximum term which could have been imposed on an adult convicted of the same offense.

"(c) If the court desires more detailed information concerning an alleged or adjudicated delinquent, it may commit him, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and his attorney. The agency shall make a complete study of the alleged or adjudicated delinquent to ascertain his personal traits, his capabilities, his background, any previous delinquency or criminal experience, any mental or physical defect, and any other relevant factors. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within thirty days after the commitment of the juvenile, unless the court grants additional time."

JUVENILE RECORDS

SEC. 208. Section 5038 is added, to read as follows:

"§ 5038. Use of juvenile records

"(a) Throughout the juvenile delinquency proceeding, the court shall safeguard the records from disclosure. Upon the completion of any juvenile delinquency proceeding whether or not there is an adjudication the district court shall order the entire file and record of such proceeding sealed. After such sealing, the court shall not release these records except to the extent necessary to meet the following circumstances:

"(1) inquiries received from another court of law;

"(2) inquiries from an agency preparing a presentence report for another court;

"(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency:

"(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court; and

"(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security.

Unless otherwise authorized by this section, information about the sealed record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

"(b) District courts exercising jurisdiction over any juvenile shall inform the juvenile, and his parent or guardian, in writing in clear and nontechnical language of rights relating to the sealing of his juvenile record.

"(c) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of an official duty by an employee of the court or agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the government, or others entitled under this section to receive sealed records.

"(d) Unless a juvenile who is taken into custody is prosecuted as an adult—

"(1) neither the fingerprints nor a photograph shall be taken, without the written consent of the judge; and

"(2) neither the name nor picture of any juvenile shall be made public by any medium of public information in connection with a juvenile delinquency proceeding."

COMMITMENT

SEC. 209. Section 5039 is added, to read as follows:

"§ 5039. Commitment

"No juvenile committed to the custody of the Attorney General may be placed or retained in an adult jail or correctional institution in which he has regular contact with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

"Every juvenile who has been committed shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care, including necessary psychiatric, psychological, or other care and treatment.

"Whenever possible, the Attorney General shall commit a juvenile to a foster home or

community-based facility located in or near his home community."

SUPPORT

SEC. 210. Section 5040 is added, to read as follows:

"§ 5040. Support

"The Attorney General may contract with any public or private agency or individual and such community-based facilities as halfway houses and foster homes for the observation and study and the custody and care of juveniles in his custody. For these purposes, the Attorney General may promulgate such regulations as are necessary and may use the appropriation for 'support of United States' prisoners' or such other appropriations as he may designate."

PAROLE

SEC. 211. Section 5041 is added to read as follows:

"§ 5041. Parole

"The Board of Parole shall release from custody, on such conditions as it deems necessary, each juvenile delinquent who has been committed, as soon as the Board is satisfied that he is likely to remain at liberty without violating the law and when such release would be in the interest of justice."

REVOCATION

SEC. 212. Section 5042 is added to read as follows:

"§ 5042. Revocation of parole or probation

"Any juvenile parolee or probationer shall be accorded notice and a hearing with counsel before his parole or probation can be revoked."

SEC. 213. The table of sections of chapter 403 of this title is amended to read as follows:

"Sec.
"5031. Definitions.
"5032. Delinquency proceedings in district courts; transfer for criminal prosecution.
"5033. Custody prior to appearance before magistrate.
"5034. Duties of magistrate.
"5035. Detention prior to disposition.
"5036. Speedy trial.
"5037. Dispositional hearing.
"5038. Use of juvenile records.
"5039. Commitment.
"5040. Support.
"5041. Parole.
"5042. Revocation of parole or probation.".

TITLE III—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

SEC. 301. Section 203(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is further amended by deleting the third full sentence and inserting in lieu thereof the following: "The State planning agency and any regional planning units within the State shall within their respective jurisdictions be representative of the law enforcement and criminal justice agencies including agencies directly related to the prevention and control of juvenile delinquency, units of general local governments, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizen, professional, and community organizations including organizations directly related to delinquency prevention.".

SEC. 302. (a) Parts F, G, H, and I of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), and all references thereto, are redesignated as parts G, H, I, and J, respectively.

(b) Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is further amended by adding after part E the following new part F:

"PART F—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

"ESTABLISHMENT OF OFFICE

"SEC. 471. (a) There is hereby created within the Department of Justice, Law Enforcement Assistance Administration, the Office of Juvenile Justice and Delinquency Prevention (referred to in this Act as the 'Office').

"(b) The programs authorized in part F (hereinafter referred to as 'this part') and all other programs concerned with juvenile delinquency and administered by the Law Enforcement Assistance Administration shall be administered or subject to the policy direction of the Office established under this section.

"(c) There shall be at the head of the Office an Assistant Administrator who shall be nominated by the President by and with the advice and consent of the Senate.

"(d) The Assistant Administrator shall exercise all necessary powers, subject to the direction of the Administrator of the Law Enforcement Assistance Administration.

"(e) There shall be in the Office a Deputy Assistant Administrator who shall be appointed by the Administrator of the Law Enforcement Assistance Administration. The Deputy Assistant Administrator shall perform such functions as the Assistant Administrator from time to time assigns or delegates, and shall act as Assistant Administrator during the absence or disability of the Assistant Administrator or in the event of a vacancy in the Office of the Assistant Administrator.

"(f) There shall be established in the Office a Deputy Assistant Administrator who shall be appointed by the Administrator whose function shall be to supervise and direct the National Institute for Juvenile Justice established under section 490 of this Act.

"(g) Section 5108(c)(10) of title 5, United States Code, is amended by deleting the word 'twenty-two' and inserting in lieu thereof the word 'twenty-five'.

"PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS

"SEC. 472. (a) The Administrator is authorized to 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.

"(b) The Administrator is authorized to select, appoint, and employ not to exceed three officers and to fix their compensation at rates not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States Code.

"(c) Upon the request of the Administrator, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Assistant Administrator to assist him in carrying out his functions under this Act.

"(d) The Administrator may obtain services as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States Code.

"VOLUNTARY SERVICE

"SEC. 473. The Administrator is authorized to accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

"CONCENTRATION OF FEDERAL EFFORTS

"SEC. 474. (a) The Administrator shall implement 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 Administrator shall consult with the Interdepartmental Council and the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

"(b) In carrying out the purposes of this Act, the Administrator is authorized to—

"(1) advise the President through the Attorney General 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 or the prevention and treatment of juvenile delinquency in the development and promulgation of regulations, guidelines, requirements, criteria, standards, procedures, and budget requests in accordance with the policies, priorities, and objectives he establishes;

"(3) conduct and support 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;

"(4) implement Federal juvenile delinquency programs and activities among Federal departments and 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;

"(5) develop annually with the assistance of the Advisory Committee and submit to the President and the Congress, after the first year the legislation is enacted, prior to September 30, an analysis and evaluation of Federal juvenile delinquency programs conducted and assisted by Federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations and coordination of such programs. This report shall include recommendations for modifications in organization, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of these programs;

"(6) develop annually with the assistance of the Advisory Committee and submit to the President and the Congress, after the first year the legislation is enacted, prior to March 1, a comprehensive plan for Federal juvenile delinquency programs, 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

"(7) 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 Administrator may request departments and 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 part.

"(d) The Administrator may delegate any of his functions under this part, except the making of regulations, to any officer or employee of the Administration.

"(e) The Administrator is authorized to utilize the services and facilities of any agency of the Federal Government 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.

"(f) The Administrator is authorized to

transfer funds appropriated under this title to any agency of the Federal Government to develop or demonstrate new methods in juvenile delinquency prevention and rehabilitation and to supplement existing delinquency prevention and rehabilitation programs which the Assistant Administrator finds to be exceptionally effective or for which he finds there exists exceptional need.

"(g) The Administrator is authorized to make grants to, or enter into contracts with, any public or private agency, institution, or individual to carry out the purposes of this part.

"(h) All functions of the Administrator under this part shall be coordinated as appropriate with the functions of the Secretary of the Department of Health, Education, and Welfare under the Juvenile Delinquency Prevention Act (42 U.S.C. 3801 et seq.).

"JOINT FUNDING

"SEC. 475. 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 requested by the Administrator 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 Administrator may order any such agency to waive any technical grant or contract requirement (as defined in such regulations) which is inconsistent with the similar requirement of the administering agency or which the administering agency does not impose.

"INTERDEPARTMENTAL COUNCIL

"SEC. 476. (a) There is hereby established an Interdepartmental Council on Juvenile Delinquency (hereinafter referred to as the 'Council') composed of the Attorney General, the Secretary of Health, Education, and Welfare, the Secretary of Labor, the Director of the Special Action Office for Drug Abuse Prevention, the Secretary of Housing and Urban Development, or their respective designees, and representatives of such other agencies as the President shall designate.

"(b) The Attorney General or his designee shall serve as Chairman of the Council.

"(c) The function of the Council shall be to coordinate all Federal juvenile delinquency programs.

"(d) The Council shall meet a minimum of six times per year and the activities of the Council shall be included in the annual report required by section 474(b)(5) of this title.

"(e) The Chairman shall appoint an Executive Secretary of the Council and such personnel as are necessary to carry out the functions of the Council.

"ADVISORY COMMITTEE

"SEC. 477. (a) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter referred to as the 'Advisory Committee') which shall consist of twenty-one members.

"(b) The members of the Interdepartmental Council or their respective designee shall be ex officio members of the Committee.

"(c) The regular members of the Advisory Committee shall be appointed by the Attorney General 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, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; and representatives of private voluntary organizations and community-based programs. The President shall designate the Chairman. A majority of the members of the Advisory Committee, including the Chairman, shall not be full-time employees of Federal, State, or local governments. At least seven members shall not have attained twenty-six years of age on the date of their appointment.

"(d) Members appointed by the President to the Committee shall serve for terms of four years and shall be eligible for reappointment except that for the first composition of the Advisory Committee, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each term shall be four years. Any members 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.

"DUTIES OF THE ADVISORY COMMITTEE

"SEC. 478. (a) The Advisory Committee shall meet at the call of the Chairman, but not less than four times a year.

"(b) The Advisory Committee shall make recommendations to the Administrator at least annually with respect to planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs.

"(c) The Chairman may designate a subcommittee of the members of the Advisory Committee to advise the Administrator on particular functions or aspects of the work of the Administration.

"(d) The Chairman shall designate a subcommittee of five members of the Committee to serve as members of an Advisory Committee for the National Institute for Juvenile Justice to perform the functions set forth in section 494 of this title.

"(e) The Chairman shall designate a subcommittee of five members of the Committee to serve as an Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice to perform the functions set forth in section 496 of this title.

"COMPENSATION AND EXPENSES

"SEC. 479. (a) Members of the Advisory Committee who are employed by the Federal Government full time shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Advisory Committee.

"(b) Members of the Advisory Committee not employed full time by the Federal Government shall receive compensation at a rate not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States Code, including traveltime for each day they are engaged in the performance of their duties as members of the Advisory Committee. Members shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Advisory Committee."

TITLE IV—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

SEC. 401. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is further amended by adding the following sections to new part F thereof:

"FORMULA GRANTS

"SEC. 480. The Administrator is authorized to 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. 481. (a) In accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the basis of relative population of people under age eighteen. No such allotment to any State shall be less than $200,000, except that for the Virgin Islands, Guam, and American Samoa, no allotment shall be less than $50,000.

"(b) Except for funds appropriated for fiscal year 1975, if any amount so alloted 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 part. 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 allocated shall be in addition to the amounts already allotted and available to the State, the Virgin Islands, American Samoa, and Guam for the same period.

"(c) In accordance with regulations promulgated under this part, 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 per centum 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.

"STATE PLANS

"SEC. 482. (a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes in accordance with the requirements set forth in section 303(a) of this title. In accordance with regulations established under this title, such plan must—

"(1) designate the State planning agency established by the State under section 203 of this title as the sole agency for supervising the preparation and administration of the plan;

"(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter referred to in this part as the 'State planning agency') has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

"(3) provide for an advisory group appointed by the chief executive of the State to advise the State planning agency and its supervisory board (A) which shall consist of not less than twenty-one and not more than thirty-three 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 or youth services departments, (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, State, or local government, and (E) at least one-third of whose members shall be under the age of twenty-six at the time of appointment;

"(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 50 per centum of the funds received by the State under section 481 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 Administrator for any State if the services for delinquent or potentially delinquent youth are organized primarily on a statewide basis;

"(6) provide that the chief executive officer of the local government shall assign responsibility for the preparation and administration of the local government's part of a 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 (hereinafter in this part referred to as the 'local agency') which can most effectively carry out the purposes of this part and shall provide for supervision of the programs funded under this part by that local agency;

"(7) provide for an equitable distribution of the assistance received under section 481 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. This plan shall include itemized estimated costs for the development and implementation of such programs;

"(9) provide for the active consultation with and participation of private agencies in the development and execution of the State plan; and provide for coordination and maximum utilization of existing juvenile delinquency programs and other related programs, such as education, health, and welfare within the State;

"(10) provide that not less than 75 per centum of the funds available to such State under section 481, 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 developing, maintaining, and expanding 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. That advanced techniques include—

"(A) community-based programs and services for the prevention and treatment of juvenile delinquency through the development of foster-care and shelter-care homes, group homes, halfway houses, homemaker and home health services, and any other designated community-based diagnostic, treatment, or rehabilitative service;

"(B) community-based programs and services to work with parents and other family members to maintain and strengthen the family unit, so that the juvenile may be retained in his home;

"(C) youth service bureaus and other community-based programs to divert youth from the juvenile court or to support, counsel, or provide work and recreational opportunities for delinquents and youth in danger of becoming delinquent;

"(D) comprehensive programs of drug abuse education and prevention and programs for the treatment and rehabilitation of drug addicted youth and 'drug dependent' youth (as defined in section 2(g) of the Public Health Service Act (42 U.S.C. 201 (g)));

"(E) educational programs or supportive services designed to keep delinquents and other youth in elementary and secondary schools or in alternative learning situations;

"(F) expanded use of probation and recruitment and training of probation officers, other professional and paraprofessional personnel and volunteers to work effectively with youth;

"(G) youth initiated programs and outreach programs designed to assist youth who otherwise would not be reached by assistance programs;

"(H) provides for a statewide program through the use of probation subsidies, other subsidies, other financial incentives or disincentives to units of local government, or other effective means, that may include but are not limited to programs designed to—

"(A) reduce the number of commitments of juveniles to any form of juvenile facility as a percentage of the State juvenile population;

"(B) increase the use of nonsecure community-based facilities as a percentage of total commitments to juvenile facilities; and

"(C) discourage the use of secure incarceration and detention;

"(11) provides for the development of an adequate research, training, and evaluation capacity within the State;

"(12) provide within two years after submission of the plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, shall not be placed in juvenile detention or correctional facilities, but must be placed in shelter facilities;

"(13) provide that juveniles alleged to be or found to be delinquent shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges;

"(14) provide for an adequate system of monitoring jails, detention facilities, and correctional facilities to insure that the requirements of section 482 (12) and (13) are met, and for annual reporting of the results of such monitoring to the Administrator;

"(15) provide assurances that assistance will be available on an equitable basis to deal with all disadvantaged youth including, but not limited to, females, minority youth, and mentally retarded or emotionally handicapped youth;

"(16) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

"(17) provide that fair and equitable arrangements are made, as determined by the Secretary of Labor, to protect the interests of employees affected by assistance under this Act. Such protective arrangements shall include, without being limited to, such provisions as may be necessary for—

"(A) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise;

"(B) the continuation of collective bargaining rights;

"(C) the protection of individual employees against a worsening of their positions with respect to their employment;

"(D) assurances of employment to employees of any State or political subdivision thereof who will be affected by any program funded in whole or in part under provisions of this Act;

"(E) training or retraining programs.

The State plan shall provide for the terms and conditions of the protection arrangements established pursuant to this section;

"(18) 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;

"(19) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase, 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 supplant such State, local, and other non-Federal funds;

"(20) provide that the State planning agency will from time to time, but not less often than annually, review its plan and submit to the Administrator 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

"(21) contain such other terms and conditions as the Administrator may reasonably prescribe to assure the effectiveness of the programs assisted under this title.

"(b) The Supervisory Board designated pursuant to section 482(a) after consultation with the advisory group referred to in section 482(a), shall approve the State plan and any modification thereof prior to submission to the Administrator.

"(c) The Administrator shall approve any State plan and any modification thereof that meets the requirements of this section.

"(d) In the event that any State fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing in accordance with sections 509, 510, and 511, determines does not meet the requirements of this section, the Administrator shall make that State's allotment under the provisions of section 481(a) available to public and private agencies for special emphasis prevention and treatment programs as defined in section 483.

"(e) In the event the plan does not meet the requirements of this section due to oversight or neglect, rather than explicit and conscious decision, the Administrator shall endeavor to make that State's allotment under the provisions of section 481(a) available to public and private agencies in that State for special emphasis prevention and treatment programs as defined in section 483.

"(f) Any nonadjudicated juvenile shall not be made to partake in a program of behavior modification involving the use of drugs or electrical stimula or other potentially harmful treatment as a part of any such program authorized in whole or in part by this Act without the prior approval of his parents or guardians.

"SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

"SEC. 483. (a) The Administrator is authorized to 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 effective means of diverting juveniles from the traditional juvenile justice and correctional system:

"(4) improve the capability of public and private agencies and organizations to provide services for delinquents and youths in danger of becoming delinquent; and

"(5) facilitate the adoption of the recommendations of the Advisory Committee on Standards for Juvenile Justice as set forth pursuant to section 496.

"(b) Not less than 25 per centum or more than 50 per centum of the funds appropriated for each fiscal year pursuant to this part shall

be available only for special emphasis prevention and treatment grants and contracts made pursuant to this section.

"(c) At least 20 per centum of the funds available for grants and contracts made pursuant to this section shall be available for grants and contracts to private nonprofit agencies, organizations, or institutions who have had experience in dealing with youth.

"CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

"SEC. 484. (a) Any agency, institution, or individual desiring to receive a grant, or enter into any contract under section 483, shall submit an application at such time, in such manner, and containing or accompanied by such information as the Administrator may prescribe.

"(b) In accordance with guidelines established by the Administrator, each such application shall—

"(1) provide that the program for which assistance 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 482;

"(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 planning agency and local agency designated in section 482, when appropriate, and indicate the response of such agency to the request for review and comment on the application;

"(6) provide that regular reports on the program shall be sent to the Administrator and to the State planning agency and local agency, when appropriate; and

"(7) 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 section 483, the Administrator shall consider—

"(1) the relative cost and effectiveness of the proposed program in effectuating the purposes of this part;

"(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 Administrator under section 482(c) and when the location and scope of the program makes 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 delinquents;

"(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 Advisory Committee on Standards for Juvenile Justice as set forth pursuant to section 496.

"GENERAL PROVISION

"Withholding

"SEC. 485. Whenever the Administrator, after giving reasonable notice and opportunity for hearing, to a recipient of financial assistance 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 Administrator shall initiate such proceedings as are appropriate under sections 509, 510, and 511 of this title.

"USE OF FUNDS

"SEC. 486. Funds paid to any State public or private agency, institution, or individual (whether directly or through a State or local agency) may be used for—

"(1) securing, developing, or operating the program designed to carry out the purposes of this part;

"(2) not more than 50 per centum of the cost of the construction of innovative community-based facilities for less than twenty persons (as defined in sections 601(f) and 601(p) of this title) which, in the judgment of the Administrator, are necessary for carrying out the purposes of this part.

"PAYMENTS

"SEC. 487. (a) In accordance with criteria established by the Administrator, it is the policy of Congress that programs funded under this title shall continue to receive financial assistance providing that the yearly evaluation of such programs is satisfactory.

"(b) At the discretion of the Administrator, when there is no other way to fund an essential juvenile delinquency program not funded under this part, the State may utilize 25 per centum of the formula grant funds available to it under this part to meet the non-Federal matching share requirement for any other Federal juvenile delinquency program grant.

"(c) Whenever the Administrator determines that it will contribute to the purposes of this part, he may require the recipient of any grant or contract to contribute money, facilities, or services.

"(d) Payments under this part, 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 Administrator may determine.".

TITLE V—NATIONAL INSTITUTE FOR JUVENILE JUSTICE

NATIONAL INSTITUTE FOR JUVENILE JUSTICE

SEC. 501. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197) is further amended by adding the following sections to new part F thereof:

"SEC. 490. (a) There is hereby established within the Juvenile Justice and Delinquency Prevention Office a National Institute for Juvenile Justice.

"(b) The National Institute for Juvenile Justice shall be under the supervision and direction of the Assistant Administrator, and shall be headed by a Deputy Assistant Administrator of the Office appointed under section 471(f).

"(c) The activities of the National Institute for Juvenile Justice shall be coordinated with the activities of the National Institute of Law Enforcement and Criminal Justice in accordance with the requirements of section 471(b).

"INFORMATION FUNCTION

"SEC. 491. The National Institute for Juvenile Justice is authorized to—

"(1) serve as an information bank by collecting systemmatically 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 education programs, statistics, and other pertinent data and information.

"RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

"SEC. 492. The National Institute for Juvenile Justice is authorized to—

"(1) conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with regard to new programs and methods which show promise of making a contribution toward the prevention and treatment of juvenile delinquency;

"(2) encourage the development of demonstration projects in new, innovative techniques and methods to prevent and treat juvenile delinquency;

"(3) provide for the evaluation of all juvenile delinquency programs assisted under this title in order to determine the results and the effectiveness of such programs;

"(4) provide for the evaluation of any other Federal, State, or local juvenile delinquency program, upon the request of the Administrator; and

"(5) disseminate the results of such evaluations and research and demonstration activities particularly to persons actively working in the field of juvenile delinquency.

"TRAINING FUNCTIONS

"SEC. 493. The National Institute for Juvenile Justice is authorized to—

"(1) develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are or who are preparing to work with juveniles and juvenile offenders;

"(2) develop, conduct, and provide for seminars, workshops, and training programs in the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges, and other court personnel, probation officers, correctional personnel, and other Federal, State, and local government personnel who are engaged in work relating to juvenile delinquency.

"INSTITUTE ADVISORY COMMITTEE

"SEC. 494. The Advisory Committee for the National Institute for Juvenile Justice established in section 478(d) shall advise, consult with, and make recommendations to the Deputy Assistant Administrator for the National Institute for Juvenile Justice concerning the overall policy and operations of the Institute.

"ANNUAL REPORT

"SEC. 495. The Deputy Assistant Administrator for the National Institute for Juvenile Justice shall develop annually and submit to the Administrator after the first year the legislation is enacted, prior to June 30, a report 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 result to existing and to new juvenile delinquency programs, and detailed recommendations for future research, demonstration, training, and evaluation programs. The Administrator shall include a summary of these results and recommendations in his report to the President and Congress required by section 474(b)(5).

"DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE

"SEC. 496. (a) The National Institute for Juvenile Justice, under the supervision of the Advisory Committee on Standards for Juvenile Justice established in section 478 (e), shall review existing reports, data, and standards, relating to the juvenile justice system in the United States.

"(b) Not later than one year after the passage of this section, the Advisory Committee shall submit to the President and the

Congress a report which, based on recommended standards for the administration of juvenile justice at the Federal, State, and local level—

"(1) recommends Federal action, including but not limited to administrative and legislative action, required to facilitate the adoption of these standards throughout the United States; and

"(2) recommends State and local action to facilitate the adoption of these standards for juvenile justice at the State and local level.

"(c) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Advisory Committee such information as the Committee deems necessary to carry out its functions under this section.

"SEC. 497. Records containing the identity of individual juveniles gathered for purposes pursuant to this title may under no circumstances be disclosed or transferred to any individual or other agency, public, or private."

TITLE VI—AUTHORIZATION OF APPROPRIATIONS

SEC. 601. Section 520 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 197; 84 Stat. 1881; 87 Stat. 197), is further amended by adding at the end thereof:

"In addition to any other appropriation authorizations contained in this title there is authorized for the purpose of part F: $75,000,000 for the fiscal year ending June 30, 1975; $150,000,000 for the fiscal year ending June 30, 1976.

"In addition to the funds appropriated under this section, the Administration shall maintain from other Law Enforcement Assistance Administration appropriations other than the appropriations for administration, the same level of financial assistance for juvenile delinquency programs assisted by the Law Enforcement Assistance Administration during fiscal year 1972.".

TITLE VII—NATIONAL INSTITUTE OF CORRECTIONS

SEC. 701. Title 18, United States Code, is amended by adding a new chapter 319 to read as follows:

"Chapter 319—NATIONAL INSTITUTE OF CORRECTIONS

"SEC. 4351. (a) There is hereby established within the Bureau of Prisons a National Institute of Corrections.

"(b) The overall policy and operations of the National Institute of Corrections shall be under the supervision of an Advisory Board. The Board shall consist of fifteen members. The following five individuals shall serve as members of the Commission ex officio: the Director of the Federal Bureau of Prisons or his designee, the Administrator of the Law Enforcement Assistance Administration or his designee, the Chairman of the United States Parole Board or his designee, the Director of the Federal Judicial Center or his designee, and the Assistant Secretary for Human Development of the Department of Health, Education, and Welfare or his designee.

"(c) The remaining ten members of the Board shall be selected as follows:

"(1) Five shall be appointed initially by the Attorney General of the United States for staggered terms; one member shall serve for one year, one member for two years, and three members for three years. Upon the expiration of each member's term, the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be qualified as a practitioner (Federal, State, or local) in the field of corrections, probation, or parole.

"(2) Five shall be appointed initially by the Attorney General of the United States for staggered terms; one member shall serve for one year, three members for two years, and one member for three years. Upon the expiration of each member's term the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be from the private sector, such as business, labor, and education having demonstrated an active interest in corrections, probation or parole.

"(d) The members of the Board shall not, by reason of such membership, be deemed officers or employees of the United States. Members of the Commission who are full-time officers or employees of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Board. Other members of the Board shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Commission pursuant to this title, be entitled to receive compensation at the rate not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5, United States Code, including travel-time, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(e) The Board shall elect a chairman from among its members who shall serve for a term of one year. The members of the Board shall also elect one or more members as a vice-chairman.

"(f) The Board is authorized to appoint, without regard to the civil service laws, technical, or other advisory committees to advise the Institute with respect to the administration of this title as it deems appropriate. Members of these committees not otherwise employed by the United States, while engaged in advising the Institute or attending meetings of the committees, shall be entitled to receive compensation at the rate fixed by the Board but not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5, United States Code, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(g) The Board is authorized to delegate its powers under this title to such person as it deems appropriate.

"(h) The Board shall be under the supervision of an officer to be known as the Director, who shall be appointed by the Attorney General after consultation with the Board. The Director shall have authority to supervise the organization, employees, enrollees, financial affairs, and all other operations of the Institute and may employ such staff, faculty, and administrative personnel, subject to the civil service and classification laws, as are necessary to the functioning of the Institute. The Director shall have the power to acquire and hold real and personal property for the Institute and may receive gifts, donations, and trusts on behalf of the Institute. The Director shall also have the power to appoint such technical or other advisory councils comprised of consultants to guide and advise the Board. The Director is authorized to delegate his powers under this title to such persons as he deems appropriate.

"SEC. 4352. (a) In addition to the other powers, express and implied, the National Institute of Corrections shall have authority:

"(1) to receive from or make grants to and enter into contracts with Federal, State, and general units of local government, public and private agencies, educational institutions, organizations, and individuals to carry out the purposes of this section and section 411;

"(2) to serve as a clearinghouse and information center for the collection, preparation, and dissemination of information on corrections, including, but not limited to programs for prevention of crime and recidivism, training of corrections personnel, and rehabilitation and treatment of criminal and juvenile offenders;

"(3) to assist and serve in a consulting capacity to Federal, State, and local courts, departments, and agencies in the development, maintenance, and coordination of programs, facilities, and services, training, treatment, and rehabilitation with respect to criminal and juvenile offenders;

"(4) to encourage and assist Federal, State, and local government programs and services, and programs and services of other public and private agencies, institutions, and organizations in their efforts to develop and implement improved corrections programs;

"(5) to devise and conduct, in various geographical locations, seminars, workshops, and training programs for law enforcement officers, judges, and judicial personnel, probation and parole personnel, correctional personnel, welfare workers, and other persons, including lay, ex-offenders, and paraprofessional personnel, connected with the treatment and rehabilitation of criminal and juvenile offenders;

"(6) to develop technical training teams to aid in the development of seminars, workshops, and training programs within the several States and with the State and local agencies which work with prisoners, parolees, probationers, and other offenders;

"(7) to conduct, encourage, and coordinate research relating to corrections, including the causes, prevention, diagnosis, and treatment of criminal offenders;

"(B) to formulate and disseminate correctional policy, goals, standards, and recommendations for Federal, State, and local correctional agencies, organizations, institutions, and personnel;

"(9) to conduct evaluation programs which study the effectiveness of new approaches, techniques, systems, programs, and devices employed to improve the corrections system;

"(10) to receive from any Federal department or agency such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions. Each such department or agency is authorized to cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information to the Institute;

"(11) to arrange with and reimburse the heads of Federal departments and agencies for the use of personnel, facilities, or equipment of such departments and agencies;

"(12) to confer with and avail itself of the assistance, services, records, and facilities of State and local governments or other public or private agencies, organizations, or individuals;

"(13) to enter into contracts with public or private agencies, organizations, or individuals, for the performance of any of the functions of the Institute; and

"(14) to procure the services of experts and consultants in accordance with section 3109 of title 5 of the United States Code, at rates of compensation not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5 of the United States Code.

"(b) The Institute shall on or before the 31st day of December of each year, submit an annual report for the preceding fiscal year to the President and to the Congress. The report shall include a comprehensive and detailed report of the Institute's opera-

tions, activities, financial condition, and accomplishments under this title and may include such recommendations related to corrections as the Institute deems appropriate.

"(c) Each recipient of assistance under this shall keep such records as the Institute shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(d) The Institute, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purposes of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this chapter.

"(e) The provision of this section shall apply to all recipients of assistance under this title, whether by direct grant or contract from primary grantees or contractors of the Institute.

"SEC. 4353. There is hereby authorized to be appropriated such funds as may be required to carry out the purposes of this chapter."

TITLE VIII—FEDERAL SURPLUS PROPERTY

SEC. 801. (a) Section 203(j) of the Federal Property Administrative Services Act of 1949, as amended (40 U.S.C. 484 (j)), is amended—

(1) by striking out "or civil defense" in the first sentence of paragraph (1) and inserting in lieu thereof "civil defense, or law enforcement and criminal justice";

(2) by striking out "or (4)" in the first sentence of paragraph (1) and inserting in lieu thereof "(4), or (5)";

(3) by striking out "or paragraph (4)" in the last sentence of paragraph (2) and inserting in lieu thereof a comma and "(4), or (5)";

(4) by inserting after paragraph (4) a new paragraph as follows:

"(5) Determination whether such surplus property (except surplus property allocated in conformity with paragraph (2) of this subsection) is usable and necessary for purposes of law enforcement and criminal justice, including research, in any State shall be made by the Administrator, Law Enforcement Assistance Administration, who shall allocate such property on the basis of need and utilization for transfer by the Administrator of General Services to such State agency for distribution to such State or to any unit of general local government or combination, as defined in section 601 (d) or (e) of the Crime Control Act of 1973 (87 Stat. 197), designated pursuant to regulations issued by the Law Enforcement Assistance Administration. No such property shall be transferred to any State agency until the Administrator, Law Enforcement Assistance Administration, has received, from such State agency, a certification that such property is usable and needed for law enforcement and criminal justice purposes in the State, and such Administrator has determined that such State agency has conformed to minimum standards of operation prescribed by such Administrator for the disposal of surplus property.";

(5) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively;

(6) by striking out "and the Federal Civil Defense Administrator" in paragraph (6), as redesignated, and inserting in lieu thereof a comma and "the Federal Civil Defense Administrator, and the Administrator, Law Enforcement Assistance Administration"; and

(7) by striking out "or paragraph (4)" in paragraph (6), as redesignated, and inserting in lieu thereof a comma and "(4), or (5)".

(b) Section 203(k)(4) of such Act, as amended (40 U.S.C. 484(k)(4)), is amended—

(1) by striking out "or" after the semicolon in clause (D);

(2) by striking out the comma after "law" in clause (E) and inserting in lieu thereof a semicolon and "or"; and

(3) by adding immediately after clause (E) the following new clause:

"(F) the Administrator, Law Enforcement Assistance Administration, in the case of personal property transferred pursuant to subsection (j) for law enforcement and criminal justice purposes,".

(c) Section 203(n) or such Act, as amended (40 U.S.C. 484(n), is amended—

(1) by striking out in the first sentence "and the head of any Federal agency designated by either such officer" and inserting in lieu thereof "the Administrator, Law Enforcement Assistance Administration, and the head of any Federal agency designated by any such officer; and

(2) by striking in next to the last sentence "law enforcement" and inserting in lieu thereof "law enforcement and criminal justice", and in the same sentence striking "or (j)(4)" and inserting in lieu thereof a comma and "(4), or (5)".

TITLE IX—EXTENSION AND AMENDMENT OF THE JUVENILE DELINQUENCY PREVENTION ACT

YOUTH DEVELOPMENT DEMONSTRATIONS

SEC. 901. Title I of the Juvenile Delinquency Prevention Act is amended (1) in the caption thereof, by inserting "AND DEMONSTRATION PROGRAMS" after "SERVICES"; (2) following the caption thereof, by inserting "PART A—COMMUNITY-BASED COORDINATED YOUTH SERVICES"; (3) in sections 101, 102(a), 102(b)(1), 102(b)(2), 103(a) (including paragraph (1) thereof), 104(a) (including paragraphs (1), (4), (5), (7), and (10) thereof) and 104(b), by striking out "title" and inserting "part" in lieu thereof; and (4) by inserting at the end of the title the following new part:

"PART B—DEMONSTRATIONS IN YOUTH DEVELOPMENT

"SEC. 105. (a) For the purpose of assisting the demonstration of innovative approaches to youth development and the prevention and treatment of delinquent behavior (including payment of all or part of the costs of minor remodeling or alteration), the Secretary may make grants to any State (or political subdivision thereof), any agency thereof, and any nonprofit private agency, institution, or organization that submits to the Secretary, at such time and in such form and manner as the Secretary's regulations shall prescribe, an application containing a description of the purposes for which the grant is sought, and assurances satisfactory to the Secretary that the applicant will use the grant for the purposes for which it is provided, and will comply with such requirements relating to the submission of reports, methods of fiscal accounting, the inspection and audit of records and other materials, and such other rules, regulations, standards, and procedures, as the Secretary may impose to assure the fulfillment of the purposes of this Act.

"(b) No demonstration may be assisted by a grant under this section for more than one year."

CONSULTATION

SEC. 902. (a) Section 408 of such Act is amended by adding at the end of subsection (a) thereof the following new subsection:

"(b) The Secretary shall consult with the Attorney General for the purpose of coordinating the development and implementation of programs and activities funded under this Act with those related programs and activities funded under the Omnibus Crime Control and Safe Streets Act of 1968"; and by deleting subsection (b) thereof.

(b) Section 409 is repealed.

REPEAL OF MINIMUM STATE ALLOTMENTS

SEC. 904. Section 403(b) of such Act is repealed, and section 403(a) of such Act is redesignated section 403.

EXTENSION OF PROGRAM

SEC. 905. Section 402 of such Act, as amended by this Act, is further amended in the first sentence by inserting after "fiscal year" the following: "and such sums as may be necessary for fiscal year 1975".

MOTION OFFERED BY MR. HAWKINS

Mr. HAWKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HAWKINS moves to strike out all after the enacting clause of S. 821 and insert in lieu thereof the provisions of H.R. 15276, as passed, as follows:

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, 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;

(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, alcoholism 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, alcohol 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 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. 202(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 agnecy" means an agency designated under section 214(a)(1);

(14) the term "local agency" means any local agency which is assigned responsibility under section 214(a)(6);

(15) the term "Institute" means the Institute for Continuing Studies of the Prevention of Juvenile Delinquency established by section 301(a);

(16) the term "Administrator" means the Administrator of the Institute; and

(17) 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) 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;

(4) 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;

(5) 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;

(6) 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

(7) 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)(5), 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)(5) shall contain, in addition to information required by subsection (b)(5), a detailed statement of criteria developed by the Secretary for identifying the characteristics of juvenile delinquency, 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)(5), 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)(6) shall contain, in addition to the comprehensive plan required by subsection (b)(6), 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 development 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 until 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 the Secretary, shall be included by the Federal 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 section, priority shall be given to public and 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 his section shall be available for grants and contracts to such private nonprofit agencies, 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 accordance 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) provide 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 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, alcohol 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 rights 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 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;

(17) contains such other terms and conditions as the Secretary may reasonably prescribe to assure the effectiveness of the programs assisted under this title; and

(18) provide that fair and equitable arrangements are made to protect the interests of employees affected by assistance under this Act.

(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 programs facilitate 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 requirements 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 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 juveline 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 directly 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 functions of the Institute; and

(5) compensate consultants and members of technical advisory councils who are not in the regular full-time 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 power under the 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 detailed 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 grant 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 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 portion 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 aftercase 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 counseling 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 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 characteristic 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, to be designated by the President at the time of appointment. Such members shall be appointed within ninety days after the date of the enactment of this title.

(3) Any member appointed to fill a va-

cancy 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)(5).

FUNCTIONS

SEC. 503. (a) The Council shall, through a subcommittee designated by the Chairman, review the activities 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 title 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 enactment of this Act.

(b) Section 104(b)(5), section 104(b)(6), 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.

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

The motion was agreed to.

The Senate bill was ordered to be read a third time, and was read the third time and passed.

The title was amended so as to read: "To provide a comprehensive, coordinated approach to the problems of juvenile delinqency, and for other purposes."

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 821, IMPROVING QUALITY OF JUVENILE JUSTICE

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that the House insist upon its amendments to S. 821, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. PERKINS, HAWKINS, Mrs. CHISHOLM, Messrs. QUIE, and STEIGER of Wisconsin.

AMENDING THE ATOMIC ENERGY ACT OF 1954

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1227 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1227

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 bill (H.R. 15582) to amend the Atomic Energy Act of 1954, as amended, to enable Congress to concur in or disapprove international agreements for cooperation in regard to certain nuclear technology. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Louisiana 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 Tennessee (Mr. QUILLEN). Pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1227 provides for an open rule with 1 hour of general debate on H.R. 15582, a bill amending the Atomic Energy Act of 1954, as amended.

H.R. 15582 amends subsection 123(d) of the act to provide for a revised procedure by which certain proposed international agreements for peaceful cooperation in nuclear energy will receive congressional treatment in the manner now provided for military agreements—specifically, the requirement of a 60-day congressional review. The bill also provides that the Joint Committee on Atomic Energy is required to report its views and recommendations, together with a proposed concurrent resolution stating in substance that the Congress favors, or does not favor, as the case may be, the proposed agreement for cooperation.

Mr. Speaker, the House's consideration of H.R. 15582 is particularly timely because on June 14 and 17, the President announced his intention to enter into cooperative nuclear power agreements with Egypt and Israel, respectively. H.R. 15582 provides the Congress with a clear-cut mechanism for responsible participation in these nuclear areas. I urge the adoption of House Resolution 1227 in order that we may discuss, debate and pass H.R. 15582.

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

Mr. Speaker, House Resolution 1227, as previously explained, provides for the consideration of H.R. 15582, amending the Atomic Energy Act of 1954. This is an open rule with 1 hour of general debate.

This bill was introduced after the President announced in June his intention to enter into a cooperative nuclear power agreement with Egypt and Israel.

The bill amends section 123 of the Atomic Energy Act of 1954 to provide for a revised procedure by which certain proposed international agreements for peaceful cooperation in nuclear energy will, in effect, receive congressional treatment in the manner now provided for military agreements.

The bill strengthens the framework of procedures by placing agreements for power reactors with a capacity of more than 5 thermal megawatts, and special nuclear material associated therewith, on the same level as military agreements, for which a 60-day review is presently required under subsection 123d of the act. That subsection also provides that a congressional concurrent resolution of disfavor would legally bar execution of a proposed agreement. Additionally, the Joint Committee is to report its views within the first 30 days of any such 60-day period, together with a proposed concurrent resolution expressing congressional favor or disfavor.

Mr. Speaker, I have no further requests for time. I urge the adopiton of the resolution.

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.

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 bill, H.R. 15582, to amend the Atomic Energy Act of 1954, as amended, to enable Congress to concur in or disapprove international agreements for cooperation in regard to certain nuclear technology.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois (Mr. PRICE).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15582, with Mr. FORD in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN (Mr. FORD). Under the rule, the gentleman from Illinois (Mr. PRICE) will be recognized for 30 minutes, and the gentleman from California (Mr. HOSMER) will be recogized for 30 minutes.

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

Mr. PRICE of Illinois. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, H.R. 15582, the bill now under consideration will strengthen the procedures for congressional review of certain international agreements for peaceful cooperation in the field of nuclear energy. This bill has the unanimous support of all members of the Joint Committee, and the other body has passed a companion bill, S. 3698, by a unanimous vote of 96 to nothing. It will, when enacted into law, govern the procedures for review of the anticipated agreements with Egypt, Israel, and Iran.

The Atomic Energy Act's present requirements in subsection 123 have served their purpose to date. There has been no evidence of unlawful diversions or unwarranted use of special nuclear material in regard to existing agreements for cooperation. Section 123 provides for adequate disclosures, a guaranty of security safeguards, a guaranty by the cooperating party that any material transferred pursuant to an agreement would not be used for noncivil purposes, and a guaranty of nontransferability to unauthorized parties. Further, under subsection 123b, the President must not only approve and authorize the proposed agreement, but is required to make a determination in writing that its performance will promote and will not constitute an unreasonable risk to the common defense and security.

Nevertheless, the present authority of the Congress with respect to civil agreements is not clear. Section 123c merely provides for a 30-day period before the Joint Committee, and is silent as to congressional remedies. The Joint Committee has taken its responsibility seriously, and has conducted about 90 hearings on proposed agreements. Nevertheless, the committee considered it prudent to provide an adequate, clear-cut mechanism for responsible congressional participation in these sensitive nuclear areas.

H.R. 15582 would accomplish just that, by placing power reactors with a capacity of more than 5 thermal megawatts, and special nuclear material associated therewith, under the ambit of subsection 123d, where language already exists to require a 60-day review, and which provides that a concurrent resolution of disfavor by both Houses would legally bar the execution of a proposed agreement. An additional proviso will require the Joint Committee to report its views and recommendations within the first 30 days of any such 60-day period, and thus give the full Congress ample time to consider any proposed concurrent resolution.

In my view, H.R. 15582 satisfies the concern of the many Members who have expressed themselves on this matter, and I urge their affirmation of this proposal.

Mr. HOSMER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the purpose of this legislation is to give this Congress more oversight than it now has with respect to agreements for cooperation with other countries with respect to nuclear reactors, nuclear material, and things of that nature. At the present time we have many of these agreements.

Each one of them, under the Atomic Energy Act of 1954, has come up before the Joint Committee on Atomic Energy and has laid there for 30 days before it could be executed and put into effect.

Under the procedures of this bill, if it is adopted, those agreements will come up for 60 days instead of 30 days. Within the first 30 days the Joint Committee will have, to make a recommendation to the Congress as a whole as to whether or not the agreement should be approved or disapproved and send a disapproval or an approval resolution to each of the Houses of Congress.

If both Houses of Congress pass a disapproval resolution, that ends the matter there. The agreement does not go into effect. If the Congress gets into a time bind and wants to implement one of these agreements before the 60 days expire, then it can pass the resolution of approval and thereby waive whatever balance of time there is within the 60-day limit.

Incidentally, this kind of arrangement for review of any agreement for cooperation would be in effect if there are to be the Israeli and Egyptian reactors that the President talked about in his recent trip to the Mideast.

Mr. Chairman, I join with my colleague, the gentleman from Illinois, in urging favorable consideration of H.R. 15582.

This bill has the unanimous and unqualified support of the joint committee. There have been over a dozen bills, resolutions, and amendments proposed in the House and Senate in the last 3 weeks with essentially the same objectives as this bill. The Senate passed a companion bill without a single dissenting vote. I believe the provisions of H.R. 15582 express the will of the Congress, and do so in the manner most consistent with the overall tone and content of the Atomic Energy Act.

Strengthened provisions for congressional review and approval of proposed agreements for cooperation appear to be desired by the Congress in time to govern the treatment of the upcoming agreements now being negotiated with Egypt, Israel and Iran. Such agreements will probably be submitted a few weeks from now.

This bill has the desirable feature of not requiring congressional action on innocuous agreements such as agreements for cooperation in the use of radioisotopes for medical, industrial, or agricultural research. These will continue to go into effect 30 days after submittal if Congress takes no action.

Let us not lose sight of where we are today with respect to worldwide utilization of atomic energy.

There are now in operation 21 U.S.-type nuclear powerplants in 9 foreign countries with a total capacity of 7 million kilowatts. There are another 90 such plants under construction or on order in 16 foreign countries. These would generate 75 million kilowatts of electricity.

Now, if we look at all kinds of foreign reactors—test, research, and power—throughout the world we find there are 518 of them in operation, under construction, or planned, in 49 countries. Atomic energy has come into its own on a global basis. There is strenuous competition among the seven countries who can supply reactors for electric power generation. At a cost of as much as $600 million for a single reactor, this business can be and is a tremendous asset to the U.S. balance of payments. The same is true for nuclear fuel and other related activities of the nuclear industry.

But in our role as an international supplier of nuclear technology, we must continue to assure that that technology is indeed used for peaceful purposes alone. We cannot prevent other nations from disseminating this technology without adequate safeguards, but we can assure that the reactors and fuel we sell are not diverted for military purposes. We have done so successfully so far.

This bill will provide Congress with an expanded role in developing the terms of agreements for sharing nuclear technology. Our watchfulness will help to insure that the Commission continues its careful safeguards programs.

I support H.R. 15582, and urge its passage.

Mr. PRICE of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, the Indian explosion of a nuclear explosive and some of the agreements to export nuclear reactors which have been made of unknown content with Egypt and possibly with Iran, I think, have aroused tremendous interest in the need for closer congressional control over nuclear agreements and for subsequent strengthening of international nuclear safeguards to prevent a diversion of nuclear material.

Nuclear reactors, through the production of plutonium, can lead to nuclear weapons. The United States has sold nuclear reactors to 33 countries. Of these 33 countries, 21 have not ratified the Nuclear Non-Proliferation Treaty. Among these 21 nonratifiers are India, South Africa, Brazil, Indonesia, and South Korea.

Now, consider the following scenario: With our help, country A develops nuclear power, declaring it has absolutely no intention of developing nuclear weapons; neighboring country B does not believe country A. And even if its leaders did believe country A, internal political pressures would force country B to go after nuclear weapons as soon as possible. As soon as it transpires that country B is going after nuclear weapons, country A will undergo the same internal pressures to develop its own nuclear weapons despite its previous intentions or disclaimers. Then neighboring country C feels threatened and states that it needs nuclear weapons to protect itself from the threats of countries A and B. And so it goes on with neighboring countries D, E, and F.

We can substitute for these alphabetical letters the countries of Iran, Saudi Arabia, and Iraq, as well as Egypt and Israel, and we will see the dangers of nuclear proliferation once some of these countries get nuclear technology.

Under this conceivable chain reaction situation, it becomes increasingly inevitable that some dictator, terrorist, or demagog who somehow acquires nuclear weapons will use them, possibly touching off a nuclear world war III. We must keep in mind that all the major wars of this century have started from military actions involving small nations.

Mr. Chairman, during the consideration of this bill I intend to offer an amendment to provide that no nuclear agreement or amendment to any nuclear agreement, if the agreement or amendment is entered into after July 1 of this year, shall take effect unless approved by an act of Congress. My amendment provides the simplest procedure to assure strong congressional control and the monitoring of nuclear agreements.

No agreement will go through unless both Houses of Congress act positive to approve the agreement or the amendment to a nuclear agreement by an act of Congress.

Under this Joint Committee's bill, nuclear agreements can be stopped only if both Houses of Congress act to forbid the agreement. So that the agreement has a green light unless we move to stop it. In all of the nuclear agreements we have made with the 33 countries, not once has anything come to this floor of Congress for a vote.

Mr. Chairman, my amendment raises no constitutional issues, because it requires an act of Congress approving nuclear agreements before such an agreement can go through. The Joint Committee bill, by providing a congressional veto of nuclear agreements by congressional action, is proposing a procedure of dubious constitutionality, because article I, section 8, clause 1 of the U.S. Constitution states as follows:

> Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives * * *

Now, Mr. Chairman, this makes no exception except for adjournment. Every resolution under the law must go to the President for signature. There is only one exception that is implicit, and that is in Hollingsworth against Virginia in 1798, which indicates a constitutional amendment does not require the President's signature. That is the only one.

Since the concurrent resolution is not signed by the President, the Joint Committee is proposing a procedure of dubious constitutionality which could fail us at a moment when we most need it.

Other bills and laws have used this process of a concurrent resolution. The courts have not ruled on the constitutionality of this procedure. As I said, my amendment would solve this constitutional problem.

My amendment needs no complicated antifilibuster provisions, no confusing timetables, and no requirements that the Joint Atomic Energy Committee shall report such and such a resolution by such and such a date. If the administration wants a nuclear agreement to go through, it will lobby to have Congress approve the agreement, under the procedure of my amendment. If the nuclear agreement is a good one, with atomic safeguards, Congress will approve the agreement.

What is the administration afraid of? My amendment, incidentally, because it covers any nuclear agreement since July 1, will assure that the proposed Mideast nuclear agreements among Egypt, Israel, and Iran would be subject to congressional approval.

Finally, my amendment preserves the House prerogative that no nuclear agreement can go through without the approval of the House as well as the Senate. I think this body has been ignored for too long.

Again, the purpose of my amendment is to make sure that everything that has to do with a nuclear agreement will come to the floor of this body for a vote. This is not to stop nuclear agreements. I have no intention of trying to stop them. I am merely making sure that Congress will have a chance to pass on them to provide the rules under which they will be made.

The impact of requiring congressional action in this is to make sure that better agreements are drafted, knowing that they have to come to the Congress for scrutiny and approval.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOSMER. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. ROBISON).

Mr. ROBISON of New York. Mr. Chairman, as the gentleman from Illinois, the chairman of the Joint Committee, knows, and the gentleman from California (Mr. HOSMER) knows, I have consistently favored the orderly, careful development of the civilian nuclear power program, both at home and abroad. I also want the gentlemen to know that I support the concept behind this bill. Yet the same world events which have dramatized the need for this legislation have given me some concern over a few of its provisions. I would therefore like to address two questions to the distinguished chairman of the Joint Committee, or to Mr. HOSMER:

First. My first question concerns the provision that only reactors of 5 thermal megawatts or more be subject to congressional approval. According to my information, 31 such reactors have been sold to other countries by the United States since the enactment of the Atomic Energy Act in 1954. It is variously reported that the weapons potential of these small reactors directly relates to the degree of uranium enrichment required by a particular reactor. As a consequence, I am told, small, heavy water reactors using only slightly enriched uranium might produce sufficient plutonium for a weapon within 3 to 4 years, while those other small reactors, such as are mainly used in this country, and which require very highly enriched uranium could take as long as 50 years to yield sufficient plutonium to manufacture a simple bomb.

In light of the comparatively small burden which approval of these agreements for small research reactors would place on the Joint Committee and Congress, and in view of the uncertainty over the weapons potential of such devices, could the distinguished chairman (Mr. HOSMER) further enlighten us as to the committee's rationale in determining that reactors of less than 5 megawatts need not be approved or disapproved by Congress?

Mr. HOSMER. Mr. Chairman, if the gentleman will yield, I will be delighted to explain the situation, as I understand it, to the gentleman.

These are very small research reactors that are involved here, and we looked very carefully into this threshold in relation to the amount of nuisance and bother it would be, not only to ourselves,

but to the people overseas with whom we are dealing. And we were able to determine that there was little if any uncertainty about weapons potentiality of such small reactors, and it is truly negligible.

It is true that by using highly optimistic numbers as to how much plutonium is needed to make a bomb, and assuming the research reactor was using low enriched or natural uranium, and was operated for maximum plutonium production, and then assigning the country in question a highly advanced capability for reprocessing that plutonium, we could come up with a scare time such as 3 or 4 years to accumulate enough plutonium to make one small bomb. But the United States does not make research reactors using these low enrichment fuels that would lend themselves to that purpose. We only use the high enrichment fuel elements for the reactors of this kind that we export. Also International Atomic Energy Agency safeguards are applied to all U.S. exports in addition to those that the United States itself provides for in these agreements for cooperation. They apply whether they be as to reactors or fuel or both. The international safeguards are essentially the U.S. safeguards, and we have no evidence of any violation or subterfuge so far.

The plutonium that was obtained for the Indian reactor was from an unsafeguarded reactor that the Canadians sold to the Indians. The safeguarded reactors in every case that are under safeguards do not have that possibility for diversion.

Second, as to the burden, we would be in a sense closing a door that is almost shut anyway, since the emphasis today is no longer on small research reactors but on power reactors, where the committee's threshold is fully operative.

In other words, there is not going to be much more export business on these small reactors. In addition to that, the bill addresses itself to the association of fuel with the reactors, so that if one were to cover all reactors, then Congress would be reviewing the exports of replacement fuel, and thus the burden is actually magnified because of the 31 already in operation in these various places.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOSMER. I yield 5 additional minutes to the gentleman.

If the gentleman will yield further, the Joint Committee has been notified of an export under an agreement for cooperation with Sweden of 13.34 kilograms of highly enriched uranium to be used to refuel a research reactor. We would not want in each of these cases of these 31 reactors or possibly more to have each brought up to the Congress and then go through all of these procedures because, as was explained, the burden is large in relation to any gain we would get.

Finally, under the committee bill, section 123(c) of the Atomic Energy Act remains in force, and under that section the Atomic Energy Commission is required to forward agreements for all exports under 5 megawatts thermal to the Joint Committee for a 30-day review. It is not as formal a procedure as the one in the case of larger reactors in the pending bill.

The committee has always announced the receipt of these proposals in the RECORD for all Members, and one would hope that those interested would have ample time to review the scope of such an agreement and make their views known to the committee.

Mr. ROBISON of New York. May I say to the gentleman I certainly appreciate the time and attention he has given to fleshing out the committee report in these areas. If the gentleman is willing to yield for a second question, I would also like to inquire about the criteria which the Joint Committee and Congress ought to employ to assure that sufficient safeguard guarantees are required in a bilateral or multilateral agreement. In the committee report on H.R. 15582, there is a summary of particular safeguard and security assurances which are presently required by the Atomic Energy Act.

Could the gentleman advise how the Members of this body can best review proposed future international agreements, so as to assure, as fully as possible, that all safeguard and security guarantees are carried out? What criteria does the gentleman expect the Joint Committee and the Congress to employ, so that our constituents are assured that every precaution has been taken against illicit diversion of nuclear materials or sabotage of nuclear reactors provided to other nations.

Mr. HOSMER. Would the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from California.

Mr. HOSMER. I thank the gentleman for yielding.

First of all, I believe we would want to have the Congress see whether the proposed agreements meet the provisions of subsections 123 (a) and (b) of the Atomic Energy Act; 123(a) specifies that the proposed agreement must include terms, conditions, duration, nature, and scope of the cooperation; a guaranty by the cooperating party that the specified safeguards will be maintained; a guaranty of peaceful uses only; and a guaranty of nontransfer to authorized persons or beyond the jurisdiction of the cooperating party; 123(b) in addition to that requires that the President certify in writing that he approves and authorizes the execution of the agreement, and that the agreement will promote and not unreasonably risk common defense and security.

In addition to that the Congress would want to review the specific safeguards to be imposed. Normally, as I indicated earlier, these are the IAEA safeguards, which are in effect the U.S. safeguards. But there are additional places such as in the agreement with Egypt and Israel where we might want to insist that we obtain additional safeguards because of the regional situation and we would want to see if these were included in the agreement as presented to us once it got here.

Lastly, I think we would want the Congress to keep a careful eye on U.S. fuel enrichment capacity to insure that domestic needs are not jeopardized by these proposed exports in the case of nuclear fuel. As with other materials these will be in short supply as the nuclear reactors grow around the world and we want to make certain that the United States has the fuel before we engage in exports which would tend to diminish our own supply.

These are the kinds of things we on the committee have always looked at in the past and I believe that the Congress would want to look at them in the future as the new provisions for closer scrutiny and more opportunity by the total membership are adopted so we may take a look at these things.

Mr. ROBISON of New York. Mr. Chairman, I thank the gentleman again for his full and complete answer. His answer does reassure me relative to the legislation which I believe I can now fully support.

Mr. PRICE of Illinois. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to get some information on the effect of this bill upon the recent agreements between the United States and Egypt and the United States and Israel. What effect will this bill have upon these agreements?

Mr. PRICE of Illinois. Since these two agreements are still under negotiation and have not been submitted to the Congress by the joint committee they would be covered by this legislation.

Mr. WOLFF. What about the fuel for the reactors? Will this be covered?

Mr. PRICE of Illinois. Definitely it will be under safeguard provisions in the agreements. One of the strong features of all agreements are the safeguard provisions and that would cover the reactors and the fuels.

Mr. WOLFF. One final point, Mr. Chairman. I wonder if in view of this we will take up a bill, a comprehensive bill here that will take into consideration all future agreements? I wonder, in view of the interest that a great many Members have regarding the situation with Israel and Egypt, if the chairman will entertain a concurrent resolution regarding the new agreements between Egypt and the United States and Israel and the United States?

Mr. PRICE of Illinois. I really do not see any reason for a concurrent resolution at this stage, because when the agreements are submitted to the Joint Committee on Atomic Energy the House will be notified and the other body will be notified. The Joint Committee on Atomic Energy will hold open hearings on these agreements and all Members will be notified in time if they wish to testify on the agreements and they will be permitted to do so, and then the committee within 30 days, under the legislation we are considering, would be compelled to report to the House and to the other body for either approval of disapproval.

Mr. WOLFF. I understand from the gentleman then that there will be hearings on the new agreements?

Mr. PRICE of Illinois. Definitely. Contrary to the prevailing view with few exceptions every agreement that has been entered into in the field of nuclear

energy with other nations has been subject to hearings and open hearings. There have been rare occasions when they were not, and there was no particular reason why they were not except at the time they were not considered that important and there was not significant enough interest that anyone sought hearings on them.

Mr. WOLFF. I thank the gentleman. In view of the sensitivity of the situation in the Middle East, I am happy to learn that hearings will be conducted. I congratulate the gentleman on bringing the bill to the attention of the Members.

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

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

Mr. ROSENTHAL. I had a question. Mr. Chairman, I appreciate the diligence with which the gentleman has pursued this matter. I know the committee has done a very good and thorough job. I still do not understand why it would not be more in order or would not be more appropriate, rather than have sort of a veto by the Congress, rather than approve the amendment of the gentleman from Maryland (Mr. LONG), to have affirmative action required by the Congress. It sort of puts a greater burden on us. It will require a little more effort, a little more attention by all of us; but I would think with the high risk involved, not only in these two situation, but in others that will follow on, why we would not be willing to meet our responsibility to hear, to digest and understand these questions. Does the gentleman get the point of the question?

Mr. PRICE of Illinois. I get the point of the gentleman. We are limited in time, but I would like to allay the gentleman's fears. The legislation under consideration provides that we report to the House within 30 days, before the 60 days expires. If any Member of the Congress wanted to offer a resolution of disapproval, he certainly could. We are not putting that in here, because the gentleman is talking about a lot more than the type of agreements between Israel and Iran and Egypt. The gentleman is talking about research reactors scattered all over the world. If we had to have action every time one of these agreements was made with these small 5 megawatt reactors, we would do nothing but add to the nuclear energy problem.

Mr. ROSENTHAL. Could we have it beyond the 5 megawatts?

Mr. PRICE of Illinois. I think we were extraordinarily cautious. I think it is possible to have a concurrent resolution on any agreement under the provisions of this act that we are working on today.

Mr. ROSENTHAL. I assume the gentleman would agree that giving these reactors both to Israel and Egypt is giving them a part of the world's trouble with all its turmoil and high risk.

I am not suggesting that the gentleman's committee is not paying attention to it; but I do think if our Government had to go the other way in affirmative action by the Congress, there would be greater safeguards.

Mr. PRICE of Illinois. Since I have promised time to another I do not want to take any more time on this. Under the 5-minute rule I will be glad to debate the matter with the gentleman.

I now yield 5 minutes to the gentleman from Washington (Mr. McCORMACK).

Mr. McCORMACK. Mr. Chairman, I want to speak to a couple of points that have been made here during the discussion in the last 5 or 10 minutes and see if I can help shed a little light on this subject. I want particularly to speak to the expression of deep concern by the gentleman from New York who has just now recommended positive action by Congress. I want to say that I very much share his concern with respect to safeguarding nuclear reactors that we sell to foreign countries.

I think there are several points we should understand, however. One is that no action by this Congress is going to provide absolute control over the development of nuclear reactors in other countries. The United States is not the only exporter of nuclear reactors. The reactor the Indians used in their explosion was bought from Canada. In fact, we do not even make that kind of reactor in this country.

Ms. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentlewoman from New York.

Ms. ABZUG. Who supplied the heavy water, however, for that Indian reactor?

Mr. McCORMACK. I cannot answer the question of the gentlewoman for certain, but I suspect it was the Canadians.

Ms. ABZUG. I am advised we did in 1956. We sold to India 42,000 pounds of heavy water at a cost of $1,176,000.

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

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

Mr. HOSMER. Mr. Chairman, insofar as the supply of heavy water is concerned, in the beginning what is now called heavy water was supplied by the United States, but subsequently and for quite some time India has had its own heavy water manufacturing capacity. They do it domestically in India.

Mr. McCORMACK. The rationale behind my response was that the Canadian Government, because it manufactures and exports reactors requiring heavy water, and presently manufactures and exports heavy water, was the probable vendor in the case of their reactor.

The next point I wish to talk about is the 5-megawatt thermal threshold. It makes sense to set a threshold someplace, because one can make extremely small reactors which are obviously no hazard with respect to producing weapons materials.

Setting a 5-megawatt thermal threshold makes it virtually impossible to make a weapon. A normal nuclear power reactor produces about 4,000 thermal megawatts. Thus, a 5-megawatt reactor is about one-thousandth of that size. It is very small by comparison.

Ms. ABZUG. Mr. Chairman, will the gentleman yield further?

Mr. McCORMACK. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Chairman, I am very concerned about the limitation and exemption of reactors under 5 megawatts.

For example, Dr. Henry Kendall, professor of physics at MIT, testified before one of our subcommittees. He testified that a simple implosion bomb requires from 1 to 8 kilograms of plutonium, depending on design. A 5-megawatt reactor, if operated 300 days per year, would produce 1.35 kilograms of plutonium per year, or 4.05 kilograms over a 3-year period—enough to manufacture a bomb.

So I think these are not toys we are dealing with. I appreciate the fact that the gentleman from Washington is a scientist and a physicist with a good background and I am just a simple lawyer and Member of Congress. But I am frightened and concerned, perhaps because I am just a simple lawyer and Member of Congress.

If we are going to require the approval of the Congress, why should we exempt reactors of 5 megawatts or less.

Mr. McCORMACK. Mr. Chairman, I am glad to answer the gentlewoman from New York. The reason, of course, is that the Joint Committee on Atomic Energy has always been informed of the export of research reactors, and this information has been available to Congress. The committee has seen no reason to take the time of Congress to review the export of such research tools.

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

Mr. HOSMER. Mr. Chairman, I yield 3 additional minutes to the gentleman from Washington.

Mr. McCORMACK. Mr. Chairman, let me make one more point, and then if the gentleman has a question I shall be glad to answer it. I want to make just this one fact clear in our minds.

If we control the fuel from a nuclear reactor, both before it goes into the reactor and after it comes out, then we control whether or not weapons will be made. Under the agreements we can write with any country, we can control that fuel to any degree we wish. For instance, we can put it under international safeguards which may allow for reprocessing of the fuel in that country, in which case they may have access to it; or we can require that the fuel elements be shipped out of the country and then processed some place else, in which case they have no access to it at all.

With respect to the agreements with Israel and Egypt that are coming before us under this act in the future, I have already indicated to the members of the Joint Committee and to the Atomic Energy Commission that I will insist that the United States physically control those fuel elements both before they go in the reactor and after they come out of the reactor.

Therefore, there will be no way for any of these countries, short of breaking off diplomatic relations with us and undertaking what would very nearly be a hostile act, to get control of the materials. Those fuel elements can be shipped out and reprocessed in this country or in Brussels, under which conditions the host country would have no access whatever to them.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. This is quite a different circumstance, though. Have not other countries taken our technology, taken our materials, and then booted us out and went on and did what they wanted to do? This has happened to us. It has happened to the Russians.

Is not the gentleman concerned about the use of very small reactors by terrorist groups who may grab them? It is perfectly true that they are not going to declare a major war with all the material accumulated.

Mr. McCORMACK. I will go back to what we said before: There is no way to put the cap back on the bottle of the nuclear genie. That cap was taken off in 1942, and it is never going to be put back on again. We do not have exclusive control over other nations' nuclear programs. No country in the world has control over the manufacture or sale of reactors. If it did, then the gentleman's point would have great validity.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield further?

Mr. McCORMACK. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. The point I want to make is that most of the countries who are dealing with these other sources of nuclear reactors and nuclear power are getting their know-how and their expertise from the United States. For example, France reactor technology is United States-licensed from General Electric and Westinghouse, and Japan and Italy, like France, both have U.S.-licensed reactor technology.

Mr. McCORMACK. I will say that the gentleman is completely in error.

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

Mr. HOSMER. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. BELL).

Mr. BELL. Mr. Chairman, I viewed our President's promise to provide Egypt and Israel with nuclear reactors with a sense of incredulity.

The proliferation of nuclear technology has always been risky, but it is particularly alarming in this case due to the volatile history of the recipients.

In a section of the world where the threat of terrorist activities is part of the way of life, the potential for sabotage in a nuclear powerplant is very real.

Contemplate the ramifications of ignorant and desperate men gaining control of nuclear materials.

We must eliminate such possibilities, not encourage them.

India's ostensibly "peaceful" explosion of a nuclear device is one frightening example of how knowledge of nuclear technology can be used to develop a power capable of massive destruction.

Even atomic energy advocates of the proposed sales of nuclear reactors, admit there is no positive guarantee that safeguards will work—that nuclear fuel will not be diverted for use in the development of a nuclear bomb.

It is urgent, therefore, that any decision to grant nuclear aid to any foreign country should be tightly controlled and thoroughly considered by Congress.

In view of increasing demands for new energy sources, it is predictable that nuclear technology will be made available to more and more countries during the years to come.

We, therefore, must not be reckless or offhand about agreements involving nuclear aid.

Such agreements, if not carefully monitored, can too easily be violated.

And the nuclear technological knowledge we have shared, with faith in its intended application for constructive purposes, can be turned instead into a powerful means for belligerent action.

The critical decisions involving the proliferation of nuclear technology will affect the future of all men.

For this reason I believe it is essential for Congress to be well-informed by the Joint Committee on Atomic Energy of all aspects involved in any agreement, and to have final say regarding the acceptability of all nuclear aid pacts.

The power to veto such Presidential proposals is not only essential, but a right clearly granted to Congress in the Constitution, with respect to foreign affairs.

I therefore give H.R. 15582 my full support, and for the sake of our fellow men, urge all my distinguished colleagues to do likewise.

Mr. HOSMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I had not intended to take any time under general debate, but in view of the remarks that were just delivered here in the well by my very good friend, the gentleman from California (Mr. BELL), I think very briefly we should set within its historical perspective the issue that we are talking about this afternoon.

The United States—and this fact may have been mentioned earlier in the debate—has been, of course, for more than a score of years now committed to the dissemination of the benefits of the peaceful uses of atomic energy or nuclear energy, and we have formal agreements in this area with a number of countries on an individual, bilateral basis, and also in cooperation with two international organizations, the International Atomic Energy Association and the International Atomic Energy Agency.

Mr. Chairman, I thought it might be interesting to merely point out for the record that, excluding the reactors which are now located here in the United States, there are 518 reactors of all types in operation or under construction or planned in other countries around the world. In addition to that and in addition to our own country, the United States, there are six nations which have already entered the international market for nuclear power reactors. These countries are the United Kingdom, West Germany, France, Canada, Sweden, and the Soviet Union. In addition to the countries I have just named, Japan has actively bid on power reactor contracts overseas, and Italy has supplied components.

I have just mentioned that for the benefit of my good friend, the gentleman from California, and I wish to reassure him that really when we talk about this business of selling nuclear reactors to other countries—in this case Israel and Egypt—we are not talking about something that is new. There are 518 of these things around the world now, and 6 countries are engaged in this business.

As we found out the other day, when Iran bought five natural uranium reactors from France for $1.1 billion, there are other countries which are actively engaged in the dissemination of nuclear power. The United States is not doing anything dangerous in the sense that we are suddenly beginning to disseminate nuclear power in a manner that we have not already followed for more than 20 years. This may help, I think, to keep this discussion on a level plane, as I hope it will be.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

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

Mr. LONG of Maryland. Mr. Chairman, the fact that so many countries have this technology and that it has been disseminated is due to the fact that the United States has been so loose in its willingness to spread this technology around the world; is that not the truth of the matter? And this is because Congress has taken very little interest in these matters in the past?

Mr. ANDERSON of Illinois. Mr. Chairman, I cannot agree with the gentleman from Maryland. I respect the gentleman very much, but I could not agree with his characterization of this as a "loose" arrangement. We have some very carefully worked out, highly technical, bilateral agreements with these countries, providing for certain safeguards.

We do cooperate with and we are a member of the International Atomic Energy Association, one of the specialized agencies of the United Nations, and we do pay a great deal of attention to how these reactors are used and for what purposes, and we take pains to guard against the illegal diversion of enriched uranium and special nuclear materials for purposes other than peaceful uses.

So to say we are careless and indifferent, I think, is to simply ignore the facts that are now in the record.

Mr. Chairman, I append herewith a document which details the foreign suppliers of nuclear power reactors and

gives some of the other important statistics:

FOREIGN SUPPLIERS OF NUCLEAR POWER REACTORS

In addition to the United States, there are a number of other countries which presently have the capability to supply large power reactors to foreign customers. A brief rundown on these countries follows:

United Kingdom—Supplied natural uranium reactors to Japan (166 Mwe) and Italy (150 Mwe) many years ago. Have been actively involved—without success to date—in efforts to sell advanced gas reactors and steam cooled heavy water reactors.

West Germany—Supplied 318 Mwe natural uranium heavy water reactor to Argentina; 692 Mwe water reactor to Austria; 920 Mwe water reactor to Switzerland; and 450 Mwe water reactor to Netherlands.

Canada—In addition to 40 Mwt research reactor, has supplied India with two CANDU type power reactors (220 Mwe each). Also supplied Pakistan with 125 Mwe natural uranium, heavy water reactor. Is also planning to supply 600 Mwe CANDU reactor to Argentina.

Sweden—Supplying 660 Mwe water reactor to Finland.

France—Supplied 480 Mwe natural uranium gas cooled reactor to Spain. Press reports indicate five power reactors will be supplied to Iran.

Japan—Has bid on foreign sales, but has not as yet sold reactor plant.

Italy—Has supplied large components and systems, but not complete reactors as yet.

Russia—Supplied two water reactors (880 Mwe each) to Bulgaria; two water reactors (834 Mwe each) to Czechoslovakia; and two water reactors (880 Mwe each) to East Germany. Also supplying two water reactors (440 Mwe each) to Finland.

In sum, six foreign countries (UK, West Germany, France, Canada, Sweden and USSR) have already sold power reactors abroad; Japan has bid on power reactors overseas, but has not sold one yet; and Italy has supplied components. It can be expected that additional industrialized countries will acquire this capability in the future. Further details are provided in the attached table:

FOREIGN REACTOR SALES BY NON-UNITED STATES FIRMS

Supplier country, firm, and reactor sales [1]

West Germany; Kraftwerk Union AG; Tulln, Austria.

West Germany; Kraftwerk Union AG; Borselle, Netherlands.

West Germany; Kraftwerk Union AG; Gosgen, Switzerland.

West Germany; Siemens AG; Atucha,[2] Argentina.

Remarks

Stiff competition in many foreign competitions, most of which U.S. vendors have won.

France; Commissariat a l'Energie Atomique; Vandellos,[3] Spain.

Remarks

No recent activity in foreign market but with rapidly building (U.S.-licensed) LWR manufacturing capability may be expected in future.

Sweden; ASEA ATOM; Olkiluoto, Finland.

Remarks

The Finnish sale was initial venture in foreign market. May be expected to continue to compete, especially in Europe.

Canada; Atomic Energy of Canada, Limited (AECL); Rapp-1 & Rapp-2, India.

Canada; AECL/Italimpianti; Rio Tercero, Argentina.

Canada; AECL; Kori-3 & Kori-4, Korea.*

Canada; Canadian General Elec.; Kanupp, Pakistan.

Remarks

Very active sales activity with significant interest especially from nations just going nuclear and with desire for fuel supply independence, local industry participation or political ends.

United Kingdom; none.[4]

Remarks

If UK can make domestic program decisions and get promptly underway, may be a world supplier. Especially likely if choice is US-licensed LWR.

USSR; Atomenergo Export; Loviisa-1 [5], Finland, Loviisa-2.

Remarks

Indications Soviets might be willing to supply reactors in West. LWR technology considered inferior, if Western technology equally available & politically acceptable to customer.

Japan: none.[6]

[1] Outside own country.

[2] A heavy water moderated type FRG neither user domestically nor actively markets in foreign countries but they did bid it (on request) as addition to LWR type in Brazil during the most recent project competition.

[3] The single foreign sale of a power reactor. This gas-graphite natural U reactor is of type abandoned by France for even its own domestic program. Sold to Spain under extremely concessionary terms.

* Only letter of intent.

[4] This ignores the early loss-leader sales of small plants to Italy (Latina) and Japan (Tsuruga-1).

[5] Only sale outside of Bloc.

[6] Have bid in international competition, but not recently. Only sale to date is turbogenerator for Mexican nuclear plants. If manufacturing capacity can keep ahead of rapidly growing domestic program, they may be active competition in future.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I will be happy to yield to the gentleman from New York if I have time left.

Mr. SMITH of New York. Mr. Chairman, I thank the gentleman for yielding.

I wanted to ask a question, and perhaps it has been answered prior to my getting on the floor, in regard to India's recent explosion of a nuclear device which apparently India was able to manufacture from plutonium, or materials gathered from the Canadian nuclear reactor that it has had for some years.

Is India a member of the International Atomic Organization that is supposed to look after this sort of thing?

Mr. ANDERSON of Illinois. I believe yes, that is correct; India is a member of the IAEA. But, as I think the gentleman from California (Mr. HOSMER) explained a little earlier, this particular arrangement with Canada whereby this Canadian reactor was furnished to India, along with heavy water, was not under any safeguard agreement. So actually I do not think you can accuse India of violating any international agreement.

Mr. HOSMER. Mr. Chairman, if the gentleman will yield, as I pointed out, although India is a member of the IAEA, it is not a signatory of the Atomic Energy Treaty.

Mr. LONG of Maryland. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that he will vacate proceedings under the call when a quorum of the Committee appears.

Mr. LONG of Maryland. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN (Mr. FORD). The Chair will state that he is sorry, but having announced the absence of a quorum, we will have to go through the quorum call.

The Chair again announces that he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

Mr. PRICE of Illinois. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, I think that the discussion here today indicates how serious are some of the problems that are inherent in the transfer of nuclear materials, a problem we have had for a long time but which has been dramatized by the recent proposed agreements between Egypt and Israel.

I do not share the optimism of some of the Members of Congress who have spoken about the fact that we can exempt all reactors under 5 megawatts. I previously quoted from Dr. Kendall, who says that one can manufacture a nuclear bomb with that material if one uses it for 3 years. I then pointed out to some members of the committee that between 1955 and 1973, the United States exported 105 nuclear reactors of all sizes and types, 58 of which were 5-megawatt size or smaller, so that by this exemption we are going to probably exempt half of all we may be exporting.

On the other hand, it has been argued by some of my colleagues that we do no longer export these smaller heavy water reactors. I want to inform you that, in the last 2 months, Canada has taken six orders for exports of heavy water and developed a new and efficent and cheaper method isolating and processing heavy water. I am sure that this event will call into play the great American spirit of competition, and before long we too will be exporting small heavy water reactors, as we did in the past.

I strongly support the amendment to be offered by the gentleman from Maryland (Mr. LONG), which will require the concurrence of both Houses of Congress on nuclear agreements. I have advocated such congressional approval and nuclear limitation.

I believe we have underestimated the impact and the effect of our continuing proliferation of nuclear reactors, nuclear materials, and nuclear weapons to the

nations of the world. I can understand India wanting to get into the act, but the fact is that the real problem we confront here today—and I wish there were more Members on the floor—is, are we, by insisting upon exporting this kind of technology, going to blow up the world and blow ourselves up? We have never been willing to face that reality.

I am glad the committee is coming in with some proposal to bring before the Congress the agreements for the transfer of nuclear materials or reactors. But I believe it does not go far enough. We should require the affirmative concurrence of the House and Senate to any agreements. I would hope that the amendment which will be offered this afternoon will be agreed upon and acted upon favorably by this House.

Mr. HOSMER. Mr. Chairman, I have no further request for time.

Mr. PRICE of Illinois. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. I thank the distinguished chairman of the Joint Committee for yielding, and I would like to commend him and the Joint Committee for recommending this legislation.

I think we have all been shocked by the proposals announced by the President for the granting of nuclear power reactors to Egypt and Israel. Those proposals were made without consultation with the Congress, and I think they have brought home to us the extreme sensitivity of this area and extreme danger involved in some of these proposals.

I recognize that this legislation would apply to those proposals and that the agreements themselves are a long way off. At the appropriate time, I will offer an amendment which would insure that without derogating in any way from the responsibility of the Joint Committee to report a resolution approving or disapproving agreements, the Foreign Affairs Committee and the Foreign Relations Committee would be required to submit their recommendations on such agreements within the same period of time that the Joint Committee is required to submit its report, namely, within 30 days.

Obviously, these agreements involve delicate questions of foreign policy, and it seems to me a way should be provided, a regular and routine way should be provided, so that the House and the Senate would have the benefit of the input of their respective committees which are primarily concerned with the international relations aspects.

The proposed agreements in the Middle East illustrate the point that, to the degree possible, all the international relations expertise should be brought to bear in the consideration of such agreements.

As was mentioned earlier, technical safeguards alone will not be sufficient. We will have to consider the impact on other nations and their desire for similar agreements, and we will measure the danger of a nation simply breaking the agreement and proceeding on its own.

Such considerations, surely, are considerations on which the Congress should have the benefit of the views of those committees that are studying all the time problems of international policy. That is why I will offer my amendment.

Mr. Chairman, I am authorized to say that the chairman of the Committee on Foreign Affairs (Mr. MORGAN) concurs in my amendment and will support it at the appropriate time.

Mr. HOSMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona (Mr. CONLAN).

Mr. CONLAN. Mr. Chairman, it seems foolish that a loophole in current law permits U.S. nuclear agreements with foreign nations without congressional approval if they are for supposed peaceful reasons, while requiring Congress to be consulted if nuclear weaponry is involved.

As we learned from India's recent nuclear detonation, there is a thin line indeed between simply generating electricity with uranium-powered reactors and exploding atomic bombs.

That thin line is plutonium, the trigger for deadly atomic bombs, which can easily be extracted by anyone wanting to build such bombs from the irradiated wastes of almost any atomic power plant.

In fact, the type of atomic reactor President Nixon recently agreed to sell Egypt and Israel last month is very similar to the one India bought from Canada about 20 years ago, and which provided the plutonium used in India's A-bomb last May.

But it is not enough for Congress simply to amend current legislation to provide for "approval-by-inaction" of nonmilitary atomic agreements with foreign nations . This is the same cop-out procedure Congress uses to let its own pay increases proposed periodically by the President slip by unnoticed.

Congress must make a specific "yes" or "no" decision on every proposed atomic deal if it is properly to insure that such deals are in the best national interest, and that adequate safeguards and controls are required before they are finalized and approved.

For instance, before any foreign buyer obtains nuclear materials and technology for producing electricity, I would expect Congress to require evidence that safer and more abundant energy sources were not available before transfer or sale of U.S. atomic fuel and know-how could be approved.

I would also expect Congress to make sure that foreign governments are required to sign and ratify the nuclear nonproliferation treaty before atom deals could be made with the United States; that foreign buyers are forbidden from diverting nuclear materials obtained from the United States to other parties; and that reprocessing of nuclear fuel obtained from the United States is done under U.S. supervision, at the buyer's expense, to insure that plutonium is not set aside for use in atomic weapons.

This proposed Long amendment, requiring Congress specifically to approve or disapprove all foreign nuclear agreements, is a necessary first step toward insuring these controls and safeguards. Congress has abdicated too much authority to officials at the State Department, the U.S. Export-Import Bank, and other Federal agencies, who in the past have authorized or funded atomic agreements and nuclear sales and projects without approval of the U.S. Senate and House of Representatives.

It is time to reassert our authority and to help limit the unnecessary spread of atomic materials.

Mr. BIAGGI. Mr. Chairman, I rise in strong support of H.R. 15582, a bill to provide a vehicle by which Congress can increase and better exercise its powers in foreign affairs, through concurring or disagreeing with all atomic energy agreements between the United States and foreign nations.

This particular piece of legislation is the culmination of an effort which I initiated more than 6 weeks ago. Immediately after the President's alarming announcement that he had entered this Nation into major nuclear technology agreements with Israel and Egypt, I introduced a resolution making it the sense of Congress that any nuclear technology agreements shall not be agreed to without the expressed consent of a majority of both Houses of Congress.

What this legislation does is take my original effort and carry it several important steps further by including the following provisions:

First. Increases from 30 to 60 days the period of time during which Congress can act to veto a nuclear agreement which involves a nuclear reactor larger than 5 megawatts.

Second. Provides that a congressional veto of such agreements can be achieved through a concurrent resolution rather than an act of Congress.

Third. Requires that the Joint Committee on Atomic Energy submit to the full Congress within 30 days a report either in favor of or against a proposed agreement and in the effect of a disagreement, a concurrent resolution expressing this shall accompany the report.

While it is true that this legislation was sparked by the recent Egypt-Israel agreements, the need for this kind of legislation has existed far longer. The fact is that the United States has entered into some 20 of these agreements without even an iota of advice from the Congress. None of these agreements were accompanied by even the most basic of safeguards, a tragic gamble, which in our present turbulent world, cannot be tolerated any longer.

The fallacy of not acquiring any effective safeguards in these kinds of agreements was clearly pointed out in the recent deal between India and Canada. Here we found an agreement supposedly for the peaceful use of nuclear energy suddenly violated when India took these materials and developed and exploded a nuclear weapon.

Our concerns here should be as genuine. Who can guarantee that a similar situation might not occur in the highly unstable and explosive Middle East. What assurances can be made, for example, that Palestinian terrorist groups might not steal these nuclear materials and use them to make nuclear weapons to destroy Israel?

The concerns and questions I raise are

not merely an exercise in hypothetical rhetoric. they are realistic concerns which deserve the attention of all of you today. This legislation represents an important first step, and I contend that these answers can be better found in an agreement which has been duly deliberated and ratified by both Houses of Congress.

Still another important purpose could be served with the passage of this legislation. For far too long the Congress has been forced to take a back seat on many of the key foreign policy decisions which this Nation has made. The executive branch has been systematically usurping traditionally legislative powers, thus allowing them to take unprecedented liberties in the conducting of foreign relations. Yet now we are talking about nuclear agreements, which if abused could have incredible consequences for the world community. We must not hasten into any of these agreements for we, as well as our children may have to live or die with these decisions.

It has been said that the future of man may rest with the development of nuclear energy—but in today's world with few means to control its use—it is a highly volatile commodity. I think it is time that we began to take a closer look at our activities in this field. Rather than expanding our commitments, perhaps we should be limiting them. Rather than disseminating the nuclear materials, perhaps we should make certain that they are not as available.

Whatever the case, this legislation will insure that more views are entered into the determination of the merits of these agreements. If you wish to restore a balance of power in this Government and if you want to give all nuclear technology agreements full and careful deliberations, then I strongly recommend your support of this legislation today.

Mrs. SCHROEDER. Mr. Chairman, recent events have reawakened a serious concern about the wholesale proliferation of nuclear weapons.

Since the beginning of the atoms for peace program initiated in the 1950's by President Eisenhower, the United States had quietly concluded agreements with over 30 countries for assistance in the development of nuclear power. Then on May 18 India detonated a 14-kiloton device. This poverty-ravaged country, despite its limited technological and fiscal resources, was able to construct a nuclear explosive device by diverting plutonium from an electricity generating reactor provided to them by the Canadian Government under "stringent safeguards." On the heels of this shocking event President Nixon announced proposed agreements to supply Egypt and Israel with the same type of power reactors. Each of these 600 megawatt reactors is capable of producing enough plutonium each year to power up to 50 atomic bombs.

Up to this time Congress has had virtually no say on the number or extent of these agreements. Although we can reject agreements for military exchanges under section 123(d) of the 1954 Atomic Energy Act, we have no such power over agreements for peaceful purposes. As India's diversion has made apparent, that distinction is now academic.

The legislation before us today is an attempt to restore these powers of review to Congress. I commend Chairman PRICE and the Joint Committee for their timely action, which gives us a chance to institute congressional authority before the negotiations with Egypt and Israel are completed.

It is essential that Congress have a full voice in approving these agreements of such potential import. The Mideast proposals especially raise significant questions which must receive full debate and responsible action in both Houses of Congress. There is no assurance that the long-prayed-for peace in this volatile area is secure, or that a change in governments would not bring a repudiation of the safeguard agreements. The risks of diversion into nuclear weapons, sabotage or theft by terrorists, or a military strike on a nuclear plant in the event hostilities are resumed are all to grimly obvious. We must also consider the wisdom of exporting a technology which is not accepted as completely safe in our own country. One of the touted safeguards to prevent diversion of plutonium for military use is to have the fuel rods returned to the United States for reprocessing. But there is no guarantee that this highly radioactive material can be safely transported even within this country, a danger that is compounded by moving such material abroad. Another question we must address is why, in the first place, we are providing nuclear powerplants to the oil center of the world. It is interesting to note that President Eisenhower, in his Atoms for Peace speech before the United Nations in 1953, stated that one of the primary purposes of the peaceful exchange of nuclear technology "would be to provide abundant electrical energy in the power-starved areas of the world." Egypt, with sufficient oil and the Aswan Dam hydroelectric generator now operating at only half power—5 billion kilowatts—hardly qualifies. We should at least explore the alternatives of assisting these countries in the development of other forms of energy which are safer and more environmentally sound, such as solar power or fuller development of hydroelectric power.

Unfortunately, the bill before us does not insure that Congress will have a chance to pass on these serious questions. Under H.R. 15582 proposed agreements will go into effect automatically after the 60-day layover period unless there is a negative vote in both Houses. There are no safeguards to prevent a filibuster or other procedural delay from preventing action within the necessary time period. Approval by just one House would likewise insure automatic approval.

These deficiencies could be corrected by providing that either House may veto a proposed agreement by simple resolution within the 60 days, or at least instituting safeguards against procedural delays. Passage of H.R. 15582 without any strengthening amendments will be an almost meaningless gesture.

Mrs. GRASSO. Mr. Chairman, nuclear technology is not something which should be dispensed frivolously. It is potentially the most destructive knowledge known to mankind today.

The transfer of nuclear technology on an international level should be highly sensitive business and must not be conducted like an exchange of business machinery. When engaging in such high-level negotiations, the United States should act only after careful consideration has been given by the Congress to the proposed technology transfer.

Unfortunately, under present law, that does not occur. The transfer of "peaceful" nuclear material is not subject to the same stringent safeguards as the transfer of "military" nuclear technology. H.R. 15582, the bill now before us, would extend these safeguards to include large, peaceful nuclear reactors. Under the language of the bill, the Joint Committee on Atomic Energy would be required to submit a written report approving or disapproving the proposed agreements concerning large nuclear reactors. Congressional disapproval of the proposed agreement by a concurrent resolution would bar its execution.

Mr. Chairman, these are times when the proliferation of nuclear weapons is not a distant fear but rather a terrible reality. Recently, an important "neutral" country which cannot feed its own people exploded a nuclear device. In addition, the President promised nuclear reactors—which could produce material for nuclear explosives—to two major participants in the smouldering Mideast conflict.

In these times of sensitive, and carefully achieved strategic relationships, we should not encourage new players to join, and possibly upset, the existing balance of terror. Therefore, the Congress must play a more active role in the serious field of atomic power. If this proposed amendment to the Atomic Energy Act becomes law, then the will of the people—expressed through their elected representatives—could prevent the transfer of nuclear technology which might proliferate nuclear arms in areas of continued international instability.

Clearly, the world has evolved to the point where every exchange of nuclear information and technology—whether peaceful or military—has enormous repercussions. We must weigh all of our high level nuclear negotiations with the greatest of care. The passage of H.R. 15582 would assure this reflective element in the decisionmaking process. I strongly support the bill.

Mr. KEMP. Mr. Chairman, I rise in support of the bill pending before us, H.R. 15582. If enacted into law, this bill would establish a procedure for enabling the Congress to concur in—or to disapprove—each of the international agreements proposed to be entered into between the United States and a foreign country which would result in us helping them build nuclear powerplants.

I support this measure for several reasons.

First of all, I think the principal embodied in the bill—that the Congress, as the elected representatives of the American people, ought to have a greater voice on those matters which affect the peace and security of the world—is an important one.

No matter how worthy the motives of those who have made—and will make—such commitments on behalf of our Government, the Congress ought to have an established procedure for review of the merits and risks involved with each particular project to be undertaken pursuant to such agreements. I take this opportunity to commend the President and to laud the Secretary of State for the strides which have been made by the United States—under their leadership—in securing a more durable peace in the Middle East.

But, in our system of checks and balances and equal branches of government, the Congress has a similar duty and responsibility to insure the peace and to foster the security of peoples against aggression, measures which cannot be more adequately insured when the substance which forms the mass for nuclear weapons—plutonium—is manufactured as a byproduct of the operation of nuclear powerplants, and is, therefore, accessible to any nation which has shown a disregard for preserving the peace.

In our constitutional system, and this is my second reason for supporting the bill before us, the Congress—acting through the Senate—is given the power to pass upon formal treaties entered into through negotiations of the Executive. The Senate exercises the advice and consent function of the Congress as to treaties and must approve them by a two-thirds affirmative vote.

Similarly, the Congress under article 1, section 8, of the Constitution has the power to regulate commerce between the Nations, a power carried out not only through the Senate's advice and consent power but also through the separate authorization and appropriations processes of both Houses—the House and Senate.

It is in keeping with these constitutional powers and the spirit embodied in them, that the Congress ought to be afforded the opportunity to pass upon the substantive merits of all treaties involving nuclear power.

And, we are considering a major question affecting the peace, when we consider agreements like those negotiated with both Israel and Egypt during the President's and Secretary's recent official travels there. This is my third reason for supporting the bill before us. The two agreements now pending—Egypt and Israel—reflect the seriousness of such considerations.

During his trip last month to the Middle East, the President announced the intention of the administration to assist Israel and Egypt with their separate electric power generation programs by supplying each with a 600-megawatt—600 million watt—light water reactor, together with the nuclear fuel necessary for its operation.

Contracts for actual purchases by Egypt and Israel hinge on successful negotiation of international agreements with each, including safeguard arrangements. The development of nuclear power in both these countries is important to developing the resources with which to build their respective economies—which, taken by itself, is a worthy goal.

But safeguard standards must be considered as extremely important by us. Why? Because of the risk that plutonium—as a byproduct of nuclear fission within the reactors—may be secretly extracted from the spent fuel after it is taken from the reactor. A 600-megawatt reactor—as proposed in these agreements—produces about 275 pounds of plutonium each year of operation. That is enough material for about 20 crude nuclear weapons if used for such a purpose.

Safeguards are also needed to protect against theft of the material by terrorist groups.

Although final agreements have not yet been negotiated, Egypt and Israel have already signed preliminary sales contracts for fuel with the U.S. Atomic Energy Commission—AEC. The AEC had set a June 30 cutoff date for fuel contracts because of the tight supply of enriched uranium.

Present law—the Atomic Energy Act of 1954, as amended—requires agreements for export of nuclear reactors or materials to follow a prescribed procedure. The AEC must submit a proposed agreement together with its recommendations to the President for approval of the export of the reactor or materials.

After the President makes a written determination that the agreement will promote, and will not constitute an unreasonable risk to, the common defense and security, he must submit the proposed agreement—along with his approval and written determination—to the Joint Committee on Atomic Energy, a joint House-Senate committee of the Congress.

At this point, however, the law differentiates between military agreements for peaceful cooperation. An agreement for peaceful cooperation may take effect 30 days after it has been submitted to the Joint Committee. There are no special provisions for a congressional disapproval procedure regarding those peaceful agreements. Agreements for military cooperation, on the other hand, are subject to more lengthy congressional consideration—60 days—and may be prevented from going into effect if Congress passes a concurrent resolution of disapproval within the 60-day period.

The bill before us would amend the Atomic Energy Act to revise the procedure for congressional treatment of those proposed international agreements for peaceful cooperation in nuclear energy involving a reactor of more than 5 megawatts and special materials associated with it. This means that the Presidentially approved agreement must be submitted to Congress for a 60-day review period and will not take effect if Congress within that period passes a concurrent resolution of disapproval. The same procedure will apply to proposed amendments to agreements. In the simplest of terms, congressional review is insured for virtually all agreements—for all military and for almost all peaceful cooperation ones.

The administration does not support this bill. I cannot agree with them on this matter. In a manner not too dissimilar from the constitutional requirement of the Senate to advise and consent on treaties negotiated by the President and administration, I believe we should have a similar statutory review mechanism for those agreements negotiated by the President and administration involving nuclear energy—military or peaceful.

Considering that the prime ingredient of nuclear weapons—plutonium—is an unavoidable byproduct of all nuclear fission of this type—no matter how benevolent the purpose of the power generation, and considering the need to stabilize and reduce world tensions by curtailing, to the degree warranted, the proliferation of offensive weaponry, I think Congress should exercise this oversight function. I think it would well serve the cause of peace.

I urge the enactment of this bill.

Mr. WOLFF. Mr. Chairman, I rise in support of H.R. 15582, to enable Congress to concur in or disapprove executive agreements involving the transfer of nuclear technology. I would also like to commend the Joint Atomic Energy Committee, and its distinguished chairman, Mr. MELVIN PRICE, for their expeditious work on this legislation, in getting it to the House floor as promptly as possible.

The basic intent of H.R. 15582 is drawn from legislation which I introduced last month which would subject disapproval power by the Congress. A list of the 23 Members who cosponsored my bill follows my remarks. I introduced this measure in response to the President's pledge to provide nuclear technology to Egypt and Israel. I feel very strongly that American nuclear technology must not be introduced into other areas, and certainly not into the world's most volatile area, the Middle East, without the most careful scrutiny by the American people and their representatives in Congress. The intent of my bill, and the legislation before us today, is to insure the utmost caution and deliberation before we add new members to the "nuclear club."

India's recent nuclear blast confirms the fact that the capability of developing nuclear weapons has become more widespread. Nuclear power designated for peaceful uses can be diverted toward military ends. I feel that this body should view with considerable concern this new medium of exchange in international foreign policy, whereby nuclear technology has been substituted as a bargaining tool in place of dollar assistance. Congress serves as the guardian of the best interests of the people of the United States. Certainly, the proliferation of nuclear technology carries the potential to run counter to the well-being of this Nation. We would be shirking our responsibility, both as a coequal branch of Government and as representatives of the American people, if we failed to pass this bill.

The volatile nature of the Middle East raises grave concern that the introduction of nuclear power may serve as a

prelude to an extremely destructive force that may ultimately jeopardize U.S. security. The rise of terrorism in the Middle East throws an even graver pall over the President's pledge to provide nuclear technology. What kind of nightmare would enfold should the nuclear technology we are providing ever reach the hands of terrorist forces? Once the nuclear chain is started, it is beyond our control. We may indeed trust the word of President Sadat and Rabin, but we have no assurances from those who may follow in their footsteps. We cannot afford to play nuclear roulette whatever the prize.

I urge my colleagues to support H.R. 15582 and then to exercise the power which this legislation provides to insure a searching review of the potentially far reaching accords which the Executive has proposed.

Cosponsors of the Wolff bill, H.R. 15453, to subject nuclear technology agreements to a disapproval power by the Congress.

LIST OF COSPONSORS

Representatives Abzug, Addabbo, Badillo, Conyers, Ford, Froehlich, Grasso, Grover, Gude, Hechler of West Virginia, Heckler of Massachusetts, Holtzman, Lehman, Metcalfe, Moakley, Nedzi, Rinaldo, Rose, Rosenthal, Roybal, Seiberling, Waldie, and Yatron.

Mr. PRITCHARD. Mr. Chairman, I am supporting H.R. 15582 because any international agreement involving nuclear aid should be subject to public scrutiny and congressional review.

This Congress is now aware that the President's "statement of intent" commits us to the sale of nuclear reactors and fuel to Egypt in quantities sufficient "to guarantee substantial additional quantities of electrical power to support its growing development needs." Bilateral negotiations for this atomic aid are already proceeding. Similar arrangements have been worked out with Israel, which has had a bilateral nuclear research treaty with this country since July 12, 1955.

State Department officials assure us that in the bilateral negotiations the United States will require safeguards to prevent diversion of radioactive byproducts for the construction of nuclear weaponry. This is supposed to include international inspection and provision that byproducts be properly disposed.

But Mr. Chairman, I seriously question the wisdom of introducing nuclear power of any sort to an area so politically unstable as the Middle East. I wonder whether any safeguards can reasonably insure us that we will not just be fueling the fires of conflict and heightening the instability of the area.

This nuclear aid agreement disturbs me greatly when I consider that the plutonium byproducts of a nuclear energy powerplant can be diverted for the construction of nuclear weaponry with relative technological ease. U.S. Atomic Energy Commission officials indicate that the raw materials for the bomb India exploded just this year came from a Canadian plant, similar to those that are proposed to be constructed in the Middle East.

Now I do not doubt that the goal in offering nuclear aid is a positive one with a reasonable rationale. As a nation we must be willing to demonstrate our desire for peace and concern for the people of the Middle East in practical, constructive terms.

A valid argument can be made for Egypt's need of greater electrical power by 1980. With the largest Arab population increasing at a 3-percent growth rate, power from the Aswan Dam and lesser facilities will be insufficient to meet the growing power needs of the people in the near future.

When nuclear power becomes one of the bargaining tools, our zeal for settlement must be tempered with deliberate caution. Unfortunately, nuclear power is principally a force for destruction. Until I am convinced that sufficient safeguards on nuclear power in the Middle East are even possible, I cannot favor such aid.

Considering these high stakes, H.R. 15582 is a necessity to insure crucial congressional and public scrutiny in any nuclear agreement. Congressional approval—at least Senate confirmation—must be a requirement.

I do not believe that Congress should act as an obstacle to foreign policy initiatives or retreat into an isolationistic posture. But it would be a disservice to give anything less than full review to international agreements involving nuclear power.

Congress must have a role in all international agreements in which the United States plays a major part. Congress should be kept abreast of current developments in these negotiations. Often such negotiations involves agreements—whether nuclear or monetary in nature—or other concessions and terms that must be subject to the approval or at least the cognizance of the Congress. The thinking of Congress should be sought during negotiations to insure that agreements do conform to the wishes of the people.

Mr. Chairman, lest I sound overly negative, would point out that I believe prospects for a permanent peace in the Middle East appear brighter today than in a good many years. The role of the United States has, for the most part, been a positive one, encouraging the first fragile sprouts of what we hope will be a new era of understanding in a land where at times only guns have spoken.

The recent disengagement between Israel and Syria should be recognized as a diplomatic triumph. The procurement of this agreement after 28 exhausting days of intense negotiation stands as a tribute to the personal diplomacy of Secretary of State Henry Kissinger, and his perseverence in the face of what many considered insurmountable obstacles.

I am hopeful that this Government will continue its progress toward peace, not only in the Middle East, but also in other areas of the world. The effort for peace is never ending, and one that requires constant vigilance. Someday, with proper diligence, nuclear power, in spite of its destructive potential, may be a generator of peace and cooperation for our friends in the Middle East and the rest of the world. However, that day is not here yet for the Middle East.

This Congress must accept its responsibility and pass H.R. 15582.

Mr. DRINAN. Mr. Chairman, I rise in strong support of the amendment in the nature of a substitute offered by the distinguished gentleman from Maryland (Mr. LONG). A substantive revision in the statutory procedures for approval of nuclear aid agreements with foreign countries is long overdue. In 1954, when the Atomic Energy Act was signed into law, few Americans contemplated the possibility of sophisticated nuclear technology proliferating into scores of industrialized and less-developed nations throughout the world. Given a nuclear reactor and, perhaps, a little technological assistance, numerous nations now have the capacity to produce a nuclear weapon which could kill millions of people and contaminate a sizable land area for thousands of years.

The problem of nuclear proliferation has been made more acute by two dramatic developments occurring within the past several months. On May 18, India detonated a nuclear device using plutonium fuel siphoned off from a nuclear reactor provided by Canada. India called its nuclear detonation peaceful, but the fact is that this action seriously raised tensions in a part of the world which only recently was the scene of all-out warfare.

An event with even greater implications took place on June 14 when President Nixon announced that the United States would sell a nuclear reactor and related materials to Egypt. Three days later, President Nixon agreed to provide similar aid to Israel. Many Americans, in and out of Congress, were understandably shocked by these Presidential pronouncements. Only a few months after a tenuous peace had been secured in the volatile Middle East, stability between Israel and its neighbors was being seriously jeopardized. As the Jerusalem Post pointed out in an editorial of June 18:

> One more element of danger and uncertainty has been injected into a situation that will not necessarily always remain under U.S. control.

It is the specter of nuclear war in the Middle East, waged by both sides using American plutonium, which has led to an expeditious reassessment of our procedures for approving nuclear aid agreements. Present law, in effect since 1954, requires no congressional authorization for any nuclear assistance provided to foreign nations. A proposal for military aid can be killed through concurrent resolution passed by both Houses within 60 days, but no such authority for congressional rejection exists in the case of proposed agreements for "peaceful purposes." Senator PASTORE, vice chairman of the Joint Committee on Atomic Energy, observed during debate in the Senate on July 10:

> Under the present law, the Joint Committee cannot do very much about it. [The proposed agreement.] All we do is hold hearings. We have the arrangement inserted in the RECORD and that is where it stands.

I consider it an outrage that the American people, through their elected representatives in Congress, have no power to decide for or against granting nuclear assistance to nations in the Middle East. With the potential power to blow nations off the map at stake, more than the executive branch should participate in making such decisions. The legislation reported out by the Joint Committee on Atomic Energy does go far toward restoring Congress to its rightful place in this decisionmaking process. The adoption of H.R. 15582 will at least give Congress the power to say "no" to most nuclear aid agreements, rather than only those which have been identified as "military" in nature.

Yet legislative authority in our system of Government means more than merely the power to say "no." Unless both Houses of Congress explicitly approve a proposal before it, that proposal cannot become law. The committee bill does not give Congress a full voice in ruling on nuclear assistance agreements. Under its provisions, the failure of either House to explicitly disapprove a pending agreement within 60 days would permit that agreement to take effect. This unusual procedure would permit Congress to legislate through inaction or disagreement.

Moreover, small reactors would not be covered under the committee bill. Over a period of several years, plutonium collected from such a reactor could be used to produce a nuclear weapon. Given this possibility, congressional authority over nuclear aid agreements should not be dependent upon the size of the reactor involved.

The substitute bill introduced by Congressman LONG, which I have cosponsored, would plug the loopholes contained in the committee bill. The Long substitute requires that both Houses of Congress must approve a proposed agreement for nuclear aid before it could be implemented. The substitute covers all forms of nuclear aid, irrespective of magnitude or expressed intent. Under its provisions, American nuclear aid will not be given to any foreign country unless Congress gives its positive consent.

The justification for such legislation is clear. Under the Constitution, the most minor piece of legislation must gain the approval of both the House and Senate before it can become law. If the two Houses disagree or if either House fails to act, the legislation dies. Why should an area as grave as nuclear aid be subject to a more lax legislative process? Why should our constitutional power to say "yes" be compromised in matters which warrant the fullest possible legislative consideration? I urge my colleagues to join me in voting for this amendment to provide the American people with the authority in this momentous area which is rightfully theirs.

The CHAIRMAN. All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 123 d. of the Atomic Energy Act of 1954, as amended, is revised to read as follows:

"d. The proposed agreement for cooperation, together with the approval and determination of the President, if arranged pursuant to subsection 91 c., 144 b., or 144 c., or if entailing implementation of sections 53, 54, 103, or 104 in relation to a reactor that may be capable of producing more than five thermal megawatts or special nuclear material for use in connection therewith, has been submitted to the Congress and referred to the Joint Committee and a period of sixty days has elapsed while Congress is in session (in computing such sixty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days), but any such proposed agreement for cooperation shall not become effective if during such sixty-day period the Congress passes a concurrent resolution stating in substance that it does not favor the proposed agreement for cooperation: *Provided, however,* That prior to the elapse of the first thirty days of any such sixty-day period the Joint Committee shall submit a report to the Congress of its views and recommendations respecting the proposed agreement and an accompanying proposed concurrent resolution stating in substance that the Congress favors, or does not favor, as the case may be, the proposed agreement for cooperation."

AMENDMENT OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LONG of Maryland: Page 2, strike out all after "therewith," in line 3 down through line 19, and insert in lieu thereof the following: "shall have no force or effect unless and until specifically approved by Act of Congress.

Mr. LONG of Maryland. Mr. Chairman, the purpose of my amendment is very simple.

The Members will notice that the bill, as presented by the committee, is a rather long one and tries to meet all sorts of situations; but mine, on the other hand, is very simple. It simply says that no nuclear agreement shall take effect until it is approved by Congress, instead of saying that nuclear agreements can be made unless we move to stop them.

As I pointed out before, the United States has sold nuclear reactors to 33 countries, of which 21 have not ratified the Nuclear Non-Proliferation Treaty.

Not one of these agreements has ever come to the floor of this Congress, to either body, for debate.

The purpose of my amendment is to make sure that every agreement comes to the House for debate.

I feel that the real integrity in the Government of the United States is on the floor of Congress. Here is where everything is done, and it is done in the light of the public, with the press listening and the whole world watching. This is the place where everyone can know what is happening to the country and to the issues which may determine the future of the world.

Mr. Chairman, I pointed out previously that once a country gets nuclear power and other countries suspect it is going to go on into nuclear weapons, it becomes politically and absolutely impossible for that other country to avoid going after nuclear weapons itself. First, they have got to get nuclear power. The people in the country, including all the opinion leaders, will insist that they do it.

Therefore, we must do something to bring greater control to Congress, because we might get this chain reaction which could touch off a war which could destroy us all.

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

Mr. LONG of Maryland. I would be glad to yield to the gentleman from New York.

Mr. ROSENTHAL. Mr. Chairman, I agree with the gentleman's amendment. I think it is a very useful amendment.

I think it is important to point out that in the past many of the reactors that we gave or sold were disseminated under other conditions, and the agreements that were made thereunder were made under much more peaceful and more tranquil conditions than we now have. The reactors we are talking about would go to the Middle East, which for the past generation has been an inferno. This requires a far more cautious and a more prudent consideration.

Mr. Chairman, it seems to me the way Congress can meet its responsibility is merely to say that these agreements have to be brought before Congress and an affirmative vote is required before an agreement can be entered into. I cannot see any logical agrument against that position.

Mr. LONG of Maryland. Mr. Chairman, I am glad the gentleman feels that way.

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

Mr. LONG of Maryland. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, the gentleman is proposing an amendment that may settle a question that has always troubled me about this kind of language.

The language of the bill and of the act which it amends provides that it is necessary to interpose a concurrent resolution in order to stop the disseminating of such nuclear materials.

I have always been concerned about the provisions of Article I, section 7, of the Constitution of the United States, where in the second sentence the article states as follows:

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary * * * shall be presented to the President of the United States; and before the Same shall take effect, shall be approved by him * * *.

Now, it would seem to me that a literal reading of the Constitution would permit the President in all instances to veto the concurrent resolution, subsequent to its passage.

Mr. LONG of Maryland. Mr. Chairman, I agree with the gentleman. I pointed out to the Members in general debate that this whole thing could collapse at the time we need it the most.

Mr. ECKHARDT. Exactly.

Mr. LONG of Maryland. There has never been an occasion in which this concurrent resolution has been upheld constitutionally without a Presidential signature.

Mr. ECKHARDT. And, of course, quite obviously the President is proposing the proposition in the first place, so one might expect his veto. Does the gentleman not agree?

Mr. LONG of Maryland. Yes, I agree with the gentleman.

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

Mr. LONG of Maryland. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I would like to join with the gentleman from Maryland in support of his amendment. I think this is something that deserves the full attention of the Congress and not just our negative action.

I have heard the explanations made by the State Department as to the safeguards and how they would work, and yet when it comes to a full explanation, we are not satisfied. We have asked them and I have asked them at various times: "What happens to these safeguards if we are not in the country any more? What happens if we are not in Egypt at the time and we may not be there in the future?"

Mr. Chairman, I think Congress should take a look at this situation.

Mr. Chairman, serious questions exist in consideration of today's legislation, both in the area of checks and balances within our Government, and the spread of technical nuclear assistance for supposedly peaceful purposes.

The recent explosion of a nuclear device by India should be a message to this Congress: It is all too easy to convert nuclear energy technology into nuclear weapons technology.

Plutonium, the substance used to develop nuclear weapons, is a direct byproduct of nuclear reactors, such as the ones recently offered to Egypt and Israel. The need for strong safeguards to protect against the misuse of plutonium is obviously necessary. The present safeguards are ambiguous. They may not adequately protect the world from the possibility of plutonium getting into the wrong hands.

It is time to put a check on Executive power with regard to nuclear agreements. We have already armed half the world with conventional weapons—let us not do the same with nuclear material. We must make sure that nuclear materials do not wind up in the wrong hands: One way to help do this is for the Congress to be involved in the decision.

The complexity and consequences of the issues at stake compel a reasonable government to take a reasoned approach to this situation. Common sense dictates that the introduction of material which could lead to nuclear weapons in an area that the President describes as a "powder keg," deserve, at the bare minimum, very careful scrutiny and explicit congressional approval.

The United States has given peaceful nuclear aid to some 30 nations. All this has been done without direct congressional participation. Yet, how can we be sure that the safeguards for the production, storage, and transfer are adequate and/or complied with? How can we be sure the material does not end up in the wrong hands—say the Palestinians? An irresponsible group in control of nuclear materials could hold the world in blackmail.

Perhaps most important is the fact that we are giving and proposing nuclear aid to countries that have not signed the Nuclear Nonproliferation Treaty. Egypt, and Israel are two such nations; others who have not signed the treaty are Japan, Italy, South Africa, Argentina, Brazil, Switzerland, Turkey, Colombia, Indonesia, South Korea, and Venezuela. While most of these nations are not significant powers, the capability to develop a nuclear bomb is not remote, since the process is a relatively simple one. India exemplifies this, with its "peaceful purpose" explosion.

The Washington Post reported on June 25 that "by the end of this century, a million kilograms of plutonium will be shipped annually by planes, trains, ships, and trucks between thousands of nuclear plants in more than 50 countries."

A serious situation is developing. With all of the critical unanswered questions it is imperative the Congress be involved in the decisions, not just by the right of veto but by a requirement of legislative approval.

In that context, the Congress ought to examine, with meticulous care, any and all proposed nuclear agreements—it is our responsibility to the Constitution and to peace in the world.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. LONG) has expired.

Mr. LONG of Maryland. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 5 additional minutes.

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

Mr. HOSMER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. YATES. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Maryland (Mr. LONG).

I now yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I thank the gentleman for yielding to me.

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

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

Mr. KOCH. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Maryland, (Mr. LONG). I think the amendment adds to the bill for two reasons: First, it will cover the pending proposal relating to reactors with respect to Egypt and Israel which the current bill before us may not cover because of timing. Second, it perfects the mechanism whereby Congress can make its will known.

Therefore, Mr. Chairman, I think this bill, which I would hope on final passage to support, would be improved by the inclusion of the gentleman's amendment.

Mr. LONG of Maryland. I thank the gentleman from New York.

Mr. YATES. Mr. Chairman, I want the gentleman in the well, Mr. LONG of Maryland, to know that I too favor his amendment. I think it is a good amendment, and should be supported by the Members.

Mr. LONG of Maryland. I thank the gentleman from Illinois for yielding me this time.

Ms. ABZUG. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Maryland (Mr. LONG).

In the absence of any genuine nuclear disarmament moves by the great powers, it is obvious that other nations will seek entry into the nuclear club as a status symbol and a power credential. Much as I oppose India's decision to go the nuclear road, I can understand that nation's resentment at being lectured by representatives of nuclear powers who have done nothing of a substantive nature to reverse the nuclear arms race.

As many as 24 nations, some small and unstable, will possess atomic weapons within 10 years, according to Herbert F. York, a former member of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency—Bulletin of Atomic Scientists, March 1974. "If any of these were to make a technical, political or military mistake," says York, "there would be a good chance that the whole civilized world could go up in nuclear smoke."

Access to plutonium is the key factor in a nation's or private group's ability to make a nuclear bomb, and nearly every nuclear reactor produces usable plutonium.

The United States has been in the lead in making nuclear materials available to other nations, large and small. It has already sent some 75 nuclear reactors to 25 other countries. I should say that the executive branch of the Government has done this. Under the existing provisions of the Atomic Energy Act, the Executive Department simply submitted each proposed agreement to the Joint Committee on Atomic Energy, and after 30 days it was put into effect. Now the United States is proposing to offer Egypt a 600 megawatt nuclear reactor.

Of course, the United States is not the only great power that is handing out nuclear reactors without thought of the possible consequences. France has signed a $4 to $5 billion agreement with Iran to supply it with five 1,000 megawatt nuclear reactors.

Senator HENRY JACKSON asserted on July 10 in Senate debate that:

> Each of the reactors planned for Egypt and Israel (by the United States) will produce enough plutonium each year they operate for at least 20 nuclear explosive devices.

Japan has expressed the intention of building 16 nuclear reactor powerplants in the near future. The United Kingdom supplied natural uranium reactors to Japan and to Italy many years ago. West Germany supplied a huge water reactor to Argentina and one to Austria, Switzerland, and the Netherlands. Sweden supplied a reactor to Finland. Canada supplied India with a reactor, which that nation then used to obtain the material for the nuclear device that it exploded recently.

There is clearly a need for the creation of an international agency that would

devise an iron-clad system of control over plutonium supplies to guarantee that they do not fall into irresponsible hands. What we have now does not work. The very least we in the Congress must do now is to insist on control over what happens to the plutonium obtained from nuclear reactors given to other nations by the United States. That is the purpose behind the amendment being introduced today. That is also the purpose behind a resolution of inquiry I have introduced, now before the House Foreign Affairs Committee, in which I am seeking to find out what safeguards, if any, the U.S. executive branch is demanding in exchange for giving nuclear reactors to Egypt and other nations.

With all the facts they can command, and they are overwhelming as well as terrifying, responsible nuclear scientists are trying to alert us to the danger of a nuclear holocaust. If we do not fear such an eventuality, we are foolish beyond belief. If we do not act to do everything possible to prevent it, we are acquiescing to the end of civilization.

We in Congress have not really faced up to our responsibility. And time is running out.

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

Mr. Chairman, I rise today in support of the amendment offered by the gentleman from Maryland.

I believe there is general agreement in this House that the U.S. Government should not march around the world dispensing nuclear technology without congressional scrutiny and approval. The example of India, which successfully constructed an atomic bomb, is too fresh in our memories to allow us to believe that nuclear technology cannot be turned into nuclear weapons. We simply must realize that when we grant a nation materials for nuclear powerplants we are also granting them membership in the nuclear arms fraternity. Considering that many of these nations are less than stable politically, and are not signatories of the Nuclear Nonproliferation Treaty, the wisdom of any technology transfer appears questionable indeed.

The issue before us now is what form of congressional approval will be required to approve transfers made by the executive branch. The language adopted by the Joint Committee on Atomic Energy states that these agreements shall take effect if Congress does not pass a concurrent resolution disapproving the action within 60 days after the proposed transfer is placed before it. In effect, this very nicely lets Congress off the hook. Simply by delaying a vote for 60 days, Congress can shift the responsibility for the spread of nuclear weapons off to the executive branch. It represents the same type of "passing the buck" that was incorporated into the war powers bill.

In spite of all the talk about the reassertion of congressional authority, it seems that we still are willing to allow the executive branch to make decisions that are properly ours. The proliferation of nuclear weapons is far too important an issue for Congress to evade. The American people have a right to know where their representatives stand on each transfer of nuclear technology. They can only get this information if Congress is required to specifically approve such transfers. The Long amendment will force us to make these decisions; the committee language will permit us to evade them.

I consider it vitally important that we accept the Long amendment and our own constitutional responsibilities. I urge my colleagues to vote in favor of both.

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

Mr. KETCHUM. I yield to the gentleman from Virginia.

Mr. PARRIS. Mr. Chairman, I thank the gentleman for yielding.

I would like to associate myself with the remarks made by the gentleman in the well and, as a cosponsor of the pending amendment, I likewise support the amendment and urge its adoption.

Mr. Chairman, I think it is only right, proper, and fair that the Congress have the affirmative obligation to take action on these matters. It has been my experience in the last 18 months that the Congress cannot even clear its collective throats within 60 days, and to fail to exercise its responsibilities in an affirmative way would be yet another example of the abdication of its proper obligations. I hope the amendment will be adopted.

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

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

Mr. DINGELL. Mr. Chairman, I want to thank the gentleman from California for yielding, and to commend the gentleman for the remarks he has made. I believe the amendment is an excellent one, and should be adopted.

Plutonium and nuclear technology are some of the most dangerous things among the gifts of this government, and certainly they should be subject to a thorough government scrutiny and not the kind of illusionary checkup before us in this legislation.

The amendment offered by the gentleman from Maryland (Mr. LONG) should be adopted.

Mr. LONG of Maryland. Mr. Chairman, if the gentleman will yield, I want to compliment the gentleman from California (Mr. KETCHUM) for the very thoughtful and penetrating remarks the gentleman has made in support of this amendment.

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

Mr. KETCHUM. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, I want to compliment the gentleman from California on the remarks he has made, and on the action he is taking today in support of this amendment.

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

Mr. Chairman, I support the purpose of H.R. 15582 to give Congress greater control over the sharing of nuclear power technology with foreign nations but I do not believe the bill goes far enough in the direction of Congressional control of such matters.

Therefore, I approve the concept offered by Congressman LONG as a substitute. My position through the years has been consistent in this matter; for I have always opposed sharing this technology with other countries.

I believe the human race is already imperiled by nuclear weapons; and to spread the chances of nuclear war is disastrous folly. I do not believe adequate safeguards have been established to prevent the peaceful use of nuclear power from being used as a base for nuclear war. I doubt that adequate safeguards can in fact be found or established.

Mr. Chairman, in the July 1974 edition of "Not Man Apart" there is an article which discusses the sharing of nuclear technology with foreign nations; and concludes that the export of such technology is "incompatible with the non-proliferation of nuclear weapons, undermines world peace and renders the very survival of humankind doubtful." The article under the title of "Sharing the Risk of Disaster" says in part:

SHARING THE RISK OF DISASTER

BOOM! (India.) BOOM! BOOM! (France.) BOOM! (China.) BOOM! (Great Britain.)

Detonation of five "nuclear devices" by four nations within the span of a few weeks makes one wonder—

What ever happened to nuclear non-proliferation?

World peace and human survival may hinge upon the answer to that question.

If the concept of nuclear non-proliferation isn't as robust as we might wish, the blame for that falls not so much on militarists as it does on industrialists. Captains of industry have rushed in where field marshalls feared to tread.

Carried to its ultimate conclusion, non-proliferation would imply an atomic monopoly by the first nation to harness the power of the atom. Many Americans once actually believed that if only the US could guard its "secrets" well enough, it could retain an atomic monopoly. But Russia exploded that idea disconcertingly soon, and in short order the two superpowers discovered a mutual interest in limiting membership in "the nuclear club" to as few nations (besides themselves) as possible.

What worried the US and the USSR was the prospect of a proliferation in the number of nations with the capability of building atomic bombs. In hindsight, however, it is clear that virtually any country that could get its hands on some reactor fuel (and from this, get plutonium) could build bombs; given the raw materials to start with, the technology of bomb-building simply isn't that difficult.

If non-proliferation was ever to amount to more than a desperate hope, fissionable material would have to be kept out of the hands of nations (and terrorists, and lunatics, and so on) who didn't already possess it. But such a dog-in-the-manger attitude was hard for members of "the nuclear club" to justify to non-members, and it flew in the face of America's longing to erase the memory of Hiroshima by instituting an "atoms for peace" program—a program of exporting "peaceful" nuclear hardware, fuel, and technology.

Although the atom can be split, it is a foolish mistake to assume that it is divisible into peaceful and warlike segments. Nuclear fuel and nuclear explosives are essentially the same thing; burned slowly it can serve as a fuel, burned fast it explodes. A nation that acquires "the peaceful atom" has, for all practical purposes, acquired the bomb.

India (of all countries) drove that point home very forcibly in recent weeks by clan-

destinely converting "peaceful" nuclear materials (obtained from Canada) into nuclear explosives. Is it any wonder that Pakistan, India's neighbor and traditional enemy, finds it impossible to believe Indian assurances that it is interested only in the peaceful employment of atomic explosives? Is it any wonder that Pakistan hastily announced a crash program to match India's nuclear capability?

If there is any part of the world where nonproliferation is even more devoutly to be desired than on the Indian subcontinent, it is the Middle East. So what happens? President Nixon promises nuclear hardware, fuel, and know-how to both Arabs and Israelis, whose enmity has for decades periodically flared into open conflict. As a result of this diplomatic master stroke, another war in the Middle East will probably involve nuclear-armed antagonists.

This is what "the peaceful atom" has brought us to!

Arabs, Israelis, Pakistanis, and other aspirants to membership in "the nuclear club" will undoubtedly promise the suppliers of nuclear materials not to misuse them—just as India undoubtedly promised Canada. And just as convincingly as India, other new members of "the nuclear club" will proclaim that their atomic testing is exclusively for peaceful purposes.

A point-of-no-return is likely to be reached beyond which proliferation is irreversible. Suppose, for example, that the US has second thoughts about exporting "the peaceful atom" to Country X. By that time the hardware has already been delivered, and atomic technology is currently accessible in virtually all modern societies. The US's only recourse is to quit shipping reactor fuel to Country X—which merely alienates Country X and induces it to switch to a competitive source of supply.

In a world where the relations among nations remain anarchic, nuclear proliferation is mortally dangerous. Yet it proceeds apace. Had not India's atomic blast shocked Canada into deferring action, it would probably, before now, have concluded an agreement to supply Romania with 20 nuclear reactors and fuel. If Romania is knocking for admission to "the nuclear club," can there be any nation, large or small, that isn't thinking of doing likewise?

As I conclude my remarks, I should like to say that the only argument I have heard here in opposition to this point of view has been that the nuclear genie has had itself uncapped. The bottle top is already off. What kind of an excuse is that?

What kind of an excuse is it to say that because the danger is already horrendous throughout the world that we ought to by our funds, by our technology, by our power, and by our industry spread it further?

That would be like saying that since somebody has already thrown a cup of gasoline and lit a match, how can it do any harm for somebody else to throw another cup of gasoline on the fire?

We are dealing with the survival of mankind. To be a part, to be a parcel, of forwarding things that can destroy mankind is just to me unthinkable.

Mr. PRICE of Illinois. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. HOSMER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 425]

Addabbo	Evins, Tenn.	Moorhead, Pa.
Alexander	Fisher	Murphy, N.Y.
Archer	Fountain	Nelsen
Arends	Fulton	O'Neill
Biaggi	Gettys	Owens
Blatnik	Giaimo	Pepper
Brasco	Gray	Rangel
Breaux	Green, Oreg.	Rarick
Butler	Griffiths	Rhodes
Carey, N.Y.	Gunter	Riegle
Carter	Hanna	Roncallo, N.Y.
Cederberg	Hansen, Idaho	Rooney, N.Y.
Chisholm	Hansen, Wash.	Rooney, Pa.
Clark	Harsha	Rose
Clay	Hébert	Rostenkowski
Conte	Hogan	Seiberling
Conyers	Holifield	Shuster
Culver	Ichord	Steiger, Wis.
Davis, Ga.	Jones, Ala.	Teague
de la Garza	Jones, Tenn.	Tiernan
Diggs	Landrum	Udall
Downing	McSpadden	Vander Jagt
Drinan	Madigan	Vander Veen
Edwards, Calif.	Martin, Nebr.	Waldie
Eilberg	Mathis, Ga.	Whitten
Eshleman	Meeds	Widnall

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FORD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 15582, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 356 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from Illinois had been recognized for 5 minutes.

Mr. PRICE of Illinois. Mr. Chairman, I oppose the amendment offered by the gentleman from Maryland (Mr. LONG).

The bill that we bring to the floor this afternoon was, when it was introduced, acclaimed by most Members of the House as being a step in the right direction, to further impose congressional supervision or control over agreements for cooperation in the nuclear field. Almost unanimously, every Member of this House indicated his support of this legislation.

I think that the legislation is good legislation, as the Members will see if they read from line 12 through line 19 on page 2 of the bill.

I shall read it. The bill provides: "That prior to the elapse of the first 30 days of any such 60-day period the Joint Committee shall submit a report to the Congress of its views and recommendations respecting the proposed agreement and an accompanying proposed concurrent resolution stating in substance that the Congress favors, or does not favor, as the case may be, the proposed agreement for cooperation."

We gave a lot of attention and a lot of thought to writing this legislation because we knew that if we went too far in it, it would be subject to Presidential veto, and probably rightly so, because we are treading pretty close to a question of the constitutional powers of the separate bodies of the Government. I would think that the Executive might have a good point if he did veto a legislative proposal that went any further than we are going in this bill. The amendment that was offered by the gentleman from Maryland certainly poses that problem and the danger of a veto of a program or of a plan that almost every Member of this Congress 30 days ago accepted with open arms.

We thought we were going in the right direction and this is what the Congress wanted to do. By the adoption of the amendment offered by the gentleman from Maryland (Mr. LONG), we are putting the United States out of the international trade area in this particular field.

The committee's proposal concentrates on items of significance and does not make it mandatory that Congress spend time on actions which are not vital from the standpoint of safeguards.

Contrary to some of the statements heard today, the Congress has not been kept in ignorance about agreements for cooperation. If any Member of the Congress is not familiar with them, it is because he does not read carefully the CONGRESSIONAL RECORD. Every agreement for cooperation is printed in the CONGRESSIONAL RECORD. Hearings are held on them, and with very few exceptions, except those relating only to medical isotopes and research, these hearings are open hearings. Over 90 percent of these have been open hearings. The committee has always informed the House it is going to hold these hearings. Here is a list of our hearings:

PUBLIC AND EXECUTIVE HEARINGS OF THE JOINT COMMITTEE ON ATOMIC ENERGY

Argentina: July 29, 1955—Exec., June 22, 1960—Exec., June 20, 1964—Open.

Australia: March 1, 1961—Exec., August 6, 1957—Exec., March 20, 1967—Open.

Austria: March 20, 1967—Open.

Berlin Reactor: March 6, 1957—Exec.

Brazil: July 27, 1965—Open., May 20, 1964—Exec., June 22, 1960—Exec., July 16, 1958—Exec., June 8, 1955—Exec.

Canada: June 22, 1960—Exec., July 6, 1955—Exec., June 14, 1955—Exec.

China (Rep. of): August 25, 1966—Open, June 30, 1964—Open, June 22, 1960—Exec.

Colombia: June 8, 1955—Exec., March 20, 1967—Open.

Denmark: June 25, 1968—Open, July 16, 1958—Exec.

Euratom: June 22, 1973—Open, September 5, 1963—Open, June 22, 1960—Exec., January 21, 1959—Open, March 28, 1957—Exec., March 9, 1956—Exec.

France: June 30, 1964—Open., March 1, 1961—Exec., July 24, 1957—Exec.

Germany: July 24, 1957—Exec.

Greece: June 30, 1964—Open, June 22, 1960—Exec.

India: September 5, 1963—Open, June 25, 1963—Exec.

Indonesia: January 27, 1966—Open, June 22, 1960—Exec.

Iaea: April 29, 1965—Open, June 30, 1959—Open.

Iran: June 30, 1964—Open, March 28, 1957—Exec.

Ireland: June 25, 1968—Open, March 1, 1961—Exec.

Israel: August 25, 1966—Open, April 29,

1965—Open, May 20, 1964—Exec., June 22, 1960—Exec.

Italy: July 24, 1957—Exec.

Japan: June 25, 1968—Open, July 16, 1958—Exec.

Korea: June 4, 1965—Open.

Netherlands: July 24, 1957—Exec.

New Zealand: June 22, 1960—Exec.

Norway: March 28, 1957—Exec.

Peru: July 24, 1957—Exec.

Philippines: June 25, 1968—Open, June 28, 1966—Open, June 22, 1960—Exec., June 6, 1955—Exec., June 8, 1955—Exec.

Portugal: May 20, 1964—Exec., June 22, 1960—Exec.

Russia: May 26, 1966—Open, June 22, 1960—Exec., March 30, 1960—Exec.

South Africa: June 9, 1967—Exec., July 24, 1957—Exec.

Spain: January 27, 1966—Open.

Sweden: August 25, 1966—Open.

Switzerland: January 27, 1966—Open, June 22, 1960—Exec., July 29, 1955—Exec.

Thailand: June 30, 1964—Open, June 22, 1960—Exec.

Turkey: May 26, 1966—Open, June 4, 1965—Open, June 8, 1955—Exec.

United Kingdom: April 4, 1966—Exec., June 28, 1966—Open, June 17, 1965—Exec., July 19, 1965—Exec. July 6, 1955—Exec., June 14, 1955—Exec.

Viet-Nam: June 30, 1964—Open.

Yugoslavia: June 22, 1960—Exec., March 30, 1960—Exec.

So if any Member has been in ignorance of these agreements for cooperation, it is because he was not following the RECORD, or was not concerned with them at that time.

Mr. Chairman, I think this is a very serious amendment, one that the House should reject. If there is any Member in the House who is concerned about congressional overlook, he should support the committee's position, because in that way we do tighten and get greater control over the agreements for cooperation.

Mr. Chairman, I urge the Members to reject the amendment offered by the gentleman from Maryland.

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I should like to explain precisely how this amendment differs from the original bill.

In the original bill, if an international agreement with respect to transmitting atomic energy potential is anticipated—and the way the bill reads, it amends the whole section, section d., so it applies both to military and civilian export of atomic material—if such is anticipated, then the President must report it to Congress and unless a concurrent resolution is passed by Congress disapproving the agreement, the President may go forward with such plan.

The difficulty with that is that a concurrent resolution, under section 7 of article I of the Constitution, is subject to a veto, because the Constitution says quite clearly that anything requiring the concurrence of both bodies must go to the President. That means that Congress right to stop the sending of nuclear materials is really illusory. Because the President has desired to do so in the first place, the concurrent resolution is subject to veto, and one might expect him then to veto it.

Now, under the Long amendment, when such nuclear materials are to be sent to another nation under such an agreement there must be specific, affirmative action by Congress. That is what it provides. If we really want to keep a handle on this activity and really control it in Congress, the only way to do it is by agreeing to the Long amendment. The other way is totally illusory. The other way would simply permit the President at that time to veto.

Now, it may be argued—and some constitutional authorities do so argue—that the condition subsequent of concurrent resolution may be provided for in the original act and therefore is a limitation on the authority granted by the original legislation. It is argued that this makes this kind of a concurrent resolution not a matter subject to veto. It is like an administrative act which is a condition of the original legislation.

But, can you imagine the President not vetoing and not insisting that he has authority to veto? So what in the world do we do? Do we then go into a long constitutional hassle over what power the President has to veto? He controls the Executive Department. He ships the goods. By the time the case is tested the matter becomes moot.

The only way to control the power to export nuclear potential, either for peaceful or military use, is to simply say that before it is done Congress must act affirmatively. That is what the amendment offered by the gentleman from Maryland (Mr. LONG) does.

Mr. HOSMER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Maryland (Mr. LONG).

Mr. Chairman, I think the problem here is that the gentleman from Maryland (Mr. LONG), has offered an amendment with the idea that it would inhibit the proliferation of nuclear weapons, if his amendment, requiring an affirmative vote by Congress in each case of an agreement for cooperation with another country, is passed.

Mr. Chairman, the truth of the matter is that this issue was met in 1954 when we first passed the Atomic Energy Act. At that time we realized that whenever you had intercourse with other countries in the nuclear area there is an opportunity for information and materials to be diverted from peaceful channels to warlike channels—the bomb.

So we approached the problem in how best to prevent this diversion, and we found out that you cannot do it by agreement. Treaties are broken. Agreements are broken. But you can prevent diversion by other means, and another method, and that is by your agreement establishing a system whereby after the agreement is written, and when anything moves between one country and another under it, there are inspections and there are safeguards. So it is not to scrutinize an agreement for cooperation much further than to make sure it includes safeguards in it, and just so long as it includes inspections in it. Then you have a situation whereby if those inspections and if those safeguards are thoroughly enforced then the diversion of nuclear materials into weapons channels is inhibited.

It is not needed by the Congress to examine minutely each one of these agreements, that is needed by Congress to support the proper safeguards. And we have indeed established these safeguards in this area that are quite effective. We have imposed them also via the International Atomic Energy Agency which imposes worldwide safeguards and inspections. That also addressed the problem. That is where the safety of the world lies. There has never been a diversion of nuclear weapons that I know of under these safeguards. The only situation I know of where there has been a diversion is with the Indian bomb. They made their own material in India, and built their own bomb.

I suggest that this amendment will be quite mischievous, and I ask for its defeat.

STATEMENT IN OPPOSITION TO POSITIVE ACTION AMENDMENT

H.R. 15582 will require a review and report to Congress by the Joint Committee on each proposed agreement and the Congress will have ample time to decide whether or not it wishes to act. Congress should have the option to act on each significant agreement, but we should also have the option not to act on trivial matters.

I want to guard against what may be viewed as an unwarranted intrusion into the prerogatives of the executive branch. H.R. 15582 is not veto-proof, but it applies language which, though not tested, has been in the Atomic Energy Act since 1958, and has earlier roots. I submit that this proposed amendment will make the whole arrangement more susceptible to a veto, and the President may be standing on good constitutional ground in vetoing the bill.

Let me quote from a Supreme Court opinion. Mr. Justice Sutherland, in the case of *U.S. v. Curtiss-Wright*, 299 U.S. 304 (1936), wrote:

> It is important to bear in mind that we are here dealing not alone with an authority vested in the President by an exertion of legislative power, but with such an authority plus the very delicate, plenary and exclusive power of the President as the sole organ of the federal government in the field of international relations . . . Congressional legislation which is to be made effective through negotiation and inquiry within the international field must often accord to the President a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved.

If we do not act, then I think the benefit of the doubt ought to go to the administration. I do not think we ought to kill a negotiated international agreement by inaction. Under H.R. 15582, one House of Congress could not frustrate the combined will of the President and the other House. Under this amendment

each House would have a veto power. These agreements would have to undergo a more exacting procedure than the Nuclear Test Ban Treaty. This seems to me to be an imbalance.

Increasing the difficulty of obtaining congressional sanction of an agreement will discourage our atoms-for-peace program. But such a development would not cut off access to nuclear energy from any nation, since this technology is available from a number of other nations. For example, England, Canada, France, the Soviet Union and Germany have active foreign nuclear cooperation programs. These nations have already entered into many cooperative nuclear projects with other nations. I might add that some of these nations such as, for example, France, West Germany, and Canada are actively seeking foreign reactor sales. Such foreign sales are obviously an excellent source of foreign exchange funds. Our present nuclear program envisages, for example, an income of over $30 billion in the next two decades from the provision of uranium enriching services alone.

This amendment may have emotional appeal, but what it amounts to is an overreaction to a short-term situation. Let us do something which is practical and effective, but leaves us with a logical procedure. Let us adopt the procedures proposed by the Joint Committee, and defeat this overreaching amendment.

Today peaceful nuclear traffic with other countries has the potential of earning several billions of dollars of foreign exchange. Already, this year alone, we are earning more than half a billion dollars for the sale of nuclear fuel overseas. Safeguards insure no diversions to weapons use. This is under agreements for cooperation of longstanding which have worked well. To now nitpick and impose this kind of barrier to legitimate commerce is unnecessary and will place the United States in considerable competitive disadvantage in an increasingly competitive situation in the world nuclear power business.

To require affirmative action many times each year to enter or amend these agreements for cooperation will impose an impossible burden on our nuclear business without making a single contribution to the cause of nonproliferation.

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

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

Mr. ANDERSON of Illinois. Mr. Chairman, I want to associate myself with the gentleman in opposition to the amendment, and point out what we would be buying in terms of legislative workload, if we were to adopt this amendment: We already have 30 agreements for cooperation and inspection, and each one of those is subject to periodic renewal or to amendment, or to review of the International Atomic Energy Association protocol, and the like.

For example, we already have no less than 11 such agreements submitted by the AEC in 1974. It is my understanding that they expect to submit seven more during the present year. Most of those are entirely innocuous agreements that should not occupy the important time of this body, and before we undertake to commit both Houses of Congress to mandatory specific action on each one of these items, I think we ought to be asking ourselves whether that is legislating in a responsible manner.

Let me remind this body that substantially similar legislation to that which this Committee is proposing today passed the other body unanimously. The vote was 96 to 0. An amendment almost identical to that offered by the gentleman from Maryland (Mr. LONG) was rejected. Then the Senate went on to pass this bill unanimously.

I hope that the Members will join the members of the Joint Committee on Atomic Energy in opposing this amendment.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Maryland (Mr. LONG). It had not been my intention to join in debate on this matter, but I have become troubled about, first, the problem of the Congress abdicating its responsibility; and, second, the inattention of the other body to its constitutional duty to concern itself with the ratification of treaties, the confirmation and appointment of ministers, ambassadors, and other high officers of Government.

The President has just returned from abroad. During that trip he had given away, according to what I was informed in the press, a number of things: He has given rights to other countries to engage in air traffic into the United States. I inquired of the State Department. They had no awareness of the President's commitments to an airline in another nation for landing rights parenthetically at a time when two major U.S. carriers are in severe economic difficulty. The President gave away, or was reported to have given away, in one country one atomic powerplant, fuel, equipment, and technology, and in the next country two atomic powerplants and two sets of technology and fuels.

What is wrong with the Congress having a say as to what is given away in terms of nuclear technology and nuclear powerplants, and things of that kind? Nothing that I can discern. Certainly the workload of the Congress is going to be added to by this action, but I do not think it is too much to expect that the Congress would carry out its constitutional responsibility of seeing that the property of the people be properly conserved. In this we exercise a power that is given to the Congress expressly in the Constitution.

The gentleman from California, my good friend (Mr. HOSMER), in his remarks has indicated that treaties and agreements are broken. He is right, this is true. Certainly the peril is most extreme in cases of gifts and arrangements where United States is going to give away nuclear powerplants and equipment and fuel?

The fuel, plutonium which is a particularly essential part of nuclear powerplants, is not only the most toxic substance which is known, but it also has the capacity of being used for atomic bombs. The country is becoming troubled at this time that there is a strong possibility that this may be the subject of hijacking and theft by extremist forces inside this country and perhaps elsewhere around the world. To kill millions one does not need to convert it into an atomic bomb; all he has got to do is explode a device which scatters plutonium around through the atmosphere. It has an enormously long half-life and will persist and poison people for thousands of years.

India has just made an atom bomb. Countries disregard their agreements; countries break their treaties; and I can foresee no reason why countries should not disregard the treaties and agreements which have already been made with regard to the transfer of fissionable material; the transfer of technology, and the creation of atomic plants and other things for peaceful use. It is not too much to ask that the Congress look at these gifts before they are made. The Long amendment gives us that opportunity. We will then have meaningful controls as opposed to the kind of illusory device that the committee has submitted to us.

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

Mr. DINGELL. I yield to the gentleman from New Mexico.

Mr. LUJAN. Mr. Chairman, I do not know if I understood the gentleman correctly, but did the gentleman state the President went overseas and gave away a reactor?

Mr. DINGELL. It was so reported in the press. I do not know whether the press is accurate or not, but all I know is that the Congress in those matters was not consulted. The President also gave away a helicopter.

Mr. LUJAN. If the gentleman is under that impression, let me tell the gentleman the President did not give the reactor away. He just gave them the right to buy the reactor and some fuel.

Mr. DINGELL. I am glad. The gentleman has corrected my impression, I am delighted, but in any event the Congress should have been consulted and under the Long amendment the Congress would have been consulted. I believe we should operate in that way rather than under the illusory controls we have in the present legislation.

Mr. McCORMACK. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

I want to make one point. What the gentleman from Michigan has just said, although the remarks have a number of errors in them, is completely beside the point. The point is that when we have an agreement between this country and another country to ratify, are we going to

have to do it by a positive action of this House and the other House and take all that time or should we have the opportunity to do it at our will, in other words if we want to? The Long amendment says we have to take a positive action on every single agreement and take our time on that. I ask should we have the option to do it when we want to? I suggest we defeat the Long amendment.

Mr. RANDALL. Mr. Chairman, I rise in support of the amendment of the gentleman from Maryland (Mr. LONG). I cannot sit silent without responding to the gentleman from Washington (Mr. MCCORMACK) who just remarked the provisions on the committee bill would save time. My goodness, who should be concerned about taking more time on a matter so important as giving away our nuclear technology. This is an important matter. This concerns our precious and invaluable nuclear materials. We saw what happened in India. It may happen elsewhere if we let the executive branch make agreements without congressional approval.

The gentleman from Illinois (Mr. ANDERSON), on the other side of the aisle, referred to the vote in the Senate. Who cares what the Senate did or does? Let us not worry about the Senate. Rather let us preserve the prerogatives and prestige of the House.

The gentleman from Maryland has offered an amendment which simply says in a few words that any agreement must be approved by Congress. That means both bodies of Congress.

This amendment provides for a very simple procedure to ensure strong congressional control of nuclear agreements. Under the committee bill there is no assurance that Congress will ever get a chance to vote on nuclear agreements. Rather the committee bill is deceptive. It tries to give the impression that Congress will be assured a vote on nuclear agreements. Really it provides only for Congress to pass a concurrent resolution stating that it does not favor the proposed agreement for cooperation. Big deal!

Just think, that even if a resolution is reported, how do we know that the leadership will bring that resolution to a vote? The facts are that if we look back over the past years and look at nuclear agreements for civil uses such as, for example, the proposed Mideast nuclear agreement, the Joint Atomic Energy Committee could have reported a bill disapproving such agreements, but it has never done so. If we follow the committee bill out, how do we know that Congress will actually get the chance to vote disapproval if it so desires?

The Long amendment has some meaning. It preserves the prerogatives of the House of Representatives. If adopted, it means that no nuclear agreement could go through without approval of the House, as well as Senate approval.

Under the committee proposal, the House could vote its disapproval, but if the Senate approved or, note this—did nothing—the nuclear agreement would go through.

Moreover, I think we should look very dimly at any kind of proceeding that calls for congressional action on a nuclear agreement by concurrent resolution. It is of doubtful constitutionality because concurrent resolutions are not signed by the President. If we followed the committee bill, the President could refuse to obey a resolution even though passed by both Houses disapproving a nuclear agreement. He could do this by citing its questionable constitutional status. If the President took such a course, Congress could estop such a nuclear agreement only by passing a new law over the President's veto.

In my judgment we are indebted to the gentleman for offering this amendment because it affects any nuclear agreement entered into after July 1, 1974, and insures that the proposed Mideast nuclear agreements such as those with Egypt, Israel, and Iran would be covered. This means they would have to be approved by both bodies of Congress to take effect.

Mr. Chairman, in the wake of President Nixon's announcement that he intends to negotiate cooperative nuclear power agreements with Egypt and Israel we must pass an amendment that will require affirmative approval by both bodies of Congress. That will stop the Executive from any capricious action. The committee procedure of a concurrent resolution or a veto simply by an action of joint disapproval is not enough because if the Houses are divided and one happens not to act, these international nuclear agreements would thereby escape any congressional approval.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. LONG).

The question was taken; and the Chairman announced that the Chair was in doubt.

RECORDED VOTE

Mr. LONG of Maryland. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 194, noes 191, not voting 49, as follows:

[Roll No. 426]

AYES—194

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N.C.
Archer
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Baker
Bauman
Bennett
Bergland
Bingham
Blatnik
Boggs
Boland
Brademas
Breaux
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burton, John
Burton, Phillip
Byron
Camp
Carney, Ohio
Casey, Tex.
Clancy
Clark
Collins, Ill.
Conlan
Conyers
Corman
Cotter
Coughlin
Crane
Cronin
Daniels, Dominick V.
Danielson
Davis, S.C.
Delaney
Dellums
Denholm
Dent
Dingell
Donohue
Drinan
Duncan
Eckhardt
Edwards, Calif.
Evans, Colo.
Fascell
Fish
Flowers
Foley
Ford
Fountain
Fraser
Giaimo
Gilman
Ginn
Gonzalez
Grasso
Green, Pa.
Grover
Gude
Hamilton
Hanrahan
Harrington
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hogan
Holt
Holtzman
Horton
Howard
Huber
Hungate
Jones, N.C.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Ketchum
Koch
Kyros
Lagomarsino
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
McKay
Madden
Mann
Matsunaga
Mazzoli
Melcher
Metcalfe
Mezvinsky
Miller
Mills
Minish
Mink
Mitchell, Md.
Mizell
Moakley
Mcorhead, Calif.
Moorhead, Pa.
Mosher
Moss
Murphy, N.Y.
Nedzi
Nix
Obey
O'Hara
Parris
Pettis
Peyser
Pike
Podell
Randall
Rangel
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Rodino
Roe
Rogers
Roncallo, N.Y.
Rosenthal
Roush
Rousselot
Roy
Roybal
Runnels
Ryan
St Germain
Sarbanes
Schroeder
Seiberling
Shipley
Shoup
Shuster
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Stark
Steele
Steelman
Stokes
Stuckey
Studds
Sullivan
Symms
Thompson, N.J.
Thornton
Traxler
Udall
Van Deerlin
Vanik
Veysey
Vigorito
Waldie
Wampler
Whalen
White
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Yates
Young, Fla.
Young, Ga.
Young, S.C.

NOES—191

Abdnor
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Armstrong
Barrett
Beard
Bell
Bevill
Biester
Blackburn
Bolling
Bowen
Bray
Breckinridge
Brinkley
Brotzman
Brown, Mich.
Broyhill, Va.
Buchanan
Burleson, Tex.
Burlison, Mo.
Butler
Cederberg
Chamberlain
Chappell
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Dulski
du Pont
Edwards, Ala.
Erlenborn
Esch
Findley
Fisher
Flood
Flynt
Forsythe
Frelinghuysen
Frenzel
Frey
Froehlich
Fuqua
Gaydos
Gettys
Gibbons
Goldwater
Goodling
Gray
Gross
Gubser
Guyer
Haley
Hammerschmidt
Hanley
Harsha
Hastings
Heinz
Hicks
Hillis
Hinshaw
Hosmer
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Okla.
King
Kluczynski
Kuykendall
Landgrebe
Latta
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKinney
Macdonald
Madigan
Mahon
Mallary
Maraziti
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Milford
Minshall, Ohio
Mitchell, N.Y.
Mollohan
Montgomery
Morgan
Murphy, Ill.
Murtha
Myers
Natcher
Nichols
O'Brien
Passman
Patman
Patten
Perkins
Pickle
Poage
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Quie
Quillen
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Roncalio, Wyo.
Ruppe
Ruth
Sandman
Sarasin
Satterfield
Scherle
Schneebeli
Sebelius
Shriver
Sikes
Sisk
Skubitz
Slack
Snyder
Stanton, J. William
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Talcott
Taylor, Mo.
Taylor, N.C.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Ullman
Vander Jagt
Waggonner
Walsh
Ware
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn

Wright	Wyman	Zablocki
Wyatt	Yatron	Zion
Wydler	Young, Alaska	
Wylie	Young, Ill.	

NOT VOTING—49

Arends	Griffiths	Pepper
Biaggi	Gunter	Pritchard
Brasco	Hanna	Railsback
Carey, N.Y.	Hansen, Idaho	Rarick
Carter	Hansen, Wash.	Rooney, N.Y.
Chisholm	Hébert	Rooney, Pa.
Clay	Holifield	Rose
Conte	Jones, Ala.	Rostenkowski
Culver	Jones, Tenn.	Stanton,
Davis, Ga.	Landrum	James V.
de la Garza	Luken	Symington
Diggs	McSpadden	Teague
Eilberg	Martin, Nebr.	Tiernan
Eshleman	Meeds	Vander Veen
Evins, Tenn.	Nelsen	Young, Tex.
Fulton	O'Neill	Zwach
Green, Oreg.	Owens	

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. This Act shall apply to proposed agreements for cooperation and to proposed amendments to agreements for cooperation hereafter submitted to the Congress.

AMENDMENT OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LONG of Maryland: Page 2, strike out lines 20 through 22 and insert in lieu thereof the following:

"SEC. 2. The amendment made by the first section of this Act shall apply to any agreement or any amendment to any agreement, if the agreement or the amendment is proposed or entered into after July 1, 1974."

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

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

Mr. PRICE of Illinois. Mr. Chairman, the amendment does not correct anything, and actually the amendment does not mean anything. The committee is willing to accept the amendment.

Mr. LONG of Maryland. Mr. Chairman, I thank the committee for accepting the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. LONG).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MCFALL) having assumed the Chair, Mr. FORD, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee having had under consideration the bill (H.R. 15582) to amend the Atomic Energy Act of 1954, as amended, to enable Congress to concur in or disapprove international agreements for cooperation in regard to certain nuclear technology, pursuant to House Resolution 1227, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. HOSMER

Mr. HOSMER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HOSMER. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HOSMER moves to recommit the bill, H.R. 15582 to the Joint Committee on Atomic Energy.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. HOSMER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 373, noes 8, not voting 53, as follows:

[Roll No. 427]

AYES—373

Abdnor	Broyhill, Va.	Dennis
Abzug	Buchanan	Dent
Adams	Burgener	Derwinski
Addabbo	Burke, Calif.	Devine
Alexander	Burke, Fla.	Dickinson
Anderson,	Burke, Mass.	Dingell
Calif.	Burleson, Tex.	Donohue
Anderson, Ill.	Burlison, Mo.	Dorn
Andrews, N.C.	Burton, John	Downing
Andrews,	Burton, Phillip	Drinan
N. Dak.	Butler	Dulski
Annunzio	Byron	Duncan
Archer	Camp	du Pont
Armstrong	Carney, Ohio	Eckhardt
Ashbrook	Casey, Tex.	Edwards, Ala.
Ashley	Cederberg	Edwards, Calif.
Aspin	Chamberlain	Erlenborn
Badillo	Chappell	Esch
Bafalis	Clancy	Evans, Colo.
Baker	Clark	Fascell
Barrett	Clausen,	Findley
Bauman	Don H.	Fish
Beard	Clawson, Del	Fisher
Bell	Cleveland	Flood
Bennett	Cochran	Flowers
Bergland	Cohen	Flynt
Bevill	Collier	Foley
Biester	Collins, Ill.	Ford
Bingham	Collins, Tex.	Forsythe
Blackburn	Conable	Fountain
Blatnik	Conlan	Fraser
Boggs	Conyers	Frenzel
Boland	Corman	Frey
Bolling	Cotter	Froehlich
Bowen	Crane	Fuqua
Brademas	Cronin	Gaydos
Bray	Daniel, Dan	Gettys
Breaux	Daniel, Robert	Giaimo
Breckinridge	W., Jr.	Gibbons
Brinkley	Daniels,	Gilman
Brooks	Dominick V.	Ginn
Broomfield	Danielson	Goldwater
Brotzman	Davis, S.C.	Gonzalez
Brown, Calif.	Delaney	Goodling
Brown, Mich.	Dellenback	Grasso
Brown, Ohio	Dellums	Gray
Broyhill, N.C.	Denholm	Green, Pa.

Grover	Milford	Seiberling
Gude	Miller	Shipley
Guyer	Mills	Shoup
Haley	Minish	Shriver
Hamilton	Mink	Shuster
Hanley	Minshall, Ohio	Sikes
Hanna	Mitchell, Md.	Sisk
Hanrahan	Mitchell, N.Y.	Skubitz
Harrington	Mizell	Slack
Harsha	Moakley	Smith, Iowa
Hastings	Mollohan	Smith, N.Y.
Hawkins	Montgomery	Snyder
Hays	Moorhead,	Spence
Hechler, W. Va.	Calif.	Staggers
Heckler, Mass.	Moorhead, Pa.	Stanton,
Heinz	Morgan	J. William
Helstoski	Mosher	Stanton,
Henderson	Moss	James V.
Hicks	Murphy, Ill.	Stark
Hillis	Murphy, N.Y.	Steed
Hinshaw	Murtha	Steele
Hogan	Myers	Steelman
Holt	Natcher	Steiger, Ariz.
Holtzman	Nedzi	Steiger, Wis.
Horton	Nichols	Stephens
Howard	Nix	Stokes
Huber	Obey	Stratton
Hudnut	O'Brien	Stubblefield
Hungate	O'Hara	Stuckey
Hunt	Parris	Studds
Hutchinson	Passman	Sullivan
Ichord	Patman	Symms
Jarman	Patten	Talcott
Johnson, Calif.	Pepper	Taylor, Mo.
Johnson, Colo.	Perkins	Taylor, N.C.
Johnson, Pa.	Pettis	Thompson, N.J.
Jones, N.C.	Peyser	Thomson, Wis.
Jones, Okla.	Pickle	Thone
Jordan	Pike	Thornton
Karth	Poage	Towell, Nev.
Kastenmeier	Podell	Traxler
Kazen	Preyer	Treen
Kemp	Price, Ill.	Udall
Ketchum	Price, Tex.	Ullman
King	Pritchard	Van Deerlin
Kluczynski	Quie	Vander Jagt
Koch	Randall	Vanik
Kuykendall	Rangel	Veysey
Kyros	Rarick	Vigorito
Lagomarsino	Rees	Waggonner
Latta	Regula	Waldie
Leggett	Reid	Walsh
Lehman	Reuss	Wampler
Lent	Rhodes	Whalen
Litton	Riegle	White
Long, La.	Rinaldo	Whitehurst
Long, Md.	Roberts	Widnall
Lott	Robinson, Va.	Wiggins
Lujan	Robison, N.Y.	Williams
McCloskey	Rodino	Wilson, Bob
McCollister	Roe	Wilson,
McCormack	Rogers	Charles H.,
McFall	Roncallo, Wyo.	Calif.
McKay	Roncallo, N.Y.	Wilson,
McKinney	Rosenthal	Charles, Tex.
Macdonald	Roush	Winn
Madden	Rousselot	Wolff
Madigan	Roy	Wright
Mahon	Roybal	Wyatt
Mallary	Runnels	Wydler
Marazziti	Ruppe	Wylie
Martin, N.C.	Ruth	Wyman
Mathias, Calif.	Ryan	Yates
Mathis, Ga.	St Germain	Yatron
Matsunaga	Sandman	Young, Alaska
Mayne	Sarasin	Young, Fla.
Mazzoli	Sarbanes	Young, Ga.
Melcher	Satterfield	Young, Ill.
Metcalfe	Scherle	Young, S.C.
Mezvinsky	Schroeder	Zablocki
Michel	Sebelius	Zion

NOES—8

Davis, Wis.	Gubser	Powell, Ohio
Frelinghuysen	Hosmer	Ware
Gross	Landgrebe	

NOT VOTING—53

Arends	Eshleman	Landrum
Biaggi	Evins, Tenn.	Luken
Brasco	Fulton	McClory
Carey, N.Y.	Green, Oreg.	McDade
Carter	Griffiths	McEwen
Chisholm	Gunter	McSpadden
Clay	Hammer-	Mann
Conte	schmidt	Martin, Nebr.
Coughlin	Hansen, Idaho	Meeds
Culver	Hansen, Wash.	Nelsen
Davis, Ga.	Hébert	O'Neill
de la Garza	Holifield	Owens
Diggs	Jones, Ala.	Quillen
Eilberg	Jones, Tenn.	Railsback

Rooney, N.Y.	Schneebeli	Vander Veen
Rooney, Pa.	Symington	Whitten
Rose	Teague	Young, Tex.
Rostenkowski	Tiernan	Zwach

So the bill was passed.

The Clerk announced the following pairs:

Mr. Carey of New York with Mr. Whitten.
Mr. Rostenkowski with Mr. Culver.
Mr. O'Neill with Mr. Arends.
Mr. Diggs with Mrs. Hansen of Washington.
Mr. de la Garza with Mrs. Green of Oregon.
Mr. Davis of Georgia with Mr. Holifield.
Mr. Eilberg with Mr. Luken.
Mr. Evins of Tennessee with Mr. Mann.
Mr. Fulton with Mr. Teague.
Mr. Jones of Alabama with Mr. Zwach.
Mr. Gunter with Mr. Schneebeli.
Mrs. Chisholm with Mrs. Griffiths.
Mr. Rooney of New York with Mr. Railsback.
Mr. Tiernan with Mr. Quillen.
Mr. Vander Veen with Mr. McClory.
Mr. Hébert with Mr. Carter.
Mr. Biaggi with Mr. Martin of Nebraska.
Mr. Jones of Tennessee with Mr. Hammerschmidt.
Mr. Clay with Mr. Brasco.
Mr. McSpadden with Mr. McDade.
Mr. Landrum with Mr. Eshleman.
Mr. Meeds with Mr. Conte.
Mr. Owens with Mr. McEwen.
Mr. Rooney of Pennsylvania with Mr. Nelsen.
Mr. Rose with Mr. Coughlin.
Mr. Symington with Mr. Young of Texas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 3698) to amend the Atomic Energy Act of 1954, as amended, to enable Congress to concur in or disapprove international agreements for cooperation in regard to certain nuclear technology, a bill similar to H.R. 15582, just passed by the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 123 d. of the Atomic Energy Act of 1954, as amended, is revised to read as follows:

"d. The proposed agreement for cooperation, together with the approval and determination of the President, if arranged pursuant to subsection 91 c., 144 b., or 144 c., or if entailing implementation of sections 53, 54, 103, or 104 in relation to a reactor that may be capable of producing more than five thermal megawatts or special nuclear material for use in connection therewith, has been submitted to the Congress and referred to the Joint Committee and a period of sixty days has elapsed while Congress is in session (in computing such sixty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days), but any such proposed agreement for cooperation shall not become effective if during such sixty-day period the Congress passes a concurrent resolution stating in substance that it does not favor the proposed agreement for cooperation: *Provided,* That prior to the elapse of the first thirty days of any such sixty-day period the Joint Committee shall submit a report to the Congress of its views and recommendations respecting the proposed agreement and an accompanying proposed concurrent resolution stating in substance that the Congress favors, or does not favor, as the case may be, the proposed agreement for cooperation. Any such concurrent resolution so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) within twenty-five days and shall be voted on within five calendar days thereafter, unless such House shall otherwise determine by yeas and nays.".

SEC. 2. This Act shall apply to proposed agreements for cooperation and to proposed amendments to agreements for cooperation hereafter submitted to the Congress.

MOTION OFFERED BY MR. PRICE OF ILLINOIS

Mr. PRICE of Illinois. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PRICE of Illinois moves to strike out all after the enacting clause of the Senate bill S. 3698, and to insert in lieu thereof the provisions of H.R. 15582, as passed, as follows:

That subsection 123 d. of the Atomic Energy Act of 1954, as amended, is revised to read as follows:

"d. The proposed agreement for cooperation, together with the approval and determination of the President, if arranged pursuant to subsection 91 c., 144 b., or 144 c., or if entailing implementation of sections 53, 54, 103, or 104 in relation to a reactor that may be capable of producing more than five thermal megawatts or special nuclear material for use in connection therewith, shall have no force or effect unless and until specifically approved by Act of Congress.

SEC. 2. The amendment made by the first section of this Act shall apply to any agreement or any amendment to any agreement, if the agreement or the amendment is proposed or entered into after July 1, 1974.

The motion was agreed to.

The Senate bill 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 bill (H.R. 15582) 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, and include extraneous matter, on the bill just passed.

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

There was no objection.

LEGISLATIVE PROGRAM FOR TOMORROW

(Mr. McFALL asked and was given permission to address the House for 1 minute.)

Mr. McFALL. Mr. Speaker, I take this time to announce that the first item of business tomorrow, as announced earlier today, will be the legislative appropriations conference report.

Following that, we will take up H.R. 15046, the U.S. Information Agency authorization.

This will be followed by a conference report on the District of Columbia election campaign bill.

Following that we will begin to schedule, as printed in the Whip Notice, the Export Administration Act and so forth.

There are also eligible for tomorrow sometime during the day two conference reports from the Committee on Agriculture.

APPOINTMENT AS MEMBERS OF THE U.S. GROUP OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER. Pursuant to the provisions of section I, pubic law 689, 84th Congress, as amended, the Chair appoints as members of the U.S. group of the North Atlantic Assembly the following Members on the part of the House: Mr. HAYS, chairman, Mr. RODINO, Mr. CLARK, Mr. BROOKS, Mr. PHILLIP BURTON, Mr. ARENDS, Mr. DEVINE, Mr. FRELINGHUYSEN, and Mr. GUBSER.

WE MUST NOT CONTINUE THE ERRORS AND CRISIS REACTIONS OF THE PAST

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, one of the basic factors of our economy is its laws of supply and demand.

In the past couple years, this Nation has suffered numerous instances where these basic laws of our free enterprise system have been thrown out of whack, creating in their wake inflationary influences. To name a few, we have had an energy shortage, a wheat shortage, a timber shortage, and a scrap iron shortage. We are now in the midst of a meat glut, to boot.

Mr. Speaker, each of these happenings, whether glut or shortage, has fueled the the inflationary fires. These events, however, have not been creatures entirely of their own making. Indeed, while the administration has given birth to some of them, the Congress has also nurtured and cultivated them.

For sure, Congress has had the good sense to pass the Agriculture and Consumer Protection Act of 1973, which ended the ancient government programs of price supports and guaranteed loans and payments. In doing so, we ended a long series of inflationary payouts: $3.31 billion of payments in fiscal year 1972 were eliminated the next year. Programs which paid farmers to keep supply down by not growing food were also put on the shelf. Yet, the administration put through the Russian wheat deal, and we

have recently passed the livestock bill. Both of these acts are deliterious influences upon the natural market forces which should govern the agricultural economy.

While the oil embargo has been the primary cause of our energy shortage, we in Congress long have promoted overseas energy production by massive tax subsidies for intangible drilling expenses, overseas depletion, and foreign tax credits. We even promote the export of our own dwindling energy supplies through the tax subsidies contained in the DISC tax laws.

Under the same DISC program, we subsidize the export of our valuable timber and scrap metal while our housing industries and steel users shudder under the spiralling costs of these commodities in our own Nation—costs which have risen so fast that they have caused massive increases in the costs of housing and manufactured goods and cut many consumers out of the market.

Mr. Speaker, I believe that Congress must look both fore and aft as it examines the causes of inflation. The Democratic Steering and Policy Committee resolution adopted by the full Democratic caucus called for the creation of a mechanism for coordinated, long-term planning regarding the resources of this Nation. Earlier this year, Representative LITTON introduced a bill to establish a Department of Social, Economic, and Natural Resource Planning. Fourteen of my colleagues and I have since cosponsored this measure with the hope that it can go a long way in getting us together for the future. But as we search for long range answers to inflationary forces, I suggest that we cannot continue the errors and crisis reactions of the past.

REQUEST TO PRINT ADDRESS BY DR. JOHN McLAUGHLIN

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

Mr. LANDGREBE. Mr. Speaker, in my earnest opinion there is nothing as important at this moment in history as protecting the President and the presidency of the United States from these wanton and unwarranted attacks that are being leveled against President Nixon and the high office he occupies.

For the sake of the Republic, for the sake of civilized government, for the sake of my kids and grandkids, this precious balance of authority must be preserved from those spoilers who know not what they do.

Tens of millions of dollars of public and media monies have been expended to finance this vendetta against Richard Nixon. There is no way in the world to match this avalanche of acrimony, even if we would.

Now I have been called a conservative. So you will understand why I had to pause and consider when the Public Printer advised me that it would cost an additional $973 to include in the CONGRESSIONAL RECORD a magnificent address by Dr. John McLaughlin on impeachment madness and common sense. I concluded that it would be a very small price to pay to bring a little religion to that subject, so I ask unanimous consent to insert the address notwithstanding that cost.

THE RULE OF REASON MUST GOVERN THE IMPEACHMENT PROCEEDINGS

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

Mr. KEMP. Mr. Speaker, the House will soon have before it the articles of impeachment ordered reported by the Committee on the Judiciary.

The time draws near for this House to exercise one of the most solemn tasks ever assigned by constitutional process to any assemblage—deciding the fate of a democratically elected head of state.

Like most Americans, I spent many hours during the past days watching and listening to the proceedings of the Committee on the Judiciary, as it debated the issue of impeachment and the particular provisions of the articles.

I was moved by the great burden borne individually by those members who decided—on the basis of presumed innocence or guilt, on the basis of factual evidence and learned conclusions—how they would vote on each article.

While some may have had predetermined opinions on how they would vote—even before the proceedings began—most, I am sure, must have made up their minds as that evidence was debated and weighed. I commend them for their remarks and their conscientious dedication to the Constitution.

It is now the constitutional responsibility of each of us—as Members of the House to which that document fundamental to our freedom assigns the task of impeachment—to weigh the evidence and to come to conclusions on this issue.

I have already studied hundreds of pages of testimony and other evidence submitted both in support of and in opposition to the allegations embodied in the final articles reported. This is, I am aware, but a mere beginning of what I must read, hear, and reflect upon during the coming weeks, for I have not yet—nor should I have—made up my mind on how I will vote.

I think it is most appropriate, at this point, prior to the commencement of proceedings before the full House, to raise an imperative which we must not overlook as we go through the coming weeks. I speak of the necessity of the rule of reason prevailing in this Chamber—both as we debate the issue and as we cast the decisive votes.

In an address on the Fourth of July 1973, entitled "The Fragility of Freedom," Mr. Chief Justice Burger—whose task it may become to preside over the trial of the President in the Senate—if the House should impeach—reflected upon the temper—the tone—of our Nation's political climate during the 1960's, a period inextricably intertwined with ours today:

> That mindless violence of the 1960's seems to have stemmed in part from a confused idea that human beings will be happier and life will be better if they "act out what they feel"—as soon as they feel it—in short, to elevate emotion over reason.

In light of the task which will soon be before us, those words are of great weight.

In our deliberations and in our final vote, the rule of reason must prevail over all other motivations.

Because we live in the present—in this moment of time—it is easy for some to overlook the gravity with which history will judge our actions—the actions of the House as a body of government and an institution of free men and the actions of each of us.

Impeachment is a grave action, for impeachment deals with the fate of a man elected by a free people. It is not simply an administration at stake if a grievously improper decision is arrived at; it could be the stability of freedom and society itself.

The careful research of the historians—men who will never personally know us, nor we them—will reveal the truth, the validity, the accuracy of what we do here. If emotion prevails—emotion which is a quiet form of that violence in the political process to which Mr. Chief Justice Burger referred, manifesting itself in deeds arising from political, or partisan, or even personal motives or aspirations—it will stand glaringly in the light of history's search for the truth.

A vote on impeachment must be based on conscience—arising from the weight of evidence. It must not be based on consensus. Justice is not determined by majority opinion. But I hope to act in such a way that, if all of my constituents were to have the vast information before them—which I will have by the time we come to a final vote—that they would come to the same conclusions evidenced in my final vote.

I think a vote for or against impeachment stands a better test if viewed in this frame of reference and I believe we should all adhere to it.

AMERICA'S SENIOR CITIZENS, OUR PRICELESS RESOURCE

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

Mr. TALCOTT. Mr. Speaker, one of the most valuable resources that this Nation has is our senior citizens. I have long advocated that we make it possible for them to take an active part in community life. Not only is it healthy for them to keep active, but they make contributions which benefit a broad cross-section of the citizens of the community.

Many of my colleagues in the House have joined me in introducing legislation which would establish a permanent Select Committee on Aging to make it

easier for the Congress to assist this broad class of Americans. So far our efforts have been unsuccessful in forming this new committee. I, for one, will continue until we do succeed.

The most important reason for establishing such a committee would be to create a focal point for communications between the various factions interested in the special problems of the aging. These Americans are in need of special and unique assistance, and some means must be devised to provide that assistance while holding costs down. As one of my good friends in California said recently:

How wonderful it will be, when we can see the end of a state of affairs all too familiar to many of the aging—a wasteful, frustrating, heartbreaking situation I call—the right hand giveth, and the left hand taketh away. It seems that such a Select Committee on Aging is the means for keeping both hands pulling together.

Many of our older Americans are already helping themselves, and by doing so, they are also helping their communities. One of the efforts I am most closely associated with, and most familiar with is the tricounty foster grandparent program. It gives me a particular feeling of pride to report to the Congress on the work that these wonderful people are doing. I would like to mention Lillie Bourriague, the director of the program, who has brought a unique rapport to her position, and has made the program go.

Mr. Speaker, I insert two short articles giving details of this program in the RECORD at this point:

[From the Valley Press, June 5, 1974]

FOSTER GRANDPARENTS VOLUNTEER TIME TO TEENAGERS

(By Lois Martin)

Some of the most rewarding experiences in the lives of several local senior citizens are those derived from the time they spend as volunteers in the Foster Grandparent program.

This program is a supplement to organizations working with children with exceptional needs—court wards, groups in charge of mentally and physically handicapped children and day care centers for children of Spanish speaking parents.

It is funded by ACTION along with other agencies such as VISTA, the Peace Corps and SCORE-all volunteer governmental programs.

Men and women over 60 give their time to the program which provides an adult figure without authority, to meet the needs of these young people in a variety of ways. Primarily the needs are for love and understanding. And, the grandmothers and grandfathers have lots to give.

The seniors work 20 hours in the facility where they are most comfortable, whether it be young children, older wards of the court or the handicapped, everyone in the program," explained Lillie Bouriague, director of the tri-county program.

In order to qualify for the program, they must be of low income and in good health. They are paid a stipend of $1.60 per hour for their time.

"Even though they must be of low income, most of them end up putting much of their stipend back into the program by way of the purchases they make for the children they are working with," explained Phyllis Wallace, the Santa Cruz county director of the program.

Those who give four hours of their time each day, obviously do it for more reasons than to supplement their Social Security payments.

They become emotionally involved with the children they work with and therefore derive a great deal of fulfillment from their hours with them.

There seems to be less of a generation gap between the young people and the seniors than with adults in their thirties and forties, according to the directors.

"Most have developed a gentle sense of humor and can laugh with the young people, rather than at them. They often enjoy just listening to the recollections of the grandparents because they've read about them in their history books," Lillie said.

In the case of those grandparents who give their time to the juvenile hall at the county's probation center on Graham Hill road, their primary function is to be a friend to the boys and girls who have been made wards of the court.

One of the best loved grandmothers at the local facility is Roberta Swiger, affectionately called "Bert" by her young friends in the boys unit.

She entered the program when it began in 1972 following the death of her husband. Like many widows, she was somewhat lost at that time and realized she needed something to do wtih her spare time.

Bert greets the new arrivals with a friendly . . . "Hello, My name is Bert. I'm a foster grandparent and I'm here just as a friend. I'm not a heavy. I have no authority. I don't give any discipline. I'm not working for the 'fuzz' and I'm not writing a book. If you need to talk to someone or want help of any kind, come and get me. If you don't want to be bothered, just tell me to 'bug off.' The choice is yours."

She believes that listening, understanding and caring are the prerequisites to fill the roll of a foster grandparent. She has found that they really need someone to talk to . . . to spill out their feelings to a non-authoritarian figure more than anything. This seems to be true with the boys more than the girls, she believes.

"I think boys need more love because it is harder for them to ask for it because we raise them not to show emotions. They need to relax and to become like a small child with their mother. Boys appreciate the affection they receive more, because they find it harder to ask for it. They seem to be more astute at recognizing the difference between phoniness and sincerity," Bert said.

Tom Mote has also been with the program since its inception—first in the boys unit, then the girls and now in the SCAPP section (Santa Cruz Adolescent Placement Program) where the wards must stay for observation 90 days prior to their placement in foster homes or returned to their own homes.

Here they attend school classes and work on various projects and are helped back to a homelike atmosphere. They earn passes to go out with a counselor or parent and are helped in adjusting to regular society again.

"I help them just by being there and talking with them and helping them on their various projects. Just having a friend to talk to helps them curtail their frustration. They get real high strung when they're shut in all the time.

"They relate to us in a different way than the counselors—more like they might to a parent. It seems to have a quieting effect on them," Tom said.

Tom formerly worked in the Meals on Wheels program of Project Scout to supplement his income and give him something to do with his time after retirement. He wasn't sure he'd fit in to the Foster Grandparent program, since he had no children of his own, but was willing to try.

"Working with these young people has given me a new lease on life and something more to think about beside myself and my own problems. I'm sure it will actually lengthen my life because if your mind is active, your body won't deteriorate so fast," he said.

Bert believes she has learned a great deal about herself from the experience of being a foster grandmother, primarily that she needs someone to care for and the young people she has worked with at the probation center have filled that need.

"It gives me a real sense of belonging and being needed. Some of them are so mixed up, and have been through so much for their young years. Some come from such bad family environments which they have no control over. I give them as much understanding as I can and it really takes a lot of heart," she said.

"Many times I get hurt and go home crying, but I love it. I wouldn't trade the hours I spend here for anything."

It is hoped that the program will soon be expanded as there is now a waiting list of potential grandparents for the program. Seniors interested in the program may gain more information by calling 423-6249.

FOSTER GRANDPARENTS FULFILL EXCEPTIONAL NEED

(By Virginia Brailsford)

"Exceptional love and attention" from five volunteer foster grandparents has been a daily bonus this year for young people attending the Training Farm for the Retarded on Spring Valley Rd.

The foster grandparents, participating in "ACTION", a federal program, visit the farm each day for four hours, to serve as companions to mentally retarded children. The young people range in age from 14 to 21 and can be assigned to the foster grandparents by Walter Nicol, the school's head teacher.

"But more often than not, the visitors become involved with more than one child," he said.

In addition to listening to youthful problems and helping with school learning situations under the supervision of teachers, the "grandparents" share their own special skills and backgrounds.

Consequently, they may be found helping out in the greenhouse, in the work shop, the crafts department, or in the barnyard with chickens, lambs or rabbits. Their help is equally in demand in the domestic department. Or they can be found on the ball-field, playing baseball with the youngsters.

Mrs. Frances Soady, foster grandparent who joined the school in September at the inception of the program, is an example of sharing of hobbies. She often helps in the greenhouse, where the children carefully plant, tend, pot and water a wide variety of garden annuals, including herbs. Her enthusiasm for growing things extends to the young gardeners.

The children's pride in the horticultural project is heightened by a small stipend earned for greenhouse duties, Mrs. Soady explained. Each week, a "store" is simulated so that the children may have the experience of making small purchases and handling money.

Another enthusiastic volunteer, is Arthur Gordon of Aptos. A former business writer and dog breeder, he assists with the farm operation. "A favorite task for the children is nursing a motherless lamb," Gordon said. Keeping the pens clean for pigs, rabbits, chickens and other pets is also part of the farm learning activity for youngsters. Gordon helps a teacher with supervision.

Many of the trainees belong to Future Farmers of America and have won numerous

ribbons for exhibiting livestock at fairs, Gordon said. "Although some may not be able to master abstract ideas, they grasp simpler skills."

All are termed "trainable" retarded. Many are mongoloids.

Recalling when he joined the foster grandparents program last winter, Gordon said, "I wondered if I could 'reach' the retarded. However there was no problem. Many clutch you in their eagerness for love and attention."

He added thoughtfully, "I discovered, it's a question whether I am doing something for the children, or whether they are helping me. . . . It's wonderful, what they have done for me."

The grandparents, all over 60 years of age, are selected for their patience, love of children, and calm manner, according to Phyllis Wallace, supervisor of the foster grandparent program in Santa Cruz County. "They are assigned by the school principal to specific children in one of the area schools for handicapped children." (Other schools are Calabasas, Kennedy Center, and Duncan Holbert School.)

More foster grandparents are needed.

"There aren't enough to go around," she said.

Another grandparent, relatively new to the program, is Mrs. Bess Maiorino who is involved with reading, homemaking, or horticulture or wherever she's needed.

Mrs. Maiorino believes she has a particular understanding of the handicapped. She grew up with a little girl, a friend, who was retarded. Later she tutored one of her own four children who had a speech impediment until he overcame it and won an outstanding award in English. With 11 grandchildren of her own, she finds the association with Spring Valley Farm rewarding.

"When I started, there was one boy who didn't talk and refused to be touched. He seems to have had unfortunate experiences in foster homes. Now he's less shy and is talking more," she said.

Noting the accomplishments of the girls, she said, "They model the clothes they made at the school's April 22 open house. They were well-behaved and attractive. You wouldn't have known that anything was different about them. When they appeared, I cried."

Another grandmother, Mrs. Isaacs, has been teaching sewing since last fall. A former business woman, she is 70 and helps wherever needed at the school. She lost her husband two years ago and finds the farm fills a definite need in her own life, in addition to her two grandchildren.

"Those at the training school are a lovable group," she said.

"They are different from 'normal' children in surprising ways. There is no jealousy, no antagonism between them. They always help each other."

Mrs. Isaacs recounted a humorous incident, illustrating the effect that unusual situations can have on exceptional children. She and another grandmother had been assigned as "goalposts" in a ball game. Feeling weary, she sat down to rest. One of the boys who rarely speaks began to laugh, saying, "Look, the goalpost sat down."

The senior member of the grandparent team was Mrs. Marie Farrar, a former school cafeteria manager who taught cooking in the school domestic department. Now 72, she has resigned due to health problems.

There are now 23 foster grandparents in the Watsonville area, working with children who have exceptional needs, in such schools as the Training Farm, or at hospitals or day care centers.

The national foster grandparent program, established in 1965, was funded locally in 1972.

Mrs. Lillie Bourriague, former director of Project Scout, is director of the tri-county foster grandparent program. There are 65 volunteers in the three counties and more are needed as the program expands, she said.

"Not only do special schools for the handicapped benefit, and the children receive special attention and love, but the grandparents themselves are living a complete new life," Mrs. Bourriague said.

Grandparents benefit monetarily through the federally financed program. They receive a stipend which is not subject to federal or state tax. Volunteers also have a daily hot lunch, transportation expenses, a physical examination, and $1.60 an hour wage. They may work up to 20 hours a week, and receive a two-week paid vacation, plus sick leave.

"Many older people who find their Social Security benefits are not adequate to cover expenses these days may not know of the foster grandparent program," Mrs. Bourriague said.

Volunteers are carefully screened and trained, she explained. "A necessary quality is the ability to give love and patient understanding to a child with exceptional needs."

To be eligible, volunteers must be over 60 years, and need to supplement retirement income.

If more information is wished regarding the foster grandparent program, persons may call the Santa Cruz office, 505 Lincoln St., at 423-6249, or the Salinas office at 422-8526.

THE JUVENILE DELINQUENCY PREVENTION ACT

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

Mr. COHEN. Mr. Speaker, I am very pleased that the House today has requested a conference with the other body on H.R. 15276, the Juvenile Delinquency Prevention Act. The prompt action taken by the House and the other body on H.R. 15276 and S. 821, underscores the deep concern and commitment that this Congress has to correct the serious problem of juvenile delinquency which now exists in this country, a problem which jeopardizes the most important resource this Nation has, its youth.

I would like to express my interest in the action taken by the other body to place overall administration of the block grant juvenile delinquency prevention program in LEAA. As you will recall, when the House debated H.R. 15276 on July 1, 144 Members including myself, indicated support for LEAA administration. While I recognize the duty of the conferees to faithfully represent the final House position on the legislation during the conference, I sincerely hope that the House conferees will be able to give favorable consideration to the position taken by the other body on this matter.

During the debate on July 1, I expressed my belief that the block grant programs for juvenile delinquency prevention provided in H.R. 15276 could best be administered by LEAA. In the past 5 years, LEAA has been responsible for the management of a block grant program representing the single greatest effort of the Federal Government to meet this Nation's criminal justice problems. With its assistance and cooperation, State planning agencies throughout the country are developing the comprehensive planning capabilities and mechanisms essential for utilizing these block grants in the manner needed to meet their particular criminal justice problems. In addition, last year this Congress mandated LEAA to develop a comprehensive juvenile justice program, which is now going forward to both the State and Federal level. To me, therefore, LEAA and the SPA's seem in the best position to assure that this new program for juvenile delinquency prevention is promptly and effectively implemented, including careful coordination between it and the other State and Federal juvenile justice efforts.

In closing I would like to commend the gentlemen from California (Mr. HAWKINS), chairman of the Subcommittee on Equal Opportunity of the House Education and Labor Committee, for the dedicated work of his subcommittee on H.R. 15276. I would also like to commend the gentlemen from Minnesota (Mr. QUIE) and the gentlemen from Wisconsin, (Mr. STEIGER) for their efforts to achieve final enactment of this highly significant legislation. As the ranking Republican of the Subcommittee on Crime of the House Judiciary Committee, which has general oversight of LEAA, I pledge my support and cooperation with the Subcommittee on Equal Opportunity in seeing that the provisions of the Juvenile Delinquency Prevention Act are fully and effectively implemented by LEAA, should it be given that authority.

IMPEACHMENT DECISION

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

Mr. HOGAN. Mr. Speaker, since announcing my decision to vote in favor of certain impeachment articles, I have been subjected to a great deal of personal abuse from some of my friends and colleagues in the Congress, from my political workers and contributors and, most sadly of all, from some of my personal friends.

I have been contacted by thousands of people from my own State of Maryland and from nearly every other State in the Union. Many of these letters, telegrams and phone calls have come from my fellow Republicans, condemning my decision, and addressing me as "JUDAS" HOGAN and "BENEDICT ARNOLD" HOGAN and "BRUTUS" HOGAN, and asking what I would do with my "30 pieces of silver."

To those people, I make a simple request: Study the evidence as I have studied it, and then look yourself in the eye and say, "Richard Nixon has done no wrong. He deserves to remain as President of the United States."

To my fellow Republicans who have asked, "How can you vote to impeach a Republican President?" I ask them in turn, "How can I vote to excuse the wrongdoing of a Republican President?"

Should my allegiance to the Republican Party transcend my oath of allegiance to my country and my loyalty to my own conscience? Of course not.

I can understand that some will disagree with my decision, but I cannot understand those who deny me the right to vote according to the dictates of my own conscience.

Some of my long time Republican supporters and workers, who have written to me in times past commending me for my courage in standing up and fighting for the causes in which they believe, now condemn me for speaking out on an issue on which they do not agree with me.

All throughout our history, beginning at the time of our Founding Fathers, American politicians have seen their duty from different perspectives and have come to different conclusions. Some will do so on this historic issue.

Some, like many of my Republican colleagues on this committee, will look at the evidence and not see what I and six other Republicans on the Judiciary Committee see. I respect these opponents of impeachment for their position even though I disagree with it. I know how hard they have worked for the past several months, and I know the excruciating agony of decisionmaking they have endured, as I have endured. I know they have come to their decision honestly, in response to their consciences' urging, as I have.

But some of our colleagues in the House will not bother looking at the evidence, but will vote for impeachment or against impeachment on a strictly political basis. While I cannot admire this approach to a decision of such vital importance to our Nation, I know the realities of political life.

To my fellow Republicans who have not studied the evidence, but have already made up their minds to oppose impeachment for the sake of the Republican Party, I want to proffer this thought: While this political scandal called Watergate is the shame of America, it is even more poignantly the shame of the Republican Party.

While the travesties of Watergate were perpetrated outside the regular channels of Republican Party organizations, they were all committed by Republicans for the benefit of a Republican President. Each of the 20 Presidential aides who have been convicted was a Republican.

It seems to me, in addition to our responsibility to the country, we also have a responsibility to our party to rectify these wrongs.

Do we want to be the party loyalists who in ringing rhetoric condemn the wrongdoings and scandals of the Democratic Party and excuse them when they are done by Republicans?

During the years I was an FBI agent, I was repeatedly amazed that a mother could never believe that her son had committed a crime. "My son would not do such a thing," she would say.

On Christmas Eve, I arrested a bank robber at his mother's home, and, in a Christmas present box, we found the loot taken in the bank robbery. But his mother would not believe it. In spite of all the evidence against him, his mother still would not accept the reality that her son had committed a crime. "My son would not do such a thing."

Aren't some of my fellow Republicans being equally illogical on this question of impeachment? To those partisans who seem to put party loyalty above all else—and I do not include my esteemed Republican colleagues on the House Judiciary Committee in that category—I would like to speak in the language those Republicans know best—the language of politics.

Confidence in politicians—especially Republican politicians—is at an all-time low ebb. Our Government is reeling from the scandals of Watergate because of this mistrust. The person who bears most of the responsibility for this sad condition is the President of the United States, the subject of this impeachment inquiry.

A year or so ago, it would have been unthinkable for me to even consider the possibility of removing the President from office, but we on the House Judiciary Committee have been thinking this unthinkable thought, and now, after having thoroughly studied the evidence for several weeks, it strikes me that it is unthinkable that we not remove him from office.

If he continues in office, will the people have trust in their Government? Will voters have confidence in politicians who put their party above their country? If we do not purge ourselves of the disease of Watergate, will our party and the two-party system itself survive?

While the House Judiciary Committee was holding hearings on the confirmation of Vice President GERALD FORD, I said at one point that—

> As far as I'm concerned, there is no single thing that can do more toward restoring the American people's confidence in government than for them to get to know (the Vice President) as well as those of us in the House know him.

We subjected GERALD FORD to the most searching investigation and scrutiny of any politician in history. No man is better equipped than JERRY FORD by virtue of his integrity, his honesty and his dedication to his country's welfare to lead us out of the quagmire of Watergate and to restore the people's confidence in government and politics.

We should not fear this transition of leadership. We should welcome and demand it.

ATOMIC ENERGY ACT AMENDMENTS

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

Mr. MCKINNEY. Mr. Speaker, two recent events have again raised the issue of continued proliferation of nuclear weapons. On May 18, India exploded a nuclear device made with radioactive materials diverted from a Canadian reactor which was built for "peaceful purposes." Later, in June, the President announced his intention to enter into cooperative nuclear power agreements with both Egypt and Israel. It appears as if the "nuclear genie" which was partially bottled by the nuclear test ban, the Non-Proliferation Treaty and the SALT I agreements has been uncorked. And from the comments of the Secretary of State, Henry Kissinger, the bottle might stay permanently uncapped if the Soviet Union and the United States cannot soon come to agreement on SALT II.

The President's intentions to negotiate nuclear agreements with Egypt and Israel focus important considerations, international and constitutional. The legislation before us condenses these issues. H.R. 15582, which enables Congress to either concur or disapprove of international agreements for cooperation in regard to certain nuclear technology, asserts that Congress will not duck responsibility for the proliferation of nuclear technology, but instead face this responsibility squarely. This is especially true if Congress is to continue in the spirit of the war powers resolution and the Congressional Budget Priorities Act in reasserting congressional authority. It seems apparent that any action which commits the resources or abilities of the United States in some way must have congressional concurrence. What could possibly excuse the Congress from this responsibility in the commitment of its nuclear technology?

There are clear constitutional grounds for this amendment to the Atomic Energy Act. The argument that executive agreements do not need congressional concurrence because of the special inherent powers of the Executive to conduct foreign policy has never been strong. The only reason that congressional approval was not sought for executive agreements was that Congress usually did not chose to exercise its authority. Raoul Berger, the distinguished constitutional lawyer, stated in his authoritative book on executive privilege:

> However impenetrable the intentions of the Framers . . . they made clear beyond doubt that the specific objective of the treaty clause was to preclude the President from entering into international agreements without the participation of the Senate.

This measure does not prevent the President from negotiating these necessary agreements in any way. We are assuring that Congress will carefully examine these agreements and concur in them. Under present law, the President submits any nuclear reactor agreements to the Joint Atomic Energy Committee which has only the authority to examine them for 30 days, with no provision at all for congressional consideration. To allow such procedures for continued congressional abdication of power to go on would be totally irresponsible. Congress has the clear responsibility not only to the American people, but to the people of the world, to consider carefully the implications of nuclear agreements such as these.

We carry not only a constitutional responsibility but an international responsibility. The Atomic Energy Act of 1954 recognized the fact that the United States

as then leading depository of nuclear technology had the obligation to safeguard the proliferation of atomic materials for peaceful purposes. We also recognized that in keeping with the most time honored traditions of the United States, we should share the advantages of the peaceful use of atomic energy with the nations of the world.

It is essential to be realistic about the prospects for further development of nuclear technology around the world. With the world's resources of oil and coal rapidly being depleted, and economic expansion moving forward at ever increasing rates, especially among the developing countries, we can not reasonably expect to monopolize the use of nuclear power sources. The risks involved in making nuclear technology available to Egypt and Israel for peaceful purposes are self-evident. But if we do not provide energy producing reactors, the odds are great that these countries will get them somewhere else, without the safeguards which the U.S. would require.

Israel already has two reactors, a small research reactor of 5 MW and a French built 26 MW reactor which is capable of producing plutonium for weapons already. Egypt also has a small 2 MW reactor provided by the Soviet Union.

The State Department has stated that the French have already expressed interest in bidding on an Egyptian reactor and the Germans have expressed interest in an Israeli reactor. The question is not whether these nations will obtain nuclear technology but what safeguards will be attached to the acquisition of these reactors.

It is essential that the Congress assure itself and the Nation of the strictness of safeguards to prevent nuclear materials from being diverted to nonpeaceful uses. Restrictions must include:

First. Giving the United States full control over production, shipment, and reprocessing of the uranium and plutonium fuels.

Second. Detailing measures for physical security against theft of nuclear materials.

Third. Preventing the transfer of highly enriched nuclear material.

This last will help to prevent the type of loophole through which India claimed its blast was done for the peaceful purposes laid down by Canada.

While at this time I do not want to get too far beyond the question of whether Congress will or will not take part in nuclear exchange decisions, the implication of that decision will carry beyond legislation to the question of our basic foreign policy. What is the U.S. role to be in aiding other nations meet their future energy requirements, especially when our own are far from assured? In what direction should our efforts lead—nuclear power, solar research, increased oil production? Will our aid be negotiated through bi- or multilateral channels and will political considerations be attached to it?

Mr. Speaker, positive action on this measure today will aid Congress in considering these issues fully and responsibly. Congress' obligation, both to the international community and to the American public, is clear. We must provide ourselves with the tools to share equally with the President the responsibility for these key decisions.

THE AMBASSADOR'S ASSESSMENT OF VIETNAM

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, one of our Nation's most distinguished diplomats, Ambassador Graham Martin, testified before the Senate Foreign Relations Committee on July 25. As our country's representative to the Republic of Vietnam, Ambassador Martin has upheld the highest standards of ability and integrity.

I know that many of my colleagues will be heartened by the ambassador's confidence in Vietnam's future. I know, too, that most Americans will agree that we should leave Vietnam economically viable, secure against aggression and externally supported subversion, and able to choose its government in freedom.

Great sacrifices have been made to secure peace and freedom in Vietnam. It is doubly heartening, therefore, to hear our Ambassador's assessment that we shall be able to close the story of our involvement with success and with pride. I insert in the RECORD the text of Ambassador Graham Martin's remarks to the Senate Foreign Relations Committee on July 25, 1974:

REMARKS OF AMBASSADOR GRAHAM MARTIN

Mr. Chairman, I very much welcome the opportunity to present to this Committee some impressions of the very great changes that have taken place in the Republic of Vietnam since my arrival there a year ago this week. It has been an interesting year, in many ways a fascinating year and, in a few ways, a frustrating year.

But it has also been a rewarding year, because I am able to report to you that if the level of economic assistance for the Republic of Vietnam recommended and urged by Secretary Kissinger is authorized and appropriated by the Congress we can confidently anticipate that in a very few years we will be able to regard our Vietnam involvement as closed. If the Secretary's recommendations are heeded our involvement will be closed in the way that the great majority of Americans quite obviously want it closed—leaving the Republic of Vietnam economically viable, militarily capable of defending itself with its own manpower against both external aggression and externally supported internal subversion, and free to choose its own leaders and its own government as its citizens themselves may freely determine.

I am confident that this is the way we will eventually leave. If the requested level is not forthcoming it will just take us longer. For my part, I deeply believe the quicker we reach this goal, the better off we will be. It was for this reason I had publicly suggested that the appropriate economic aid level for the Republic of Vietnam for FY 1975 should be $850 million rather than the $750 million finally recommended by the Administration.

Although I still think the $850 million level would permit us to more quickly leave Vietnam, I regretfully conclude that there is small chance of my persuading you to raise the Administration's requested $750 million to that level. One senior member of the House did observe that if we could have gotten a majority of the Congress to visit Vietnam this year and see for themselves the actual current realities, we would have little difficulty in getting a clear majority for $900 million. To my great regret the members of this Committee have been unable to visit the Republic of Vietnam in the past year.

I think it very important to note that what we are requesting is less than three-fourths of the amount of economic aid which will be furnished to North Vietnam this year by the PRC, and the Soviet Bloc. Our present estimate indicates that more than $1.2 billion in purely economic aid will be delivered to North Vietnam in this calendar year.

Perhaps it would make a contribution to perspective to recall that when the Paris Agreement was signed in January 1973, no one who was familiar with the complexity and depth of emotion involved in the Vietnam problem expected a perfect peace overnight. However, there was a general consensus that the Agreement provided a good framework on which peace could be built, and there was widespread hope that this peace could be achieved in a reasonable period of time.

In the subsequent 18 months, however, it has become increasingly clear that the Communist side is not yet really serious about implementing the Agreement. Instead, the aging Hanoi leaders are still trying to seize full power in the South through a combination of military, political, and economic pressure. They are also attempting to achieve a cut-back in U.S. military and economic assistance to the South, which they hope would accelerate the collapse of the structure of South Vietnamese society which their doctrine and ideology predicted as inevitable with the departure of American armed forces. But this collapse has not happened, Mr. Chairman, and I am convinced that it will not happen. To document this conviction, let me examine briefly the current political, military, and economic situation in South Vietnam.

Politically the South Vietnamese Government is stronger than ever. It is effective. It exercises normal governmental control over more than 90% of the population and all important towns and economically productive areas. Most significantly, it is perceived to be legitimate by the vast majority of the South Vietnamese people, and it has their full support in its continuing struggle with the Communists. In sharp contrast, the Communists are politically weaker than ever, with control over less than one percent of the population, and very little popular support.

Militarily, the South Vietnamese are also strong. Their armed forces have demonstrated their ability to defend the country by stopping the 1972 North Vietnamese offensive without U.S. ground support, and by maintaining the military status quo since the signing of the Agreement, in spite of serious enemy attacks, without any U.S. combat help or advice. Even with the North Vietnamese military build-up since the Agreement, I am confident the South Vietnamese can continue to handle the military threat on their own, provided we continue to replace military supplies on the permitted one-for-one basis.

Economically, however, South Vietnam has serious problems. The economic decline of the past two years was initiated by the 1972 North Vietnamese offensive and the disruption and refugee burden it created. It was exacerbated by the sharp decline in the value of overall U.S. aid and economic inputs. And it has been further compounded by rapid in-

crease in the price of the major South Vietnamese imports, which consist primarily of petroleum products, fertilizer, and foodstuffs.

The immediate, short-range economic picture may look unfavorable, but its very severity has, up to this point, contributed to the political unity, as all Vietnamese have tightened their belts. There has been no panic, no political unrest, but a steadfast, pervasive determination to surmount this latest obstacle to their goal of a better life, in freedom, for themselves and their children. They have largely preserved the free economy and have permitted the normal forces of a market economy to work.

Thus, we find the price of gasoline at about $1.62 a gallon, one of the highest in the world. Since all imports that were not absolutely essential have been eliminated, new aid will be channeled more than ever before into development and investment projects which will increase the productive capacity and create more jobs. South Vietnam's longer range economic prospects, therefore, are quite good. In fact, all the essential conditions are present in South Vietnam for an economic breakthrough along the lines achieved in Taiwan and South Korea, and in an even shorter time frame.

Overcoming these short-term economic problems and hastening the day of self-sufficiency are the immediate objectives of our FY-1975 economic assistance proposals for South Vietnam. Perhaps of even greater importance are the political and military implications of these proposals. I shall allude to these a bit later.

On the purely economic side, we should note that for the past decade our assistance has been concentrated on a stabilization effort, designed primarily to help the South Vietnamese support the war effort and meet war-related contingencies such as caring for war victims. Wartime conditions and priorities forced the neglect of longer range economic development projects. The South Vietnamese have had some success during the past year in placing more emphasis on the economic future rather than the present. This South Vietnamese Government has responded to the economic crisis in part by eliminating all unnecessary imports, and all U.S. aid-financed imports have become production and development oriented. Now, with our FY-1975 request, we hope to put still greater emphasis on longer range reconstruction and development programs so that the South Vietnamese economy can move as quickly as possible toward self-sufficiency. If the amounts of assistance envisaged in the projections given the Committee by Secretary Kissinger can be provided, I am certain that at the end of this decade South Vietnam will need no more than nominal amounts of further U.S. economic aid.

If we have the wisdom and foresight to make the large initial investment in economic aid I have recommended for the next two years, FY-1975 and FY-1976, I am completely confident that we can reach this goal much sooner. While the FY-1975 emphasis on development will be somewhat more expensive initially, without it South Vietnam's import substitution program would be delayed, economic self-sufficiency would remain a mirage, and the need for outside assistance would be open-ended. One example provides a dramatic illustration. The FY-1975 proposal includes $80 million for the construction of a fertilizer plant.

At the same time, we are spending nearly $120 million per year to help the South Vietnamese import the fertilizer necessary to sustain food production. Yet, until the fertilizer plant is built, we cannot cut off funds for fertilizer imports, since to do so would cause a sharp decline in food production and the consequent prospect of either famine or a massive U.S. food supply program. Neither alternative would appear an attractive option.

The program requested can serve as a sound basis for the U.S. phase-down effort; and in the long run it will be less costly to the American taxpayer than the stabilization programs of the wartime period.

Mr. Chairman, I would like to address two particular questions which I know have been of concern to a good many members of Congress.

First is the assertion made frequently in recent months that eliminating or sharply cutting our aid to South Vietnam will bring peace by forcing the South Vietnamese to negotiate a settlement. This may be true if the kind of peace desired is that of abject surrender to Communist aggression, or the peace which would follow a bloody Communist military victory. But this is not the kind of peace for which we have invested so much all these years, nor the kind of peace which would be in our interest or in the interest of the South Vietnamese people.

In fact, it has not been the South Vietnamese Government which has been blocking implementation of the Paris Agreement and further progress toward peace. It is the Republic of Vietnam which has everything to gain by a full, complete, and rapid implementation of the Paris Agreements. Plain logic makes this conclusion inescapable. It is the North Vietnamese who do not dare the impartial internationally supervised rejection of their claims that they have more than minimal support in South Vietnam which would be the automatic result of the elections required by the Paris Agreements.

Consequently, short of the patently impossible attempt to force their surrender or military defeat, there is no way we can pressure the South Vietnamese alone to make a real peace. The best hope for a genuine negotiated settlement and eventual reconciliation in Vietnam is to maintain the balance of forces, both military and economic, which has permitted the progress made thus far.

Secondly, I am aware of the argument that is being made that in view of the continuing hostilities it might not be possible to achieve South Vietnamese economic self-sufficiency in a reasonable time frame, no matter how much aid we give.

I understand the argument. It has a certain logic. Cautious bureaucrats in the Executive Branch have been using it for years. It still rankles me that I was unable to prevail over it some years ago before I left Southeast Asia in 1967. It was a mistake then. It will be an even greater mistake now. But it overlooks the new factors that, one, there is now no possible way Hanoi can overthrow Saigon by any variation of a fair political contest, and, two, it is now crystal clear that the North Vietnamese cannot conquer South Vietnam militarily.

Their last hope, therefore, is to achieve such a reduction of economic aid to South Vietnam that it will effect the political unity and the military morale and effectiveness of the South Vietnamese Armed Forces. If we do not permit this to happen, if we provide the full amount Secretary Kissinger has recommended, we can confidently anticipate a considerable reduction in the level of violence in South Vietnam and, perhaps, progress toward a real settlement.

I strongly believe, Mr. Chairman, that we should end American involvement in Vietnam, and we should end it as quickly as possible. How we end it, however, is of crucial importance. I believe our objective must be to end it leaving a South Vietnam economically viable, militarily capable of defending itself, free to choose its own government and its own leaders, and able to work out its own eventual reconciliation with its enemies in the North.

Moreover, I believe this objective can be achieved in the time frame we have projected. Whether or not we are able to walk away from such a South Vietnam as I have described, with the evidence of American commitments fully discharged, may well have a decisive impact on our future role in the community of nations, and on our ability to help build a worldwide structure of peace for our children and grandchildren. I deeply believe this to be true, Mr. Chairman, as Secretary Kissinger expressed much more eloquently in his statement to this Committee on June 7.

THE PRESIDENTIAL OATH OF OFFICE

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

Mr. CORMAN. Mr. Speaker, each of us has been impressed by the high quality of work done by the House Judiciary Committee. Outstanding among the statements made was one by my distinguished colleague and good friend, GEORGE E. DANIELSON, concerning the President's obligation under his oath of office. I wish to share it with my colleagues:

In my opinion, Mr. Chairman, this is possibly, probably—I can make that stronger—it is certainly the most important article that this committee may pass out.

The offense charged in this article is truly a high crime and misdemeanor within the purest meaning of those words as established in Anglo-American jurisprudence over a period of now some 600 years. The offenses charged against the President in this article are uniquely Presidential offenses. No one else can commit them. You or I, the most lowly citizen, can obstruct justice. You or I, the most lowly citizen, can violate any of the statutes in our criminal code. But only the President can violate the oath of office of the President. Only the President can abuse the powers of the Office of the President. When our Founding Fathers put our Constitution together, it was no accident that they separated the powers. Against the backdrop of 400 years of history of Anglo-Saxon jurisprudence they realized the need to have a device, a constitutional means of removing from office a chief magistrate who had violated his solemn oath of office. And I respectfully submit that the impeachment clause of our Constitution which, fortunately, we have to use now for only the second time, is that means.

These are high crimes and misdemeanors, meaning that they are crimes against the very structure of the state, against the system of government, the system that has brought to the American people and has preserved for the American people the freedoms and liberties which we so cherish. This is uniquely a Presidential offense, Mr. Chairman, and the most important subject of this hearing.

There are some—and I would like to respond right now—there are some among us, there are many conscientious, dedicated Americans who harbor a feeling of fear and apprehension at this proceeding. They seem—I submit that it is a sensitivity to the travail through which our Republic is now passing, but they feel, they recognize, they sense that this is a most grave responsibility and proceeding and some of them say that this should not be done because it might harm the Presidency. Mr. Chairman, I submit that only the President can harm the Presidency. No one but the President can destroy the Presidency. And it is our re-

sponsibility, acting under the impeachment clause, to preserve and protect the Presidency as we preserve and protect every other part of our marvelous structure of government, and we do it through this—do it through this process.

Someone, in his opening statement, referred to this as being a situation of "We, the people" acting. "We, the people," are acting through this procedure, through the provisions put into our Constitution.

The American people, Mr. President, are entitled to and want a government which they can honor and respect, and they should have it. The American people, Mr. President, are eager to revere their President. They are entitled to a President whom they can revere.

Mr. Chairman, I ask, "Is not the violation of the solemn oath of office an impeachable offense?" It is not found in our criminal code. It is implicit in our Constitution but it is necessarily implicit in the Constitution for otherwise why would there be an oath of office?

The offenses charged in this proposed article I respectfully submit, Mr. Chairman, are offenses which go directly to the breach of a solemn oath of office. Can anyone argue that if the President breaches his oath of office, he should not be removed?

I say not. And I respectfully submit that this point of order should be denied.

RAPE CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, the crime of rape is a violent crime. It is not primarily a sexual act; it in no way reflects any sort of sexual union. Rape is hostility and rage that uses sex as an outlet to humiliate and degrade. Sexual desire is not the motivating factor in rape—it is the chosen mode of the expression of anger and hostility. In 85 percent of all rapes some form of overt violence is used to force a woman into intercourse; whether it is beating, hitting, choking, or scratching. In addition, verbal abuse and coercion accompanies nearly all rapes.

On page 156 in "Patterns in Forcible Rape" by Dr. Menachem Amir, he notes that—

> In almost 90 percent of the cases where victim and offender were of the same age level, the rape event involved the use of force. Among the cases where there were gross differences—in at least plus or minus 10 years—between offenders and victims, force was used in 94 percent of the situations where the offender was at least 10 years younger and in only 71 percent when he was at least 10 years older than his victim.

These statistics do not support the statement Judge Levittan made in her address. In addition, Dr. Amir found—

> It should be noted that a *significant* association was found between type of rape and degree of violence in the rape situation. Most excessive degrees of violence occurred in group rape (emphasis his).

Group rapes occurred in 43 percent of the cases Dr. Amir studied. Glueck's New York study found the use of physical force in 57 percent of the cases studied and that in 43 percent of the cases the threat of a weapon was used. In 3 percent of the cases Glueck studied, the victim was murdered. Dr. Amir's study showed that sexual humiliation, fellatio, cunnilingus—or both—and pederasty occurred in over one-quarter of the rape cases he studied. In nearly 10 percent of all cases, the victim was sodomized. I can think of nothing more brutal or violent.

According to the Federal Bureau of Investigation, crimes of violence are rising in this country. The leading element of this increase, above murder and assault, is forcible rape. Last year, there were 51,000 rapes reported in the United States, a dramatic 60 percent increase from 5 years ago. And rape is the least reported crime. No other group of victims are so often disbelieved as women who have been raped. During the 1960's, the incidence of reported rape rose over 65 percent, while in this period the number of convictions for rape rose only 36 percent. Indeed only 13.3 percent of those men tried for rape were convicted in 1972, the lowest conviction rate for any violent crime. One reason convictions for rape are so low is the stringent corraborative evidence requirements. In the courtroom, the victim often must publicly testify as to her past sexual relationships. The offender does not have to testify at all since he cannot be forced to incriminate himself. Moreover, his past behavior and even prior rape convictions are not admissible as evidence.

FBI criminologists estimate that only 1 out of 10 rapes is even reported. Rape is a subject rarely spoken about in public until very recently; because of public ignorance and attitudes it is extremely humiliating for a victim to come forth and report the rape. Silence, however, only perpetuates the shame, guilt, and neglect that already accompany rape. As one woman told a psychologist long after her rape:

> I told people about the robbery and the stabbing, but I didn't tell anyone about the rape. I felt dirty and ashamed.

This type of societal attitude is deplorable and must be changed. There needs to be public education on the subject of rape and treatment for its victims and the offenders. There is a need for strong legislation in this area as well.

I have introduced a bill, H.R. 14223, cosponsored by Representative YVONNE BRAITHWAITE BURKE, which would establish a National Center for the Prevention and Control of Rape within the Law Enforcement Assistance Administration. It would provide financial assistance for research and demonstration programs into the causes, consequences, prevention, treatment, and control of rape. It is necessary to study and evaluate existing laws dealing with rape, the causes and social conditions that encourage rape, and the traditional social attitudes toward rape victims so that rape can be prevented, rapists convicted, and counseling centers for rape victims can effectively help these women.

This legislation is concerned with funding projects that would offer treatment to rape victims and offenders as well as funding public education programs and self-defense courses. It would be the duty of the National Center to compile, analyze, and publish a study to be submitted to Congress annually. The study would make recommendations based on the research and demonstration projects the Center conducted. In addition, the Center would compile and publish training materials for programs and personnel engaged in preventing rape and treating rape victims. The Center would also function as an information clearinghouse with regard to the prevention and control of rape, the treatment and counseling of the victims and their families, and the rehabilitation of offenders.

The Women's Crisis Center in Ann Arbor, Mich., was the first agency in this country established specifically to counsel rape victims. It is a nonprofit, peer counseling service, organized and controlled by women in the community. They organized several years ago in response to the spiraling increases in rape and the needs of its victims. They have written and designed a 16-page pamphlet called Freedom from Rape, which deals with the varied aspects of rape—the myths that surround it, how to prevent an attack, what to expect from the police and medical personnel, and the criminal and civil trial. One article in particular deals with many of the myths and misconceptions many of us believe about rape and the women who have been raped. This article is fully researched and supported by various studies done in the United States—most notably, the Philadelphia study Dr. Menachem Amir published in 1971.

More and more women are beginning to speak out about this horrifyingly brutal experience and share their insights with other women and men. It is time all Americans had a better understanding of the true realities of rape. I believe this article goes a long way to clarifying the real issues. I would like to commend to my colleagues the following excerpt from "Freedom From Rape":

MYTHS ABOUT RAPE

An extensive study of the general problem of rape was published in 1971 by Menachem Amir. The results were rather startling for it showed that many of our beliefs about rapists were only myths. These myths are numerous, varied, and often contradictory.

1. Perhaps the most common myth is the widely held belief that a rapist is a sexually-unfulfilled man carried away by a sudden uncontrollable surge of desire. The actual facts: Dr. Amir's study showed that 90 percent of group rapes were planned in advance and that 58 percent of the rapes committed by a single man were planned. Generally rape is NOT a crime of impulse. As to the myth that rapists are sexually-unfulfilled, Dr. William Prendergast of the New Jersey State Prison states that *all* of the rapists that he has studied had available sexual relationships. Sixty percent of the men in Dr. Amir's study were, in fact, married and led normal sexual lives at home.

2. A second myth is that all rapists are pathologically sick and perverted men. Evidence does not support this view of the rapist. According to Dr. Amir, men convicted of rape were found to have normal sexual personalities, differing from the norm only in their greater tendency to express violence and rage. Sex, therefore, is not the motivating factor in rape—it is merely the chosen mode of expression. Alan Taylor, a parole officer who has worked with rapists in the prison facilities at San Luis Obispo, California, said

about the men, "Those men were the most normal men there."

3. Another popular myth is that most rapes occur in dark back alleys or to women who hitchhike. Some people feel the solution to rape is for women to spend their lives staying at home. But Dr. Amir's study clearly shows the fallacy in this type of thinking. Over *one third* of rapes are committed by a man who forces his way into the victim's home! And over half of all rapes committed occur in a residence.

4. Most people believe that the typical rapist is a stranger to the victim. This just isn't so. Women can't even trust the men they are acquainted with. A full 48 percent of the rapists that Dr. Amir studied were known by the victim. Some were merely casual friends, others were close relatives.

5. The age-old myth that black men rape white women at every opportunity is still perpetuated even though Dr. Amir reports that in 93.2 percent of rape cases both the man and the woman are of the *same* race. In fact, white men attack black women more often than black men attack white women. (3.6 percent compared to 3.3 percent respectively).

6. Many people are inclined to believe that a raped woman was at fault somehow—that she probably provoked the attack. This provocation, considered a mitigating factor in a courtroom, may consist of only a gesture or a way of dressing. Even using this extreme scale, the Federal Commission on Crimes of Violence reports that only 4 percent of reported rapes involved any precipitative behavior on the part of the women. In some cases precipitative behavior is nothing more than walking and dressing in a way that is socially defined as attractive. Our society lauds women who are sexy—but those unlucky enough to be raped are dismissed as tramps.

7. Some persons really believe that rape is impossible without consent, that a normal man cannot rape a normal woman unless he has assistance. Unfortunately, it is simply not true that a woman who does not want to be raped can always prevent it. She may be knocked unconscious, or may submit because she fears for her life if she struggles. Most men are physically stronger than most women, and the attacker usually has the advantage of surprise. There have been instances where experienced policewomen, trained in self-defense and emergency situations, have been raped, despite all their efforts at resistance. There are many men, especially in American prisons, who are attacked and sexually assaulted by their fellow men—despite their superior strength.

8. Another myth, upheld even by the law, is that a woman cannot be raped by her husband. This legal fallacy is a direct result of the age-old concept of a woman as the property of her husband. Any act of sexual intercourse to which the woman does not consent is rape.

9. The common male belief that women, in fact, enjoy rape when it occurs would be hilarious if it wasn't such a tragic and destructive myth. The very idea that a woman could enjoy being attacked by a man she is not attracted to, that she could enjoy being exposed to injury or death, that she could enjoy being treated in a humiliating and brutal fashion is preposterous.

ITALIAN-SPEAKING CHILDREN DESERVE MORE THAN "SINK OR SWIM" SCHOOLS

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

Mr. PODELL. Mr. Speaker, much progress has been made in recent years to recognize and meet the special needs of groups that have suffered injustices in the past for ethnic and other reasons. I have wholeheartedly supported the efforts of policymakers to rectify social and educational inequality of opportunity. I am, however, opposed to programs that disregard and penalize some Americans, including Italian-Americans.

An often overlooked reality is that Italian-Americans encounter illegal discrimination, particularly in the realm of education. They face special difficulties with administrators of professional schools, particularly in medical schools. They are also woefully under-represented on university faculties. Most disconcerting of all is the plight of children of Italian immigrants. Italian-speaking, they are all too often thrown into the English-speaking classrooms on a sink-or-swim basis.

This callous neglect by the Federal Government of the bilingual needs of these children is shocking. Approximately 25,000 Italian immigrants enter this country each year. Recent surveys conducted by the Office of Educational Program Research and Statistics reflect a steady increase in school enrollment of Italian dominant children. They are the third largest group encountering difficulties with English. They are also the most disregarded in the field of education.

The reason is clear. These people are being locked out because they are not the proper ethnic group—not because they lack the talent, or the preparation, or because their numbers are so few. Throughout our history Italian-Americans have constituted a very important minority group.

Almost 6,000 language-deficient Italian-American children do not get bilingual training in the city schools, according to the New York City Board of Education. That means 6,000 young men and women who will be marked for life by a lack of education. Failure to provide a child with instruction in the only language he knows, Italian, blocks the child's opportunity to become all that he is capable of becoming. Academic failure, reflected in lower reading scores, is quite common in such instances. So are the barriers he will face in trying to find a job.

I call upon the Federal Government to remedy its callous neglect of the bilingual needs of these new Americans. It is a demoralizing experience for them to be thrust into a totally alien environment. It is also a denial of their right to educational opportunities and a violation of the equal protection clause of the 14th amendment to the Constitution.

With the more than $35 million provided in the past under the Bilingual Educational Act, no Federal funds were spent on Italian programs. I hope the same will not be true of the $60 million earmarked for bilingual education for 1974–75. Thus far, five New York City school districts have submitted ESEA proposals to HEW for Federal funds that include Italian programs. They are districts 11, 20, 21, 30, and 32. I hope additional plans are subnitted, and I strongly urge that all of these proposals be given the Federal funds they require.

My support for these proposals has been made known to the Secretary of HEW, and I trust the proposals will be given immediate consideration.

SPECIAL REQUIREMENTS FUND AMENDMENTS

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

Mr. HARRINGTON. Mr. Speaker, my colleague, Representative PIERRE S. DU PONT, and I will jointly offer two amendments to the foreign aid legislation that will come before the Foreign Affairs Committee—on which both of us sit—this week in markup sessions. Our amendments concern the $100 million special requirements funds—the SRF—requested by the administration as a component of its Middle Eastern assistance package for this year.

PRESIDENTIAL REQUEST

When the President asked the Congress to authorize and appropriate $100 million for the SRF, he wrote:

> This fund will be used for new needs that may arise as the outlines of a peaceful settlement take shape, including provisions for peace-keeping forces, refugee aid or settlement, and development projects.

Daniel Parker, Administrator of the U.S. Agency for International Development—U.S. AID—enlarged on this theme when he testified before the Foreign Affairs Committee:

> [W]e are requesting $100 million for a Special Requirements Fund to permit us to respond effectively in support of our foreign policy to the rapidly changing political situation in [the Middle East].

The relevant section of "The Draft Legislation Requested by the Executive" is, in my view, overbroad. It reads:

> SEC. 904. (a) Special Requirements Fund.—There are authorized to be appropriated to the President for the fiscal year 1975 not to exceed $100,000,000 to meet special requirements arising from time to time in carrying out the purposes of this part, in addition to funds otherwise available for such purposes. The funds authorized to be appropriated by this section shall be available for use by the President for assistance authorized by this Act in accordance with the provisions applicable to the furnishing of such assistance. Such funds are authorized to remain available until expended.
>
> (b) The President shall keep the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Speaker of the House of Representatives currently informed on the programming and obligation of funds under subsection (a).

My colleagues should note two things in particular about this proposed language. In the first place, under this draft legislation, the President is not restricted to the form of assistance to be provided. The President is permitted to offer—at his discretion—economic development assistance, security supporting assistance, or even military assistance. It seems to me that the type of assistance to be provided is critically important to the Congress and should not be left en-

tirely to the Executive. In addition, the Congress is being asked to authorize and appropriate a program about which it knows little or nothing. The amendment which my colleague from Delaware and I will be offering addresses itself to these concerns.

The principle of the SRF is founded on two realities, which I appreciate and, in principle, I support.

NEED FOR SPECIAL REQUIREMENTS FUND

The first reality is that a solution to the Middle Eastern conflict is of critical importance to the United States. The 1973 war in the region illustrates my point in two respects. Over a 25-year period, a regional subsystem developed in which various countries became the client-states of the two superpowers, the United States and the Soviet Union. At certain points in the recent past, the two superpowers were able to use their influence to contain the regional conflict; but three times, since 1956, the superpowers were either unwilling or unable to reduce the increasing tensions, and war was the result. This situation became all the more ominous with the 1973 war, when both countries felt so committed to their respective allies that the superpowers were almost drawn into a fateful, head-to-head conflict. While I am skeptical that the military alert of October 24, 1973 was justified or necessary, I do believe that the potential for a serious confrontation, demonstrated by the October crisis, was sufficiently grave to point out the absolute importance of a general Middle East settlement.

Also, the petroleum embargo imposed by the Arab producers should serve to warn the United States, as well as other industrial nations, that raw material producers are not defenseless international actors. The Arab contingent of the Organization of Petroleum Exporting Countries—OPEC—has based its energy policies on matters related to the political questions of a Middle East settlement. While for some oil-producing states economics were the principle motivations for price increases and reductions in supply, other states—such as Saudi Arabia—were primarily motivated by the political goal of securing a favorable Mideast settlement. The Arabs sought a favorable settlement to the conflict, and had the means—through the embargo—to force U.S. action. The oil embargo, the military alert, and the quarter century of warfare in the region convince me of the necessity that the United States take the initiative in working with interested nations in securing a general settlement.

The second reality upon which I support the SRF is the principle that countries intent on internal development are comparatively less likely to engage themselves in unproductive external conflicts. Evidence for this proposition may be found in the Egyptian example. President Sadat has indicated in recent months his desire to attend to the pressing internal needs of his country. His cooperation in the Israel-Egyptian disengagement was made possible, in part at least, by the U.S. intentions to provide assistance in the reconstruction of the Suez Canal and Canal Zone areas and in the importation of certain commodities in Egyptian economic development. It is my belief that this same proposition holds for the other countries in the region—Syria, Jordan, and Israel. These countries must be confident of their security, and it is for this reason that U.S. mediation will be important. But just as significant will be the assistance that this country may provide to turn these nation's attentions from war to more constructive purposes.

Thus, I believe that carefully formulated development assistance programs to countries in the Middle East will lubricate the negotiating process that has begun, and may improve the chance for a lasting settlement. This conclusion causes me to support a foreign assistance package for the Middle East.

AID TO SYRIA

The administration's request for the special requirements fund and the testimony in support of that request, is ambiguous on one major point: The recipient of SRF moneys. The President has not said one word on this issue. There has been, however, considerable speculation in the press. An April 28, 1974, dispatch by the Philadelphia Inquirer suggests that the:

> $100 million contingency fund could be tapped for economic aid to Syria if it is cooperative in upcoming peace negotiations.

At first, Dr. Kissinger was equivocal about the possibility that Syria was the designated recipient of the SRF; but he would not rule it out in any event. In a late April article, appearing in the Washington Star-News, Jeremiah O'Leary reported on a press briefing given by a State Department spokesman, John King. Mr. O'Leary wrote:

> Diplomatic observers saw considerable influence in King's statement that he would "not exclude Syria from the aid package." Before yesterday, the State Department had said only that it would be premature to discuss any post-settlement aid program involving the Syrians.

Finally, Dr. Kissinger suggested more concrete plans for the SRF when he appeared before the Foreign Affairs Committee. As a correspondent for the Christian Science Monitor reported:

> Secretary of State Henry A. Kissinger is urging Congress to support the momentum of peace in the Middle East with new foreign-aid programs.
>
> Specifically, he links a $100 million request in the foreign-assistance bill now before the House to use in Syria, including reconstruction of the town of Kuneitra on the Golan Heights.

I do not suggest that administration witnesses were guilty of duplicity when they could not—or would not—explain their plans for programing and obligating SRF moneys. The Middle East situation is still in a state of flux, and I am sensitive to the difficulties the administration must experience as it attempts to negotiate simultaneously with foreign nations and with the Congress.

Yet, it remains a fact that the Congress is being asked to authorize and appropriate $100 million for a program without knowing any of the specifics of the proposal.

I believe that the United States should provide assistance to Syria if there is reason to believe that such assistance would facilitate diplomatic efforts in the area. Just as the involvement of Egypt was critical to the initiation of peace talks, Syria will be critical to the successful conclusion of such talks. As such I support the principle of the special requirement fund.

CONGRESSIONAL CONTROL NEEDED

Still, this ill-defined program—indicated by the broad authority contained in the SRF section—should be more carefully drawn. Specifically, an amendment to the foreign aid bill should assert congressional authority over the particulars of any assistance programs to be provided under the SRF.

I believe that the amendments to be offered, jointly, by Representative DU PONT and myself, serve that purpose.

Our first amendment restricts the use of SRF moneys to economic development assistance. By design, under our proposal, the administration would be prohibited from providing security supporting assistance or military assistance. If the United States is intent on promoting peace in the Middle East, it would be wholly inconsistent for us to provide assistance which would increase the military capabilities of any of the countries, as either of these other forms of assistance would do. The rationale for U.S. assistance is to contribute to the willingness of those countries to concentrate their effects on internal development. Only economic development assistance is justifiable.

The second amendment requires a complete report of the President as to the particulars of any assistance grant to be made under the SRF. The President would be required to report the intended recipient, the amount of money to be received by that recipient, and the purpose for each assistance to be funded by the SRF.

The second amendment also contains the provision that would prohibit the President from obligating or expending moneys from the fund unless the Congress has passed, within 45 legislative days after the report, a concurrent resolution approving the proposed SRF assistances in all its particulars—as to recipient, amount, and purpose. It is a primary responsibility of the Congress to authorize and appropriate moneys for foreign and military assistance programs. In its present form, the administration SRF request calls for an inordinate delegation of congressional authority. Our amendment does not assault the principle of Presidential execution of foreign policy; it only asserts congressional prerogatives in the formulation of policy, and the expenditure of funds.

One hundred million dollars is a great deal of money. The Middle East is still a volatile region. It would be the height of irresponsibility for the Congress to issue a carte blanche to the administration when so many delicate issues are at stake.

By authorizing the special requirements fund, with the controls that our amendments would impose, the Congress would indicate its support for the

principle of a special requirements fund, while reserving ultimate congressional approval until such time as the specifics are fully fleshed.

The special requirements fund may, in the end, prove to be of great value; but the risk to all concerned is too great to approve the establishment of the Fund without adequate congressional authority.

Copies of our amendments follow:

AMENDMENT TO H.R. —

(Offered by Mr. Harrington)

Page 3, line 11, after "$100,000,000" insert the following: "to furnish assistance under chapter 2 of part I of this Act (development assistance)".

Page 3, line 16, strike out "this Act" and insert "such chapter 2" in lieu thereof.

Page 3, strike out lines 20 through 24, and insert in lieu thereof the following:

"(b) The President may only obligate or expend, for each foreign country, funds authorized under this section after—

"(1) he reports to the Speaker of the House of Representatives and the Committee of Foreign Relations and the Committee on Appropriations of the Senate concerning (A) the name of such foreign country, (B) the amount of such funds to be made available to such country, and (C) the purpose for which such funds are to be made available to such country; and

"(2) the Congress, within 45 legislative days after receiving any report under paragraph (1), passes a concurrent resolution stating in substance that it favors the provisions of the report provided by clauses (A), (B), and (C) of paragraph (1)."

H.R. 11500

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

Mr. SHIPLEY. Mr. Speaker, I am certainly pleased that the House has succeeded in passing strict controls over strip mining operations. I joined in the fight for H.R. 11500 amid strong industry opposition because our environment and our citizens have not received enough protection from large coal interests.

Although Illinois ranks third among the States in the production of strip mined coal, there are no active strip mines in my district at the present time. Areas in my district have previously been stripped, but in recent years, strip mining has ceased.

Yet, coal reserves are still abundant, and citizens of the village of Catlin in the northern part of my district are again threatened by the quest for coal. Citizens of the Catlin area have organized into the Association for the Preservation of Catlin Township and are struggling to prevent the devastation of valuable farmland. A large coal corporation has bought several thousand acres of very productive farmland in Catlin Township with the intention of stripping the land to remove the underlying coal. The proposed strip mine would surround the village of Catlin on the north, east, and west. The coal corporation involved has stated that they have "a long tradition of responsiveness to public input," but in reality, they have proven otherwise.

In March of 1973, two representatives of the Association for the Preservation of Catlin Township testified before the Senate Committee on Interior and Insular Affairs. They told of their situation and testified of the need for strong legislation to preserve valuable land and to protect citizens from strip mine operators. Many of their suggestions have been incorporated into the language of H.R. 11500.

Now, H.R. 11500 has passed the House and will hopefully soon become law and give these struggling citizens some relief.

AMENDMENT TO PROVIDE EXPORT CONTROLS ON CRIME EQUIPMENT

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

Mr. VANIK. Mr. Speaker, tomorrow, Thursday, August 1, 1974, I intend to offer the following amendment to H.R. 15264, the Export Administration Act. I am pleased to report that today the other body passed this amendment. The proposal is designed to license, monitor, and control the export of crime control devices to countries which might use such equipment to threaten fundamental human and civil liberties.

The amendment follows:

AMENDMENT OFFERED BY MR. VANIK TO H.R. 15264, AS REPORTED

On page 3, immediately after line 7, insert the following new subsection:

"(b) Section 4 of the Export Administration Act of 1969 (50 U.S.C. App. 2403) is amended to include the following new subsection:

"(f)(1) The Secretary of Commerce, after consulting with the Secretary of the Treasury, the Attorney General, and the Secretary of State, shall establish regulations for the licensing of exports of all police, law enforcement, or security equipment manufactured for use in surveillance, eavesdropping, crowd control, interrogations, or penal retribution.

"(2) Any license proposed to be issued under this subsection shall be reviewed by the Attorney General and shall be submitted to the Congress. The Congress shall have a period of sixty calendar days of continuous session of both Houses after the date on which the license is transmitted to the Congress to disapprove the issuance of a license by the adoption in either House of a resolution disapproving the proposed license.

"(3) The Secretary of Commerce, with the concurrence of the Secretary of the Treasury, the Attorney General, and the Secretary of State, may by regulation exempt individual countries and specific categories of police, law enforcement, or security equipment from the congressional review and disapproval authority set forth in paragraph (2) if he finds and determines export of the equipment would not threaten fundamental human and civil liberties."

On page 3, line 8, strike "(b)" and insert "(c)".

VETERANS' PENSION LEGISLATION

(Mr. HAMMERSCHMIDT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, this morning the Subcommittee on Compensation and Pension of the Committee on Veterans' Affairs opened public hearings on the subject of veterans' pension benefits. Both the gentleman from Texas (Mr. TEAGUE), chairman of the subcommittee, and the gentleman from South Carolina (Mr. DORN), chairman of the full committee, are to be commended for recognizing the need for action in this important area of veterans legislation.

The 200 bills that are the subject of these hearings attest to the great interest of Members of the House of Representatives in providing a measure of relief for older veterans living on fixed incomes and trying to exist despite continually rising costs of living.

I have given considerable thought to the subject of non-service-connected pensions. Two areas, in particular, are deserving of our prompt attention. First, we must insure that the older veteran who is now on the pension rolls receives an increase in his monthly payment that is commensurate with the increased cost of living. Second, we must make certain that increases in social security do not result in the termination of pension benefits for veterans of World War I and other wars.

To provide some relief in these areas of interest, Mr. Speaker, I am today introducing a bill that will permit veterans who are receiving pensions under Public Law 86-211 and who have reached the age of 75 years to receive the so-called housebound pension allowance of $44 monthly payable in addition to their basic rate of pension. Veterans who are already in receipt of the greater allowances for aid and attendance would not be eligible for this payment.

Additionally, Mr. Speaker, the bill will increase the income limits of current law by $400, thus insuring that no veteran will have his pension terminated as the result of the 11-percent increase in social security payments received in 1974.

I am hopeful that the hearings that began this morning, Mr. Speaker, will result in favorable action on my bill or other legislation to provide more generous pension benefits for older veterans. For the information of Members, a copy of my bill follows:

H.R. 16180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 415 of title 38, United States Code, is amended as follows:

(a) Subsection (b)(1) is amended—

(1) by deleting "$2600" wherever it appears and inserting in lieu thereof "$3000".

(2) by deleting the period after "8 cents" and inserting in lieu thereof the following: ", but in no event shall the monthly rate of pension be less than $4.".

(b) Subsection (c) of such section 415 is amended—

(1) by deleting "$2600" wherever it appears and inserting in lieu thereof "$3000".

(2) by deleting the period after "5 cents" and inserting in lieu thereof the following: ", but in no event shall the monthly rate of pension be less than $4.".

(c) Subsection (d) of such section 415 is amended—

(1) by deleting "$3800" wherever it appears and inserting in lieu thereof "$4200".

(2) by deleting the period after "3 cents" and inserting in lieu thereof the following: ", but in no event shall the monthly rate of pension be less than $6.".

SEC. 2. Section 521 of title 38, United States Code, is amended as follows:

(a) Subsection (b) is amended—

(1) by deleting "$2600" wherever it appears and inserting in lieu thereof "$3000".

(2) by deleting the period after "8 cents" and inserting in lieu thereof the following: ", but in no event shall the monthly rate of pension be less than $10.".

(b) Subsection (c) of such section 521 is amended by deleting "$3800" wherever it appears and inserting in lieu thereof "$4200".

(c) Subsection (e) of such section 521 is amended to read as follows:

"(e) The monthly rate payable to any veteran under subsection (b) or (c) shall be increased by $44 if the veteran—

"(1) has a disability rated as permanent and total and—

"(A) has an additional disability or disabilities independently ratable at 60 per centum or more, or

"(B) by reason of his disability or disabilities, is permanently housebound but does not qualify for the aid and attendance rate under subsection (d); or

"(2) has attained age 75 and does not qualify for the aid and attendance rate under subsection (d)."

SEC. 3. Section 541 of title 38, United States Code, is amended as follows:

(a) Subsection (b) is amended by deleting "$2,600" wherever it appears and inserting in lieu thereof "$3,000".

(b) Subsection (c) is amended by deleting "$3,800" wherever it appears and inserting in lieu thereof "$4,200".

SEC. 4. The provisions of this Act shall become effective on January 1, 1975, except that the amendments made by section 2(c) shall become effective on the first day of the second calendar month following enactment.

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. HEINZ), to revise and extend their remarks, and to include extraneous matter:)

Mr. KEMP, for 15 minutes, today.
Mr. TALCOTT, for 15 minutes, today.
Mr. COHEN, for 10 minutes, today.
Mr. HOGAN, for 10 minutes, today.
Mr. MCKINNEY, for 5 minutes, today.
Mr. CLEVELAND, for 15 minutes, today.

(The following Members (at the request of Mr. BREAUX), to revise and extend their remarks and include extraneous material:)

Mr. CORMAN, for 5 minutes, today.
Ms. ABZUG, for 10 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. PODELL, for 10 minutes, today.
Mr. HARRINGTON, for 5 minutes, today.
Mr. SHIPLEY, for 5 minutes, today.
Mr. VANIK, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LANDGREBE, to extend his remarks in the body of the RECORD, notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $973.

Mr. KEMP to extend his remarks following the remarks of Mr. STEIGER of Wisconsin.

Mr. FLYNT, his remarks immediately following those of Mr. WAGGONNER today on consideration of the conference report on H.R. 69.

Ms. ABZUG to extend her remarks following Mr. LONG of Maryland during the offering of the Long amendment.

(The following Members (at the request of Mr. HEINZ) and to include extraneous matter:)

Mr. ERLENBORN.
Mr. TREEN.
Mr. KEMP in three instances.
Mr. CONTE.
Mr. FINDLEY.
Mr. HANRAHAN.
Mr. BROOMFIELD.
Mr. WYMAN in two instances.
Mr. SYMMS in two instances.
Mr. RHODES.
Mr. VEYSEY.
Mr. DENNIS.
Mr. DERWINSKI in three instances.
Mr. MIZELL in five instances.
Mr. HUBER.
Mr. HOSMER in two instances.
Mr. PRITCHARD.
Mr. SARASIN.
Mr. WHITEHURST.
Mr. TAYLOR of Missouri.
Mr. HEINZ.
Mr. BAUMAN in five instances.

(The following Members (at the request of Mr. BREAUX) and to include extraneous matter:)

Mrs. BOGGS in two instances.
Mr. RODINO.
Mr. FRASER in five instances.
Ms. ABZUG in 10 instances.
Mr. BOWEN.
Mr. SARBANES in five instances.
Mr. CHARLES H. WILSON of California in 10 instances.
Mrs. MINK in two instances.
Mr. KOCH in five instances.
Mr. ANDERSON of California in two instances.
Mr. RARICK in three instances.
Mr. GONZALEZ in three instances.
Mr. HUNGATE.
Mr. LEHMAN in three instances.
Mr. PEPPER in two instances.
Mr. HARRINGTON in four instances.
Mr. GREEN of Pennsylvania.
Mr. STOKES
Mr. O'HARA.
Mrs. SULLIVAN.
Mr. ROGERS.
Mr. MAHON.
Mr. TIERNAN in three instances.
Mr. MILFORD.
Mr. PODELL.
Mr. ECKHARDT.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5094. An act to amend title 5, United States Code, to provide for the reclassification of positions of deputy United States marshal, and for other purposes;

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; and

H.R. 15472. An act making appropriations for Agriculture Environmental and Consumer Protection programs for the fiscal year ending June 30, 1975, and for other purposes.

WAYNE L. HAYS,
Chairman.

Examined and found truly enrolled.
July 31, 1974.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following title:

On July 30, 1974:

H.R. 15461. An act to secure to the Congress additional time in which to consider the proposed amendments to the Federal Rules of Criminal Procedure which the Chief Justice of the United States Supreme Court transmitted to the Congress on April 22, 1974.

On July 31, 1974:

H.R. 5094. An act to amend title 5, United States Code, to provide for the reclassification of positions of deputy United States marshal, and for other purposes; and

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.

ADJOURNMENT

Mr. BREAUX. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 21 minutes p.m.) the House adjourned until tomorrow, Thursday, August 1, 1974, at 12 o'clock noon.

COMMITTEE EMPLOYEES

COMMITTEE ON AGRICULTURE

June 30, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Permanent staff:		
John F. O'Neal	General counsel	$18,000.00
Hyde H. Murray	Associate counsel	17,985.72
John V. Rainbolt	do	14,301.18
Fowler C. West	Staff director	15,715.50
Louis T. Easley	Press assistant	14,301.18
Steven S. Allen	Staff consultant	8,526.32
Marjorie B. Johnson	Staff assistant	9,427.36
Peggy L. Pecore	do	9,427.36
Betty M. Prezioso	do	9,427.36
Mary L. Ross (beginning Mar. 1, 1974).	Printing editor	6,000.00
Martha S. Hannah (through Jan. 30, 1974).	Staff assistant	1,571.21
George Misslbeck (through Feb. 28, 1974).	Printing editor	3,946.32
Investigative staff:		
Mildred P. Baxley	Staff assistant	9,427.26
Mary P. Shaw	do	7,677.16
Doris Lucile Farmarco	do	7,667.16
Julia W. Kogut	do	8,857.75
Glenda L. Temple	do	8,857.75
NanStrolmenger Hunter (through March 31, 1974).	Staff Assistant	1,702.52
Lydia Vacing	Staff assistant	1,611.86
Anita Brown	do	6,973.37
Stephen J. Pringle	do	6,286.20
Emily Katherine Wulff	do	3,234.18
Linda J. Coomer (beginning Apr. 1, 1974).	do	2,124.99
Diane M. Keyser (beginning Apr. 1, 1974).	do	2,625.00
Janet Jaenke (beginning May 27, 1974).	do	528.89

Funds authorized or appropriated for committee expenditures	$150,000.00
Additional funds authorized	150,000.00
Total	300,000.00
Amount of expendiutres previously reported	108,175.46
Amount expended from Dec. 31, 1973 to June 30, 1974	71,339.19
Total amount expended Jan. 1, 1973 to June 30, 1974	179,514.65
Balance unexpended as of June 30, 1974	120,485.35

W.R. POAGE, Chairman.

COMMITTEE ON APPROPRIATIONS

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the "Legislative Reorganization Act of 1946," Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Keith F. Mainland	Clerk and staff director	$18,000.00
Jay B. Howe	Reemployed annuitant	3,702.00
G. Homer Skarin	Staff assistant	18,000.00
Eugene B. Wilhelm	Reemployed annuitant	4,110.00
Samuel R. Preston	Staff assistant	18,000.00
Hunter L. Spillan	do	18,000.00
Henry A. Neil, Jr	do	18,000.00
Aubrey A. Gunnels	do	18,000.00
George E. Evans	do	18,000.00
Earl C. Silsby	do	18,000.00
Peter J. Murphy, Jr	do	18,000.00
Edward E. Lombard	do	18,000.00
John M. Garrity	do	16,171.74
Robert B. Foster	do	15,721.74
Milton B. Meredith	do	16,897.14
Thomas J. Kingfield	do	14,218.62
Donald E. Richbourg	do	14,218.62
Robert C. Nicholas	Staff assistant	$13,953.42
George A. Urian	do	12,196.74
Dempsey B. Mizelle	do	13,727.22
Charles W. Snodgrass	do	13,017.06
John G. Plashal	do	9,638.58
Bryon S. Nielson	do	10,125.48
J. David Wilson	do	13,286.22
Americo S. Miconi	do	12,617.10
Derek J. Vanderschaaf	do	16,136.16
Robert L. Knisely	do	8,696.40
Richard N. Malow	do	13,543.26
Frederick F. Pfluger	do	17,313.12
John G. Osthaus	do	10,977.00
Paul E. Thomson	do	9,663.18
Charles G. Hardin	do	8,943.54
Edwin F. Powers	do	12,024.72
Gordon E. Casey	do	14,432.76
C. William Smith	Staff assistant (from Mar. 17).	7,366.67
Nicholas G. Cavarocchi	Staff assistant (from Mar. 16).	9,870.83
Karen J. Schubeck	Staff assistant	7,654.17
Lawrence C. Miller	Editor	15,741.60
Paul V. Farmer	Assistant editor	11,229.96
Gerard J. Chouinard	Administrative assistant.	9,963.18
Austin G. Smith	Clerical assistant	9,062.40
Dale M. Shulaw	do	7,895.82
Gemma M. Weiblinger	Administrative assistant to Labor-HEW subcommittee.	5,895.66
Virginia M. Keyser	Clerical assistant	6,644.10
Jane A. Meredith	do	5,567.16
Betty A. Swanson	Clerical assistant (to Mar. 8).	2,795.18
Eva K. Harris	Clerical assistant	5,010.92
Marcia L. Matts	do	6,283.14
Sandra A. Gilbert	do	7,333.92
Patricia A. Kemp	Clerical assistant (from Feb. 11).	4,977.79
Christine Stockman	Clerical assistant (from Apr. 8).	2,536.12
Randolph Thomas	Messenger	6,823.20
Francis M. Hugo	Minority clerk	15,750.00
B. Enid Morrison	Staff assistant to minority.	13,375.02
Mary H. Smallwood	Clerical assistant (majority).	8,134.98
Samuel A. Mabry	do	8,134.98
Catherine M. Voytko	do	7,807.50
T. Robert Garretson	do	7,807.50
Naomi A. Rich	do	8,066.08
Laura E. Lineberry	do	7,391.58
Susan L. Shaw	do	7,807.50
George F. Allen	do	8,134.98
Robert M. Walker	Clerical assistant (majority) (to May 31).	5,238.50
Michael J. O'Neil	Clerical assistant (majority).	11,524.68
Freda J. Sheppard	do	8,749.98
Diane Rihely	Clerical assistant (majority) (from Mar. 15).	2,986.10
David K. Kehl	Clerical assistant (minority).	8,833.32
Patience S. Vaccaro	do	8,500.02
Anna L. Lamendola	Clerical assistant (minority) (to Mar. 31).	3,457.35
Lawrence E. Siegel	Clerical assistant (minority).	10,859.24
Charles M. Seeger	do	11,524.68
Stephen T. Adams	do	11,500.02
Karen S. Vagley	do	10,500.00
Beverly B. Thierwechter	do	7,000.00
Mary Ann Bond	Clerical assistant (minority) (to Jan. 31).	1,055.61
Warren S. Chase	Clerical assistant (minority) to Feb. 21).	2,968.49
Dorothea Dickinson	Clerical assistant (minority) (from Mar. 1).	6,984.68
Gordon A. Achilles	Clerical assistant (minority) (from Feb. 3).	8,222.24
Robert F. Dugan	Clerical assistant (minority) (from Feb. 1).	9,375.00
David Clement	Clerical assistant (minority) (from Mar. 27).	4,700.00
Grace E. Warren	Clerical assistant (minority) (from Apr. 1).	4,500.00
Jimmy R. Fairchild	Clerical assistant (minority) (from Apr. 1).	5,028.96
Gladys Meir	Clerical assistant (minority) (from May 1).	1,666.66

Amount of expenditures previously reported	752,896.77
Amount expended from Jan. 1 to June 30, 1974	845,660.29
Total amount expended from July 1, 1973, to June 30, 1974	1,598,557.06

GEORGE MAHON, Chairman.

COMMITTEE ON APPROPRIATIONS (INVESTIGATIONS STAFF)

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the "Legislative Reorganization Act of 1946," Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Cornelius R. Anderson	Chief, surveys and investigations staff.	$18,000.00
Leroy R. Kirkpatrick	Director, surveys and investigations staff (to Apr. 30).	12,000.00
David A. Schmidt	1st assistant director, surveys and investigations staff (to Apr. 30) (director from May 1).	17,873.92
Dennis F. Creedon, Jr	2d assistant director, surveys and investigations staff (to Apr. 30) (1st assistant director from May 1).	17,384.84
Marion S. Ramey	2d assistant director, surveys and investigations staff (from May 1).	5,780.00
Genevieve A. Mealy	Administrative assistant.	6,328.00
Frances May	Secretary	7,680.00
Sharon K. Tinsley	Secretary (to Feb. 10)	1,100.00
Ann M. Stull	Secretary (from Feb. 1)	3,708.35
Agriculture, Department of—		
R. W. Brannon	Investigator	19,275.80
John S. Robison	do	4,740.88
Air Force Audit Agency:		
Donald J. Gibb	do	13,334.50
Army Audit Agency:		
Stephen E. Keefer	do	3,741.78
Commerce, Department of:		
Edward Lombard	do	5,834.88
William E. Hickey	do	4,994.57
Defense Contract Audit Agency: Maurice A. Herron	do	7,640.33
Federal Aviation Administration:		
Ronald N. Bell	do	10,719.79
General Services Administration: Kevin F. Flanagan	do	7,797.83
National Aeronautics and Space Administration:		
Francis Stepka	do	17,406.16
Contract employees:		
Leonard M. Walters	do	10,000.00
Andrew J. Shannon	do	12,500.00
Mary Alice Sauer	Administrative assistant.	3,800.00
Federal Bureau of Investigation:		
Stuart W. Angevine	Investigator	14,313.84
William M. Baker	do	11,919.60
Carl L. Bennett	do	14,994.96
Willis Bennett, Jr	do	14,313.84
Lane M. Bonner, Jr	do	6,921.60
Andrew P. Bosko	do	13,232.16
Ronald B. Carpenter	do	14,313.84
Gerard C. Carroll	do	14,313.84
W. Dana Carson	do	14,994.96
Bernard E. Currigan	do	10,918.56
John F. Connaughton	do	12,170.40
W. Lee Colwell	do	4,379.20
Robert M. Franklin	do	14,313.84
Paul K. Funkhouser	do	4,313.76
John G. Goedtel	do	14,654.40
James H. Geer	do	7,223.04
Eugene C. Gies	do	14,144.88
William P. Haynes	do	12,941.28
Russell N. Kamin	do	10,708.00
Edwin J. Kelly	do	13,632.72
Martin F. Maher	do	1,743.60
Joseph Malyniak, Jr	do	13,973.28
James P. Mansfield	do	14,313.84
Richard F. McEliece	do	14,654.40
Joseph E. Michalski	do	14,654.40
Earle J. Morris	do	13,973.28
John J. Radican	do	13,973.28
Marion S. Ramey	do	11,076.80
Thomas C. Renaghan	do	11,919.60
Edward V. Schaum	do	14,313.84
Charles E. Szoka	do	14,313.84
Raymond E. Talley	do	13,292.16
John A. Van Wagenen	do	9,670.32
William H. Welch, Jr	do	14,994.96
H. Branch Wood	do	14,994.96
Ann K. Stull	Clerk-typist	712.08
Marie L. Strittmatter	do	3,931.76

COMMITTEE ON APPROPRIATIONS—Continued

Name of employee	Profession	Total gross salary during 6-month period
Federal Bureau of Investigation—Continued		
Pamela Munro	Clerk-typist	$309.60
Rebecca F. Singleton	do	3,467.52
Health Benefits (FBI)		5,072.69
Life Insurance (FBI)		1,534.86
Retirement (FBI)		26,769.60
FICA (FBI)		262.59
Travel expenses		296,325.74
Miscellaneous expenses		10,333.78

Funds authorized or appropriated for committee expenditures $1,624,865.00

Amount of expenditures previously reported 764,610.52
Amount expended from Jan. 1 to June 30, 1974 827,626.10

Total amount expended from July 1, 1973 to June 30, 1974 1,592,236.62

Balance unexpended as of June 30, 1974 32,628.38

GEORGE MAHON, Chairman.

COMMITTEE ON ARMED SERVICES

July 3, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to Section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Frank M. Slatinshek	Chief counsel	$6,300.00
William H. Cook	Counsel	17,950.00
John J. Ford	Professional staff member.	17,950.00
Ralph Marshall	do	16,851.00
George Norris	Counsel	16,182.78
James F. Shumate	do	16,182.78
William H. Hogan, Jr.	do	13,364.58
Anthony R. Battista	Professional staff member (from Jan. 21).	13,333.33
A. A. Tinajero	Professional staff member.	13,000.00
G. Kim Wincup	Counsel (from Jan. 28).	7,650.00
Oneta L. Stockstill	Executive secretary	14,526.72
Michael A. West	Executive secretary (from June 11).	833.33
H. Hollister Cantus	Professional staff member (through Jan. 13).	852.20
Berniece Kalinowski	Secretary	10,604.52
L. Louise Ellis	do	10,604.52
Edna E. Johnson	do	10,604.52
Innis E. McDonald	do	7,960.62
Ann R. Willett	do	6,624.18
Emma M. Brown	do	6,624.18
Nancy S. Jones	do	6,146.08
Mary Ann McKibben	do	5,542.10
Rita D. Argenta	do	5,749.98
Jane E. Keating	Secretary (from June 11).	666.67
Diane W. Bowman	Secretary (through June 10).	4,906.83
William B. Short	Clerical staff assistant	8,716.02
James A. Deakins	do	8,018.76
Issiah Hardy	do	6,000.00
Staff, Armed Services Investigating Subcommittee (pursuant to H. Res. 185, 93d Cong.):		
John F. Lally	Assistant counsel	16,851.00
Rose C. Beck	Secretary	7,560.62
Adeline Tolerton	Clerk	6,972.84
Joyce C. Bova	Secretary	6,050.46
Jane E. Keating	Secretary (from June 1 through June 10).	333.33

Funds authorized or appropriated for committee expenditures, H. Res. 264 and H. Res. 790 $375,000.00

Amount of expenditures previously reported 147,293.56
Amount expended from Jan. 1 to June 30 45,629.94

Total amount expended from Jan. 1 to June 30 45,629.94

Balance unexpended as of July 1, 1974 182,976.50

COMMITTEE ON BANKING AND CURRENCY

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Paul Nelson	Clerk and staff director	$18,000.00
Orman S. Fink	Staff director, minority	18,000.00
Curtis A. Prins	Chief investigator	18,000.00
Charles B. Holstein	Professional staff member.	18,000.00
Benet D. Gellman	Counsel	18,000.00
Joseph C. Lewis	Professional staff member.	18,000.00
Graham T. Northup	do	18,000.00
Mary W. Layton	Secretary to minority	12,498.36
Donald G. Vaughn	Administrative assistant.	10,805.34
Total		149,303.70
Investigative staff:		
Richard C. Barnes	Professional staff member.	11,621.40
Annette M. Bouchard	Secretary	1,949.88
James P. Caldwell	Professional staff member.	14,143.95
L. Marie Chaillet	Minority secretary	8,381.58
Davis O'Connell Couch.	Counsel	12,081.30
Ben W. Crain	Staff economist	933.33
Jane N. D'Arista	Professional staff member.	9,363.82
Dolores K. Dougherty.	Research associate	9,271.36
Michael P. Flaherty	Assistant counsel	11,015.52
Helen Hiltz	Administrative assistant.	11,896.86
Lorraine G. Inman	Secretary	6,506.25
Joseph J. Jasinski.	Professional staff member.	17,022.00
Richard M. Kay	Assistant clerk	4,190.82
Mary E. Kirk	do	7,149.60
Joann Kniphfer	Secretary	6,024.48
Ellen Marie Larkin	Research assistant	5,071.56
Robert Edward Loftus.	Professional staff member.	12,048.54
Linda Lea Lord	Secretary	729.17
Mary-Helen McGrath.	do	6,107.10
Kelsay Ray Meek	Professional staff member.	16,659.78
Mildred S. Mitchell	Assistant clerk	10,715.28
Miriam Wolman Rokow.	Clerk	5,666.68
Michael A. Rattigan	Research assistant	373.33
Margaret L. Rayhawk	Research associate	10,488.84
Kathy Lee Rohrig	Secretary	4,693.35
Yan Michael Ross	Minority counsel	16,239.36
James Charles Sivon	Research assistant	490.00
Merrill Stevenson	Assistant clerk	8,812.44
Jeanne Carolyn Smith	Secretary	6,507.86
Richard L. Still	Professional staff member.	17,025.12
Catherine M. Taber	Secretary	5,762.34
Thomas Wallin	Research assistant, minority.	266.67
Robert E. Weintraub	Staff economist	18,000.00
David Irving Weil	Economic research assistant.	850.00
Stephen M. Welch	Research assistant	5,238.48
Total		283,298.15

Funds authorized or appropriated for committee expenditures, H. Res. 306 and 800 $1,342,800.00

Amount of expenditures previously reported 542,055.66
Amount expended from Jan. 1 to June 30, 1974 347,488.31

Total amount expended from Jan. 3, 1973 to June 30, 1974 889,543.97

Balance unexpended as of June 30, 1974 453,256.03

WRIGHT PATMAN, Chairman.

SUBCOMMITTEE ON HOUSING OF THE COMMITTEE ON BANKING AND CURRENCY

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Housing Subcommittee:		
Brent B. Barriere	Assistant clerk	$1,213.89
Marilyn A. Donahue	Minority secretary	6,286.20
David Glick	Counsel	18,000.00
George Gross	do	18,000.00
Emily Hightower	Executive secretary	9,817.56
Mercer L. Jackson	Minority staff member	17,287.08
Raymond K. James	Counsel	17,810.88
Bonnie V. Lockett	Secretary	3,290.27
Benjamin B. McKeever.	Counsel	17,810.88
Gerald R. McMurray	Staff director	18,000.00
Wanda Jean Raupach	Secretary	8,450.42
Dorothy J. Rayburn	Assistant clerk	1,250.00
Phillip L. Schulman	do	2,628.90
Catherine M. Smith	Minority secretary	6,286.20
Mary Elizabeth Sullivan.	Assistant clerk	5,238.48
Regina Anne Sullivan	do	420.00
Anthony Valanzano	Minority counsel	17,287.08
Doris M. Young	Assistant clerk	11,005.98
Total		180,083.82

Funds authorized or appropriated for committee expenditures (H. Res. 306, 93d Cong. and H. Res. 800, 93d Cong. 2d) $795,500.00

Amount of expenditures previously reported 362,074.67
Amount expended from Jan. 1 to June 30, 1974 188,061.57

Total amount expended from Jan. 3, 1973 to June 30, 1974 550,136.24

Balance unexpended as of June 30, 1974 245,363.76

WRIGHT PATMAN, Chairman.

COMMITTEE ON THE DISTRICT OF COLUMBIA

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross 6-month salary during period
Standing committee:		
Robert B. Washington, Jr.	Chf (P)	$18,000.00
Dorothy E. Quarker	Senior consultant (P)	18,000.00
John E. Hogan	Minority counsel (P)	18,000.00
James T. Clark	Legislative counsel (P)	16,929.88
Ruby G. Martin	Associate counsel (P)	14,230.84
Dale MacIver	Staff assistant (C)	13,996.88
Daniel M. Freeman	do	12,215.22
Jacqueline E. Wells	do	11,691.36
Linda L. Smith	do	10,736.50
Maria L. Otero	Office administrator (C).	9,863.52
Alvin D. Loving, Sr.	Staff assistant (C), transferred to investigative committee Mar. 15, 1974.	3,125.00
Ralph Ulmer	Professional staff member, minority (P), transferred to investigative committee Mar. 15, 1974.	3,167.50

Name of employee	Profession	Total gross salary during 6-month period
Leonard Hilder	Research assistant, minority (P), effective Mar. 16, 1974.	$7,318.64
Joseph D. Krischten	Subcommittee consultant (C), effective Mar. 16, 1974; terminated May 31, 1974.	4,823.78
Jacquelyn E. Hams	Staff assistant (C), effective June 1, 1974; terminated June 30, 1974.	2,700.00
Total		164,799.12
Investigative committee:		
Wilbur G. Hughes	Investigator	8,024.44
Jean G. Stultz	Staff assistant	7,805.94
Yvonne R. Chappelle	Research assistant	7,500.00
La Vonne M. Manley	Staff assistant	7,468.36
Joan M. Middleton	do	7,333.92
Jane I. Parker	do	6,499.98
Lorraine W. McDaniels	do	6,401.44
Grace M. DeMaio	Clerk	5,867.98
Susan G. Walter	Clerk, terminated May 31, 1974.	4,854.77
Louise Winston	Clerk	5,067.82
Theodore Richardson	do	5,067.82
Dorothy M. Anderson	Clerk, terminated May 31, 1974.	4,413.42
Diana E. Jones	Clerk, terminated Feb. 15, 1974; effective Feb. 11, 1974.	1,244.15
Shirley L. Harris	Clerk, terminated Mar. 10, 1974.	698.47
Marguerite Gras	Clerk, effective Mar. 10, 1974.	3,237.50
Alvin D. Loving, Sr	Staff assistant, effective Mar. 16, 1974.	4,375.00
Minority staff:		
Wanda Worsham	Minority staff assistant	7,333.92
Leonard O. Hilder	Minority research assistant transferred to standing committee Mar. 15, 1974.	5,227.60
Ralph Ulmer	Minority professional staff member effective Mar. 16, 1974.	4,434.50
Subcommittee staff:		
Subcommittee on Business, Commerce, and Taxation:		
Rebecca D. Moore	Subcommittee consultant.	7,857.78
Margaret G. Hoffman	Subcommittee research assistant.	5,238.48
Subcommittee on Education:		
Joseph D. Clair	Subcommittee counsel	11,524.68
Michael I. Duberstein	Subcommittee research assistant.	1,571.58
Subcommittee on Government operations:		
Jacques Depuy	Subcommittee counsel	8,499.98
Davit Litt	Subcommittee research assistant, terminated Mar. 6, 1974.	550.00
Dorothy C. Bullitt	Subcommittee research assistant, effective Apr. 1, 1974; terminated Apr. 30, 1974.	1,133.33
Patrick R. Liddle	Subcommittee research assistant, effective May 1, 1974; terminated May 31, 1974.	500.00
Joy D'Amore	Subcommittee research assistant, effective June 17, 1974.	194.45
Subcommittee on Judiciary:		
Howard Lee	Subcommittee consultant.	7,058.76
Muriel Pugh	Subcommittee research assistant, terminated Feb. 10, 1974.	1,341.67
Michael Beard	Subcommittee research assistant, effective Feb. 11, 1974.	4,695.83
Subcommittee on Labor, Social Services, and the International Community:		
Joseph D. Kirschten	Subcommittee consultant, terminated Mar. 15, 1974 (transferred to standing).	4,823.78
Karen Fleischer	Subcommittee research assistant.	2,599.28
Subcommittee on Revenue and Financial Affairs:		
Stephen C. Swaim	Subcommittee consultant.	8,905.44
Margi H. Mosbaek	Subcommittee research assistant.	3,666.96
Total		173,018.98

Funds authorized or appropriated for committee expenditures	$298,058.51
Amount expended from Jan. 1 to June 30, 1974	179,237.05
Balance unexpended as of June 30, 1974	118,821.46

CHARLES C. DIGGS, JR., Chairman.

COMMITTEE ON EDUCATION AND LABOR—STANDING COMMITTEE

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Donald M. Baker	Chief clerk and associate counsel (from Jan. 1 to June 30, 1974).	$18,000.00
Donald F. Berens	Administrative assistant (from Jan. 1 to June 30, 1974).	14,772.60
Louise Maxienne Dargans.	Research director (from Jan. 1 to June 30, 1974).	18,000.00
William F. Gaul	Associate general counsel (from Jan. 1 to June 30, 1974).	18,000.00
Hartwell D. Reed, Jr	General counsel (from Jan. 1 to June 30, 1974).	18,000.00
Benjamin F. Reeves	Assistant to chairman and assistant clerk (from Jan. 1 to June 30, 1974).	18,000.00
Austin P. Sullivan, Jr	Legislative director (from Jan. 1 to June 30, 1974).	18,000.00
Louise M. Wright	Administrative assistant (from Jan. 1 to June 30, 1974).	15,529.14
Marian R. Wyman	Special assistant to chairman (from Jan. 1 to June 30, 1974).	18,000.00
Minority staff:		
Robert C. Andringa	Minority staff director (from Jan. 1 to June 30, 1974).	18,000.00
Charles W. Radcliffe	Minority counsel (from Jan. 1 to June 30, 1974).	18,000.00
Dorothy L. Strunk	Minority legislative clerk (from Mar. 1 to June 30, 1974).	4,966.68
Louise W. Finke (deceased).	Assistant to minority staff director (from Jan. 1 to Feb. 27, 1974).	3,029.26

Funds authorized or appropriated for committee expenditures	Contingent fund
Amount of expenditures previously reported	$398,995.38
Amount expended from Jan. 1 to June 30, 1974	200,297.68
Total amount expended from Jan. 1, 1973 to June 30, 1974	599,293.06
Balance unexpended as of June 30, 1974	Contingent fund

CARL D. PERKINS, Chairman.

COMMITTEE ON EDUCATION AND LABOR—FULL COMMITTEE INVESTIGATING STAFF

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Carole J. Ansheles	Secretary (from Jan. 1 to June 30, 1974).	$4,399.98
Patricia R. Bowley	Administrative assistant (from Jan. 1 to June 30, 1974).	8,400.00
William H. Cable	Counsel (from Jan. 1 to June 30, 1974).	13,515.36
Gerard C. Cauley	Assistant clerk (temporary) (summer) (from May 23 to June 30, 1974).	633.33
Katherine Kennedy Clark	Research assistant (from Jan. 1 to June 30, 1974).	10,178.34
Elizabeth A. Cornett	Administrative assistant (from Jan. 1 to June 30, 1974).	10,175.70
Lelia T. Cornwell	do	9,215.12
A. Jefferson Dodds	Assistant clerk (temporary) (summer) (from May 20 to June 30, 1974).	683.33
Edward J. Dunphy	Assistant clerk (temporary) (summer (from May 28 to June 30, 1974).	550.00
Eric M. Hall	Assistant Clerk (temporary) (from Jan. 1 to Mar. 31, 1974).	1,571.55
Douglas P. Katcher	Research assistant (from Jan. 1 to June 30, 1974).	4,020.93
Shirley R. Mills	Secretary (from Jan. 1 to June 30, 1974).	9,215.12
Lewis D. Morris, Jr	Assistant clerk (from June 1 to June 30, 1974).	500.00
Barbara E. Morrison	Secretary (from June 24 to June 30, 1974).	223.61
Michael Lee Moye	Assistant clerk (temporary) (summer) (from June 24 to June 30, 1974).	116.67
David E. Pinkard	Assistant clerk (temporary) (from Jan. 1 to Mar. 31, 1974).	1,500.00
David S. Putnam	Staff assistant (from Jan. to June 30, 1974).	5,644.50
Timothy T. Reese	Assistant (clerk from Jan. 1 to June 30, 1974).	4,714.68
Petter Schott	do	4,602.06
Mary L. Shuler	Secretary (from Jan. 1, to June 30, 1974).	8,261.64
Maureen J. Smith	Assistant clerk (temporary) (summer) (from May 27 to June 30, 1974).	566.67
Thomas A. Stevenson	Assistant clerk (temporary) (summer) (from May 14 to June 30, 1974).	783.33
Jeanne E. Thomson	Legislative assistant (from Jan. 1 to June 30, 1974).	11,095.50
John Evertt Warren	Research assistant (from Jan. 1 to June 30, 1974).	6,286.20
Denise R. Wilson	Assistant clerk (temporary) (summer) (from June 24 to June 30, 1974).	116.67
Minority:		
Kim Allinger	Secretary (from Jan. 1 to June 30, 1974).	5,033.32
Edith Carter Baum	Minority counsel (from Jan. 1 to June 30, 1974).	16,583.32
Christopher T. Cross	Minority legislative associate (from Jan. 1 to June 30, 1974).	18,000.00
Susan C. DeMarr	Secretary (from Jan. 1 to June 30, 1974).	5,187.48
Vicki Fleming	Minority research assistant (from June 17 to June 30, 1974).	330.55
Martin L. LaVor	Minority legislative associate (from Jan. 1 to June 30, 1974).	15,891.06
John B. Lee	Minority research assistant (from Jan. 1 to June 30, 1974).	6,625.02
Maureen A. Moroch	Secretary (from Apr. 1 to June 30, 1974).	3,125.01
Richard H. Mosse	Assistant minority counsel (from Apr. 14 to June 30, 1974).	5,988.88
Jo Anne Pierson	Secretary (from Jan. 1 to June 30, 1974).	5,583.34
Silvia J. Rodriguez	do	6,181.44

COMMITTEE ON EDUCATION AND LABOR—FULL COMMITTEE INVESTIGATING STAFF—Continued

Name of employee	Profession	Total gross salary during 6-month period
Minority—Continued		
John Charles Sheerin	Minority counsel for labor (from Jan. 1 to June 30, 1974).	$18,000.00
Yvonne Franklin Smith.	Minority legislative associate (from Jan. 1 to June 30, 1974).	10,481.22
Dorothy L. Strunk	Secretary (from Jan. 1 to Feb. 28, 1974).	2,433.34
Patricia Ann Sullivan	Secretary (from Jan. 1 to June 30, 1974).	6,139.84

Funds authorized or appropriated for committee expenditures	$1,241,259.81
Amount of expenditures previously reported	472,161.30
Amount expended from Jan. 1 to June 30, 1974	263,955.11
Total amount expended from Jan. 3, 1973, to June 30, 1974	736,126.41
Balance unexpended as of June 30, 1974	505,133.40

CARL D. PERKINS, Chairman.

GENERAL SUBCOMMITTEE ON EDUCATION, NO. 1

(Representative Carl D. Perkins, Chairman)

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Diane B. Adair	Staff assistant (from June 12 to June 30, 1974).	$395.83
Ruth Epperson	Staff assistant (from Mar. 23 to Apr. 5, 1974).	650.00
Eydie Gaskins	Special assistant (from Jan. 1 to June 30, 1974).	9,583.50
John F. Jennings	Counsel (from Jan. 1 to June 30, 1974).	18,000.00
Tonie E. Painter	Staff assistant (from Jan. 1 to June 30, 1974).	3,666.96
Ivan Swift	Legislative assistant (from Jan. 1 to June 30, 1974).	11,355.12
Joseph V. Vicidomino	Assistant clerk (from June 3 to June 30, 1974).	466.67

Funds authorized or appropriated for committee expenditures	$174,824.24
Amount of expenditures previously reported	77,123.19
Amount expended from Jan. 1 to June 30, 1974	47,198.80
Total amount expended from Jan. 3, 1973, to June 30, 1974	124,321.99
Balance unexpended as of June 30, 1974	50,502.25

CARL D. PERKINS, Chairman.

SPECIAL SUBCOMMITTEE ON LABOR, NO. 2

(Representative Frank Thompson, Jr., Chairman)

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Jeunesse M. Beaumont	Clerk (from Jan. 1 to June 30, 1974).	$9,358.14
Donald J. Kaniewski	Research assistant (from Jan. 1 to June 30, 1974).	3,354.72
Cheryl G. Matcho	Secretary (from Jan. 1 to June 30, 1974).	5,238.48
Richard A. Millner	Research assistant (from Jan. 1 to April 30, 1974).	513.32
Robert E. Moss	Counsel (from Jan. 1 to June 30, 1974).	14,990.57
Daniel H. Pollitt	Special counsel (from Jan. 1 to June 30, 1974).	4,000.02
Susan H. Pollitt	Assistant clerk (from June 10 to June 30, 1974).	227.50
Jan Lee Roller	Assistant clerk (June 1 to June 30, 1974).	541.67
Audrey Rugg	do	541.67
Richard Shaffer	Research assistant (from June 15 to June 30, 1974).	288.89
Bruce H. Stern	Research assistant (from Apr. 1 to May 31, 1974).	650.00

Funds authorized or appropriated for committee expenditures	$176,933.51
Amount of expenditures previously reported	79,380.55
Amount expended from Jan. 1 to June 30, 1974	41,831.82
Total amount expended from Jan. 3, 1973 to June 30, 1974	121,212.37
Balance unexpended as of June 30, 1974	55,721.14

CARL D. PERKINS, Chairman.

GENERAL SUBCOMMITTEE ON LABOR, No. 3

July 15, 1974.

(Representative John H. Dent, Chairman)

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Barbara A. Dinuson	Secretary (from Jan. 1 to June 30, 1974).	$4,099.98
Julie Dominick	Research assistant (from Apr. 1 to June 30, 1974).	3,750.00
Adrienne Fields	Clerk (from Jan. 1 to June 30, 1974).	9,638.58
Cynthia L. Fox	Secretary (from June 17 to June 30, 1974).	313.25
Ernest J. Mannino	Research assistant (from June 1 to June 30, 1974).	750.00
Robert E. Vagley	Director (from Jan. 1, to June 30, 1974).	18,000.00

Funds authorized or appropriated for committee expenditures	$164,183.08
Amount of expenditures previously reported	66,407.73
Amount expended from Jan. 1 to June 30, 1974	39,670.05
Total amount expended from Jan. 3, 1973 to June 30, 1974	106,077.78
Balance unexpended as of June 30, 1974	58,105.30

CARL D. PERKINS, Chairman.

SELECT SUBCOMMITTEE ON LABOR, NO. 4

Representative Dominick V. Daniels, Chairman

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Joseph D. Alviani	Associate counsel (Jan. 1 to June 30, 1974).	$8,619.26
Alexandra J. Kisla	Research staff assistant (Jan. 1 to June 30, 1974).	6,810.06
Daniel H. Krivit	Counsel (Jan. 1 to June 30, 1974).	16,448.88
Denniese L. Medlin	Legislative assistant (Apr. 1 to June 30, 1974).	2,550.00
Laura S. Wyman	Research assistant (Jan. 1 to Mar. 31, 1974).	2,278.74

Funds authorized or appropriated for committee expenditures	$167,282.82
Amount of expenditures previously reported	71,135.57
Amount expended from Jan. 1 to June 30, 1974	38,083.13
Total amount expended from Jan. 3, 1973 to June 30, 1974	109,218.70
Balance unexpended as of June 30, 1974	58,064.12

CARL D. PERKINS, Chairman.

SELECT SUBCOMMITTEE ON EDUCATION NO. 5

(Representative John Brademas, Chairman)

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Jack G. Duncan	Counsel (from Jan. 1 to June 30, 1974).	$16,227.00
Eleanor M. Finver	Secretary (from Jan. 1 to June 30, 1974).	4,293.88
James J. Harvey	Deputy assistant (from Jan. 1 to June 30, 1974).	8,926.66
Frederick V. Mulhauser	Research assistant (from Jan. 1 to June 30, 1974).	5,625.00
Christine M. Orth	Staff assistant (from Jan. 1 to June 30, 1974).	5,923.34
Gladys Marie Walker	Secretary (from Jan. 1 to June 30, 1974).	5,701.88

Funds authorized or appropriated for committee expenditures	$174,948.00
Amount of expenditures previously reported	76,441.74
Amount expended from Jan. 1 to June 30, 1974	52,012.06
Total amount expended from Jan. 3, 1973 to June 30, 1974	128,453.80
Balance unexpended as of June 30, 1974	46,494.20

CARL D. PERKINS, Chairman.

SPECIAL SUBCOMMITTEE ON EDUCATION, NO. 6

(Representative James G. O'Hara, Chairman)

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross 6-month salary during period
Rosanne Aceto	Assistant clerk (from Jan. 1 to Mar. 15, 1974).	$1,858.88
Mary Elizabeth Clark	Assistant clerk (from June 9 to June 30, 1974).	366.67
Alfred Carl Franklin	Counsel (from Jan. 1 to June 30, 1974).	11,676.48
James B. Harrison	Staff director (from Jan. 1 to June 30, 1974).	15,476.82
Aims C. McGinness, Jr.	Research assistant (from Mar. 1 to Apr. 30, 1974).	1,400.00
Bernard Michael Murphy	Research associate (from June 3 to June 30, 1974).	566.22
Bonnie L. Stricklin	Assistant clerk (from May 6 to June 30, 1974).	1,100.00
Elnora H. Teets	Clerk (from Jan. 1 to June 30, 1974).	6,939.78

Funds authorized or appropriated for committee expenditures $174,819.60

Amount of expenditures previously reported 78,223.54
Amount expended from Jan. 1 to June 30, 1974 43,395.11

Total amount expended from Jan. 3, 1973, to June 30, 1974 121,618.65

Balance unexpended as of June 30, 1974 53,200.95

CARL D. PERKINS, Chairman.

SUBCOMMITTEE ON EQUAL OPPORTUNITIES, NO. 7

Representative Augustus F. Hawkins, Chairman

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Constance J. Falwell	Research assistant (from Feb. 1 to May 10, 1974).	$583.33
Susan Durkee Grayson	Special assistant (from Jan. 1 to June 30, 1974).	8,775.00
Bertram M. Gross	Staff assistant (from Feb. 1 to June 30, 1974).	1,000.00
Mary F. Higginbotham	Staff assistant (from Jan. 1 to Feb. 28, 1974).	2,737.50
William L. Higgs	Staff assistant (from Feb. 1 to June 30, 1974).	5,666.66
Lloyd (Al) Johnson	Staff director (from Mar. 1 to June 30, 1974).	10,000.00
Carole M. Schanzer	Clerk (from Jan. 1 to June 30, 1974).	6,924.70
Mary L. Whitsett	Assistant clerk (from May 11 to June 30, 1974).	1,416.67

Funds authorized or appropriated for committee expenditures $168,781.56

Amount of expenditures previously reported 74,854.03
Amount expended from Jan. 1 to June 30, 1974 41,177.63

Total amount expended from Jan. 3 to June 30, 1974 $116,031.66

Balance unexpended as of June 30, 1974 52,749.90

CARL D. PERKINS, Chairman.

SUBCOMMITTEE ON AGRICULTURAL LABOR, NO. 8

July 15, 1974.

(Representative William D. Ford, Chairman)

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Virginia E. Anstead	Secretary (from Jan. 1 to Jan. 31, 1974).	$1,000.00
Nina J. Arnhols	Assistant clerk (from Mar. 18 to Mar. 31, 1974).	306.94
Roy P. Dyson	Research aid (from Jan. 1 to June 30, 1974).	4,625.49
Lanston E. Eldred	Research assistant (from June 17 to June 30, 1974).	373.33
Michael J. Ferrell	Special assistant (from Jan. 1 to June 30, 1974).	6,000.00
Eugene I. Gessow	Research assistant (from Apr. 1 to June 30, 1974).	1,850.00
Thomas R. Jolly	Counsel (from Jan. 1 to June 30, 1974).	14,880.91
Daniel F. Joy	Research assistant (from Feb. 1 to Feb. 28, 1974).	1,400.00
Patricia R. Morse	Clerk (from Jan. 1 to June 30, 1974).	7,633.93
Daniel H. Pollitt	Assistant clerk (from Jan. 1 to June 30, 1974).	2,500.02
Heidi Schmidt	Staff assistant (from June 10 to June 30, 1974).	420.00

Funds authorized or appropriated for committee expenditures $176,967.38

Amount of expenditures previously reported 73,861.72
Amount expended from Jan. 1 to June 30, 1974 47,477.26

Total amount expended from Jan. 3, 1973 to June 30, 1974 121,338.98

Balance unexpended as of June 30, 1974 55,628.40

CARL D. PERKINS, Chairman.

TASK FORCE ON WELFARE AND PENSION PLANS, NO. 9 GENERAL SUBCOMMITTEE ON LABOR

(Representative John H. Dent, Chairman)

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Vance J. Anderson	Counsel (from Jan. 1 to June 30, 1974).	$14,453.32
Kathleen Berish	Stenographer (from Jan. 1 to June 30, 1974).	3,666.66
Suzanne Hays	Staff assistant (from Jan. 1 to June 30, 1974).	5,500.02
S. Howard Kline	Assistant clerk (from May 22 to June 30, 1974).	422.50
Richard E. McCormick, Jr.	Staff assistant (from May 1 to June 30, 1974).	$800.00
Russell J. Mueller	Actuary and minority legislative associate (from Jan. 1 to June 30, 1974).	14,667.78
Robin Reid	Minority secretary (from Jan. 1 to June 30, 1974).	4,716.55
Frances M. Turk	Clerk (from Jan. 1 to Mar. 31, 1974).	3,405.03

Funds authorized or appropriated for committee expenditures. $220,000.00

Amount of expenditures previously reported 107,638.16
Amount expended from Jan. 1 to June 30, 1974 49,140.53

Total amount expended from Jan. 3, 1973 to June 30, 1974. 156,778.69

Balance unexpended as of June 30, 1974 63,221.31

CARL D. PERKINS, Chairman.

COMMITTEE ON FOREIGN AFFAIRS

July 11, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Marian A. Czarnecki	Chief of staff	$18,000.00
Albert C. F. Westphal	Staff consultant	18,000.00
Harry C. Cromer	Staff consultant (terminated June 15, 1974).	16,500.00
Everett E. Bierman	Staff consultant	16,452.78
John J. Brady, Jr	do	15,607.80
John H. Sullivan	do	15,607.80
John Chapman Chester	do	15,107.76
Robert K. Boyer	do	13,096.26
Peter A. Abbruzzese	do	13,945.62
Lewis Gulick	do	14,643.96
Charles Paolillo	Staff consultant (effective June 1, 1974).	2,733.33
Sanford T. Rainwater	Legal consultant (terminated Jan. 31, 1974).	1,000.00
John P. Salzberg	Special consultant (effective Mar. 15, 1974).	5,888.90
Frederick M. Kaiser	Special consultant (effective June 1, 1974).	1,000.00
Ray Sparks	Editor	11,225.10
George R. Berdes	Subcommittee staff consultant.	14,526.72
Robert B. Boettcher	do	14,526.72
Goler T. Butcher	Subcommittee staff consultant (terminated April 8, 1974).	7,908.99
R. Michael Finley	Subcommittee staff consultant.	13,096.26
Clifford P. Hackett	do	14,562.72
Michael H. Van Dusen	do	13,811.49
Thomas R. Kennedy	do	14,026.08
George M. Ingram IV	do	11,000.88
Leslie Ann Yates	Subcommittee staff consultant (effective April 1, 1974).	3,750.00
Helen C. Mattas	Senior staff assistant	13,602.60
Mary Louise O'Brien	Staff assistant	12,138.84
Paula L. Peak	do	10,478.52
Thelma H. Shirkey	do	6,966.30
Arlene M. Atwater	do	6,596.94
Shirley A. McManus	do	7,553.88
Donna Gail Wynn	do	5,644.32
Jeanne M. Salvia	do	6,045.06
Karen Patterson Brennan.	do	5,638.50
Josephine R. Weber	do	5,538.48
Diane Miesel Stoner	do	4,595.58
Nancy K. Stout	do	6,024.30
Joan C. Sullivan	do	5,749.98
Ellen B. Pinnes	Staff assistant (terminated April 31, 1974).	2,000.01

COMMITTEE ON ON FOREIGN AFFAIRS—Continued

Name of employee	Profession	Total gross salary during 6-month period
Jeraldine C. Nolan	Staff assistant (effective February 1, 1974).	$3,958.35
Noel Daoust	Staff assistant (effective April 8, 1974).	2,075.00
Nancy M. Carman	Staff assistant (effective June 5, 1974).	613.89
Andrew B. Vanyo	Clerical assistant	5,578.26
Robert A. Stoner	Publications assistant	5,095.62
Dona Sims	Special assistant (effective June 1, 1974).	708.33
Eugene M. Principato	Clerical assistant (effective June 15, 1974).	266.67

Funds authorized or appropriated for committee expenditures	$1,168,735.00
Amount of expenditures previously reported	476,985.31
Amount expended from Jan. 1 to June 30, 1974	261,258.37
Total amount expended from Jan. 1, 1973 to June 30, 1974	
Balance unexpended as of June 30, 1974	430,491.32

THOMAS E. MORGAN, Chairman.

COMMITTEE ON GOVERNMENT OPERATIONS

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Expenses, Jan. 1 through June 30, 1974:	
Full committee	$4,869.29
Special investigative staff	67,823.04
Legislation and Military Operations Subcommittee	41,748.15
Government Activities Subcommittee	56,475.11
Intergovernmental Relations Subcommittee	70,730.06
Conservation and Natural Resources Subcommittee	60,888.99
Foreign Operations and Government Information Subcommittee	75,172.06
Legal and Monetary Affairs Subcommittee	52,847.48
Special Studies Subcommittee	63,330.64
Total	493,884.82

Name of employee	Profession	Total gross 6-month salary during period
Standing committee, Hon. Chet Holifield, chairman:		
Herbert Roback	Staff director	$18,000.00
Elmer W. Henderson	General counsel	18,000.00
Miles Q. Romney	Counsel-administrator	18,000.00
Douglas G. Dahlin	Associate counsel	14,405.88
Dolores L. Fel'Dotto	Staff member	10,175.88
Ann E. McLachlan	do	9,863.04
Catherine S. Cash	do	8,868.66
Marilyn F. Jarvis	do	8,748.18
Lilian M. Phillips	do	8,041.92
John Philip Carlson	Minority counsel	18,000.00
Warren B. Buhler	Minority professional staff member.	13,096.26
Clara Katherine Armstrong.	Minority research assistant.	9,077.04
Total		154,276.86
Standing committee, Hon. Chet Holifield, chairman: Total expenses.		4,869.29

Name of employee	Profession	Total gross salary during 6-month period
Special investigative staff, Hon. Chet Holifield, Chairman:		
Stephen M. Daniels	Minority staff member	$10,007.82
Richard L. Thompson	Minority staff member (through Jan. 31 and from Feb. 5).	9,785.42
Lawrence T. Graham	Minority staff member	10,007.82
James L. McInerney	do	9,953.16
Sheila G. Nathanson	Minority secretary	5,239.08
Karen L. Tauber	do	5,019.44
Eileen W. Thelm	Staff member	6,884.70
Susan E. Early	Staff member (from June 1, 1974).	916.67
Ralph T. Doty	Clerical staff	5,352.72
Paul N. Nelson	do	4,656.21
Total		67,823.04
Legislation and Military Operations Subcommittee, Hon. Chet Holifield, Chairman:		
Charles Goodwin	Subcommittee counsel	7,494.00
Michael T. McGinn	Defense analyst	9,499.98
Catherine L. Koeberlein.	Research assistant	9,314.88
Mary Etta Haga	Clerk-stenographer	5,810.70
Wanda C. Johnson	do	5,500.44
Michael A. Vorhaus	Clerical staff	3,250.02
Expenses		878.13
Total		41,748.15
Government Activities Subcommittee, Hon. Jack Brooks, Chairman:		
William M. Jones	Subcommittee staff director.	15,421.74
William H. Copenhaver.	Counsel	14,667.78
C. Don Stephens	Research analyst	12,083.52
Lynne Higginbotham	Clerk-stenographer	8,082.84
Kathryn J. Lokos	Secretary	4,452.72
Expenses		1,766.51
Total		56,475.11
Intergovernmental Relations Subcommittee, Hon. L. H. Fountain, Chairman:		
James R. Naughton	Counsel	17,500.02
Delphis C. Goldberg	Professional staff member.	17,500.02
Gilbert S. Goldhammer.	Consultant	11,748.00
Gary E. Bombardier	Professional staff member.	9,429.30
Pamela R. Horsmon	Clerk-stenographer	5,810.70
Margaret M. Goldhammer.	Secretary	4,877.28
Expenses		3,864.74
Total		70,730.06
Conservation and Natural Resources Subcommittee, Hon. Henry S. Reuss, Chairman:		
Phineas Indritz	Counsel	5,236.00
David B. Finnegan	Associate counsel	15,418.98
David H. Baris	Legal assistant (through June 16, 1974).	8,122.21
Robert J. Hellman	Staff analyst	7,000.02
Josephine Scheiber	Research analyst	9,294.24
Ruth M. Wallick	Stenographer	7,247.10
Frances B. Lee	do	5,100.96
Ardith R. Davis	Stenographer (from May 28, 1974).	870.84
Expenses		2,598.64
Total		60,888.99
Foreign Operations and Government Information Subcommittee, Hon. William S. Moorhead, Chairman:		
William G. Phillips	Subcommittee staff director.	17,500.02
Norman G. Cornish	Deputy subcommittee staff director.	17,500.02
Harold F. Whittington	Professional staff member.	13,958.26
L. James Kronfeld	Counsel	13,096.26
Martha M. Doty	Clerk	6,024.30
Nancy E. Wenzel	Secretary	4,349.98
Expenses		2,743.22
Total		75,172.06
Legal and Monetary Affairs Subcommittee, Hon. Wm. J. Randall, Chairman:		
Erskine Stewart	Subcommittee staff director.	$14,667.78
William G. Lawrence	Associate counsel	10,477.02
Wanda J. Reif	Professional staff member.	10,477.02
Gerald J. Laporte	Research assistant (from June 1, 1974).	1,083.33
D. Faye Taylor	Clerk	6,024.30
Eleanor M. Vanyo	Secretary	5,315.40
Expenses		4,802.63
Total		52,847.48
Special Studies Subcommittee, Hon. Floyd V. Hicks, Chairman:		
Joseph C. Luman	Subcommittee staff director.	14,667.78
Jacob N. Wasserman	Counsel	16,598.58
Dean S. Kalivas	Professional staff member.	10,477.02
James L. Gyory	Investigator	9,429.30
Louise Chubb	Clerk (from Feb. 4, 1974).	4,777.50
Geraldine A. Fitzgerald	Secretary	4,924.20
Expenses		2,456.26
Total		63,330.64

Funds authorized or appropriated for committee expenditures, H. Res. 277 and H. Res. 846	$2,111,000.00
Amount of expenditures previously reported	955,018.16
Amount expended from Jan. 1 to June 30, 1974	493,884.82
Total amount expended from Jan. 3, 1973 to June 30, 1974	1,448,902.98
Total amount expended from Jan. 3, 1973 to June 30, 1974	1,448,902.98
Balance unexpended as of June 30, 1974	662,097.02

CHET HOLIFIELD, Chairman.

COMMITTEE ON HOUSE ADMINISTRATION

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John T. Walker	Staff director	$18,000.00
Frank B. Ryan	Director, information systems.	18,000.00
Robert Gray	Chief auditor	18,000.00
John Warren McGarry	Attorney	18,000.00
John Blair	Assistant to the staff director.	15,107.76
Ralph Smith	Minority clerk	18,000.00
Ralph Murphy	Assistant clerk (minority).	13,455.96
Evelyn H. Wilson	Office manager	8,505.81
Mary Stolle	Assistant clerk	8,505.81
Robert Anton	Assistant legal counsel	7,857.78
Johanna Lucas	Assistant clerk	6,609.30
M. Lynn Hayes	Assistant clerk (minority).	5,762.41
Linda Nave	Assistant clerk (minority).	320.13
Sabastian Tom	Clerk, E. & M. Subcommittee.	9,243.54
Judith H. Simmons	Assistant clerk accounts subcommittee.	4,732.44
Gurney S. Jaynes	Assistant clerk	8,643.54
Joseph T. Ventura	Clerk, personnel subcommittee.	9,953.16
John L. Boos	Clerk, Library and Memorials Subcommittee.	11,679.11
Cynthia Cortese	Assistant clerk	5,250.00
Pamela M. Bussen	Assistant clerk, Personnel Subcommittee.	2,083.33
Barbara Lee Giaimo	Assistant clerk, Elections Subcommittee.	5,576.58

Name of employee	Profession	Total gross salary during 6-month period
Vicki Sue Moser	Assistant clerk	$5,507.76
William E. Sudow	Clerk, Printing Subcommittee.	10,285.02
Thomas M. Pappas	Clerk, Accounts Subcommittee.	10,215.06
Linda Bentz	Assistant clerk, Printing Subcommittee.	3,143.32
Ronald Merenbach	Assistant clerk	1,100.09
Ollievia Frasier	do	1,923.92
John D. Ford	Assistant clerk, Elections Subcommittee.	2,030.43
James Burnes	Assistant clerk	4,833.32
Richard Oleszewski	Clerk, Elections Subcommittee.	4,999.98
Linda Rogers	Assistant clerk, Police Subcommittee.	4,819.44
Candis Whitley	Assistant clerk	1,883.33
Sharon Kite	do	4,999.98
Norman Shore	do	5,500.45
William Baranowski	do	3,177.79
Constance Falwell	Assistant clerk, E. & M. Subcommittee.	2,250.00
Grace Cohilas	Assistant clerk	2,577.79
Elizabeth Ray	do	2,108.34
Nancy Brown	Assistant clerk, E. & M. Subcommittee.	1,456.67
Jim Hart	Assistant clerk	820.00
Dovie Cherry	Assistant clerk, Police Subcommittee.	1,213.89
Lawton Stevens	Assistant clerk	854.17
Mark Maloney	do	655.33
Michael McWherter	do	611.64
Michael Meth	do	433.33
Becky Ransom	do	420.00
Andrew Ingram	do	650.00
John B. Maxwell	do	200.00
Brian Yochum	do	305.82

Funds authorized or appropriated for committee expenditures.	$770,000.00
Amount of expenditures previously reported	319,547.46
Amount expended from Jan. 1 to June 30, 1974	161,769.36
Total amount expended from Jan. 1, 1973 to June 30, 1974.	481,316.82
Balance unexpended as of June 30, 1974	288,683.18

WAYNE L. HAYS, Chairman.

HOUSE INFORMATION SYSTEMS, COMMITTEE ON HOUSE ADMINISTRATION

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Richard Bates	Communications terminal operator.	$3,770.40
Louise Yates	Senior secretary	3,719.82
Noah M. St. Clair	Senior systems programer.	10,338.48
Timothy Gunther	Programer	6,624.84
David L. Brazeal	Computer systems analyst.	8,789.07
Diane C. Hitz	Communications terminal operator.	3,770.40
William R. Hill	Senior computer systems analyst.	10,266.05
Benjamin R. Candler	Programer analyst	8,064.12
Antionette P. Gauthier	Communications control coordinator.	4,850.17
Robert J. Mumma	Senior computer operator.	5,594.10
Curtis L. Merrick	Section manager	12,094.68
Vernon J. Walters	Programer analyst	7,741.62
Jasper T. Wagliardo	Section manager	11,352.36
Charles E. Graham	Deputy director	18,000.00
Edmund S. Mesko	Information systems specialist.	10,777.68
Dwight H. Pfaehler	Senior information systems specialist.	7,797.68
Gerald L. Barnes	Junior programer	5,239.56
William Freeman	Senior computer systems analyst.	10,666.80
Don Anderson	Systems factors analyst.	$5,923.02
Barbara Burda	Senior production control specialist.	4,831.50
Don L. Robinson	Junior system factors analyst.	7,212.08
Jimmy Powell	Programer analyst	5,272.36
Anne Wightman	do	6,286.74
Norman Young	Senior section manager.	12,901.38
Thomas Hawk	Communications control coordinator.	5,319.18
Robert Cohen	Information systems specialist.	9,903.90
John T. Reed	Senior computer systems analyst.	10,664.04
Berthine Washington	Data preparation specialist.	3,875.46
Howard Ulep	Group manager	12,094.68
Ada Taylor	Communications terminal operator.	2,189.22
Robert Klukas	Section manager	10,683.00
K. Michael Frazier	Programer	6,286.50
Frank Robertson	Section manager	2,348.42
Sheldon Grosberg	Management assistant	12,527.52
Stephen Stofko	Group manager	13,739.52
Patricia Ann Costlow	Senior communications control coordinator.	5,213.33
Marsha Madden	Junior system factors specialist.	5,701.35
Frank W. Byrd	Senior computer operations coordinator.	6,083.52
Diane Lee Yudiskas	Programer analyst	162.93
Deloris Gilliam	Junior computer operator.	3,605.16
Mary Ryan Conroy	Administrative control coordinator.	4,326.81
Martha Crouse	Communications control coordinator.	4,892.82
Robert Garrett	Section manager	12,000.27
Margaret Hyland	Junior secretary	4,738.44
Steven B. Newman	Communications control coordinator.	4,301.70
Elmer Whiting	Computer operator	5,471.64
Linda Hall	Clerk-typist	3,479.20
Dianne Oshetski	Secretary	4,588.82
Frances Pratt	do	4,875.65
Francine Cromwell	Executive secretary	5,882.52
Katherine Diamond	Senior data preparation specialist.	4,027.50
Ed Fairleigh	Junior computer operator.	4,329.48
Samuel Rogers	Senior computer operator.	5,632.66
Donald Morris	Group manager	12,238.96
Louis Johannes	Administrative clerk	4,027.50
Lewis DuBusc	Section manager	11,696.52
Barbara Swart	Junior programer	4,165.14
Susan Starr	System factors analyst	9,420.22
David Underwood	Section manager	11,371.98
Marie Williams	Senior information systems specialist.	9,733.63
Sandra Levine	Junior communications terminal operator.	1,241.70
Stephanie Everett	Senior communications terminal operator.	3,477.99
Wilbur D. Smith	Senior information systems specalist.	11,413.05
Kendall Free	Computer systems analyst.	9,030.12
Gerald Murphy	Section manager	11,068.83
Katherine Bye	Technical research assistant.	5,014.32
Paul Pritchett	Production control coordinator.	4,605.06
Hettie Prater	Technical aide	6,915.36
Ruth Ann Wauters	Junior systems programer.	8,308.26
Stuart Edwards	Computer systems analyst.	9,622.98
Thomas Brown	Section manager	9,472.17
Barbara Daniel	Junior secretary	2,956.28
Richard Maynard	Senior operation research analyst.	12,040.68
Gerald McGuire	Group manager	12,901.38
Gerald Morrone	Computer systems analyst.	9,321.36
Luis Amigo	Programer analyst	7,338.81
Sandra Burke	Technical writer	6,084.00
Lolita Werhan	Junior secretary	3,876.30
Sandra May	Junior communications terminal operator.	1,903.94
James Daley	Programer analyst	7,820.04
Mark Shriver	Computer operator	5,149.44
Mary McNair	Junior data preparation specialist.	3,210.18
Walter Haggerty	Section manager	12,384.84
Wesley C. Jenkins	Computer systems analyst.	9,903.90
Susan Zweighaft	Programer	6,489.48
Robert Silberski	Junior technical aide	6,692.16
Donna Jean Fears	Junior programer	1,052.83
Jim Cowart	Programer	$4,630.60
Cletis Harper	Section manager	9,612.66
Paul M. Kunkel	Production control coordinator.	3,869.60
Kathryn Lyons	Junior communications terminal operator.	2,255.45
Dorothy Ellis	Data preparation specialist.	3,592.86
Amos Hilton	Production control specialist.	3,592.86
Cheryl Trovato	Junior system factors specialist.	5,817.36
Barbara Seymour	Data preparation specialist.	3,725.10
Candace Butler	Junior communications control coordinator.	4,003.53
Nancy Gordon	Junior system factors specialist.	6,084.00
James P. Howell	Junior communications terminal operator.	3,775.68
Stanley Croydon	Junior information systems specialist.	7,428.98
Joseph Evalt	Senior information	11,102.52
Colleen Gorgon	Junior typist systems specialist.	3,204.00
Carol Ann Ruga	Junior secretary	1,970.88
Thomas Leonardo	Computer systems specialist.	9,320.52
Karen Burzinski	Clerk typist	3,168.40
Raymond Ney	Data control specialist	1,068.00
Neil Armann	Information systems specialist.	11,080.50
Carl Schmidt	Systems programer	9,040.02
Henry Collins	Computer systems specialist.	11,371.98
Brian Connolly	Junior systems programer.	8,313.48
Terry Mahn	Programer	6,083.52
Lea Fowlie	Communications terminal operator.	3,646.43
Robert Reardon	Senior systems programer.	10,231.09
Michele Eastridge	Junior typist	1,174.19
Kathleen Mohajer	Junior system factors specialist.	4,731.63
Susan Groseclose	Junior secretary	3,100.65
Richard Fields	Manager	8,419.08
Ethlyn Brooks	Senior information systems specialist.	6,720.01
Helen G. Kenny	System factors analyst	5,876.01
Karen Blake	Communications terminal operator.	2,438.88
May Ellen Yarrington	Senior production control specialist.	2,304.63
Shirley Samuels	Senior clerk	1,361.18
Sharon E. Davis	Junior communications terminal operator.	1,549.58
Patrick Cullen	do	1,528.91
Patricia Bell	Typist	1,714.86
Patricia Dowling	Junior programer analyst.	2,735.28
Marian Lane	Senior data preparation specialist.	1,543.88
James Haga	Information systems specialist.	1,657.34
Jeffery Holcomb	Courier	729.80
Martin Collins	Computer systems specialist.	1,236.80
Michael Jones	Senior clerk	2,673.15
Janet Louise Conrad	Junior communications terminal operator.	959.73
Sylestene Walker	do	959.73
Katherine Kim	Junior typist	778.55
Aaron Greenberg	System factors analyst	1,542.26
Denise Asparagus	Junior data preparation specialist.	535.73
Elizabeth Scattergood	Junior communications terminal operator.	433.88
Marilyn Epstein	Programer	504.74
Kenneth L. Johnson	Senior computer operator.	463.40
Brenda Tereyla	Clerk	220.97
Michael Dougherty	Senior information systems specialist.	652.85
Jeremy D. Frey	Technical assistant	124.60
Susan Earley	do	124.60
Jocelyn White	do	124.60
Gregory Twitchell	do	124.60
Marc Shafroth	do	124.60
Michael Frankhuizen	do	124.60
Marilyn Knox	Junior typist	91.97
Amanda Leech	do	124.60

Funds authorized or appropriated for committee expenditures	$4,800,000.00
Amount of expenditures previously reported	1,711,505.30
Amount expended from Jan. 1 to June 30, 1974	1,174,408.24
Total amount expended from Jan. 1, 1973, to June 30, 1974	2,885,913.54
Balance unexpended as of June 30, 1974	1,914,086.46

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

July 12, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from **January 3 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:**

Name of employee	Profession	Total gross salary during 6-month period
Sidney L. McFarland	Terminated Mar. 31, 1974 as staff director and chief clerk.	$1,998.00
Lewis A. Sigler	Terminated Jan. 31, 1974 as general counsel.	429.00
Charles R. Conklin	Staff director and chief clerk.	18,000.00
Lee McElvain	General counsel	18,000.00
William L. Shafer	Consultant on mines, mining and public lands.	18,000.00
Charles Leppert, Jr	Minority counsel	18,000.00
Patricia A. Murray	Full committee clerk	12,060.69
Patricia B. Freeman	Administrative assistant.	10,729.62
Miriam L. Waddell	Secretary-clerk	8,392.50
Sandra Marie Metcalfe	do	8,103.90
Jack Daum	Staff consultant (minority).	12,000.00
Joanne Suter Burgess	Secretary-clerk (minority)-transfer to investment staff as of May 1, 1974.	3,841.56
Majorie J. Reynolds	Secretary-clerk (minority) as of May 1, 1974.	2,083.34
Jim T. Casey	Consultant on water and power resources.	18,000.00
Mary Lee Gennari	Clerk, Subcommittee on Water and Power Resources.	6,774.06
Nancy Lou Larson	Clerk, Subcommittee on Territorial and Insular Affairs.	9,809.78
Kathryn C. Loeffler	Clerk-receptionist	5,619.24
Adrian Winkel	Consultant on Subcommittee on Territorial and Insular Affairs.	16,851.00
Maurice J. Shean	do	16,851.00
David W. Luken	Terminated Apr. 30, 1974 as staff consultant—minority.	5,833.32
Marston Becker	Printing clerk	10,139.07
Edward Gaddis	Staff assistant	6,055.35
Bertha D. Drotos	Secretary-clerk (majority).	6,850.26
Rebecca D. Shapiro	Clerk, Subcommittee on Indian Affairs.	5,619.24
Pamela Warfield	Clerk, Subcommittee on Environment.	5,924.90
Stanley E. Scoville	Staff counsel, Subcommittee on the Environment.	10,999.98
Franklin Ducheneaux	Consultant, Subcommittee on Indian Affairs.	13,298.13
Thomas S. Dunmire	Staff consultant (minority).	5,802.00
Robert A. Hunt	Consultant, Subcommittee on Public Lands (terminated Apr. 30, 1974).	9,080.08
Bruce Driver	Staff counsel (minority).	10,500.00
James A. Rock	Staff consultant (minority).	11,250.00
Clay E. Peters	do	11,250.00
Nancy G. Drake	Clerk, Subcommittee on Public Lands.	7,071.96
Sharon Peck Cockayne	Secretary, Subcommittee on Public Lands.	5,551.09
John D. Curtis	Terminated May 31, 1974 as staff assistant, Subcommittee on Environment.	7,083.35 7,083.35
Betty Nevitt	Clerk, Subcommittee on National Parks and Recreation.	6,810.06
Dale Pontius	Staff assistant, Subcommittee on Environment.	8,916.68
Betty Jo Hunt	Staff assistant, Subcommittee on Indian Affairs.	7,857.78
Norman R. Williams	Consultant, Subcommittee on Mines and Mining.	12,499.98
Thomas L. Laughlin	Staff assistant, Subcommittee on Mines and Mining.	6,000.00
Gail Whitestone	Secretary-clerk (minority).	4,708.32
Sandra Ann Hugg	Terminated Apr. 30, 1974 as secretary, Subcommittee on Environment.	$2,619.24
David R. Brown	Staff assistant, Subcommittee on Public Lands (as of Mar. 18, 1974.	4,148.60
Cleveland Pinnix	Consultant, Subcommittee on National Parks and Recreation (as of Apr. 14, 1974).	4,919.45
Joanne Suter Burgess	Secretary-clerk (minority) as of May 1, 1974.	2,020.84
Michael Jackson	Staff consultant (minority) as of May 1, 1974.	2,500.00
Deborah Medlar	From May 17, 1974 to June 21, 1974 as secretary, Subcommittee on Environment.	729.17
Elizabeth K. Medeiros	Clerk, Subcommittee on Mines and Mining. (as of June 21, 1974).	4,377.22
Ann F. Zumwalt	Intern, Subcommittee on Indian Affairs.	166.67
Sidney McFarland	Consultant under contract.	3,600.00
Lewis A. Sigler	do	6,000.00

Funds authorized or appropriated for committee expenditures	$1,496,000.00
Amount of expenditures previously reported	497,993.03
Amount expended from Jan. 1 to June 30	362,002.31
Total amount expended from June 19, to June 30, 1974	362,002.31
Balance unexpended as of June 30, 1974	636,004.66

JAMES A. HALEY, Chairman.

COMMITTEE ON INTERNAL SECURITY

July 10, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from **January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:**

Name of employee	Profession	Total gross salary during 6-month period
Standing committee (majority):		
Robert M. Horner (P)	Professional staff assistant.	$11,358.00
William H. Hecht (P)	Executive staff assistant	16,361.10
Alfred M. Nittle (P)	Legislative counsel	18,000.00
Robert A. Crandall (P)	Counsel	16,000.02
Richard A. Shaw (C)	Chief investigator (resigned June 23, 1974).	11,533.33
William G. Shaw (P)	Research director	12,168.00
V. Bernice King (C)	Financial secretary	10,597.41
Mary M. Valente (C)	Administrative secretary.	10,615.20
John F. Lewis (P)	Professional staff assistant.	15,286.20
Standing committee (minority):		
DeWitt White (P)	Legal counsel	17,749.98
Herbert Romerstein (C)	Chief investigator	16,083.78
James L. Gallagher (C)	Research analyst	13,142.52
Investigative committee (majority):		
William H. Stapleton	Staff director	7,842.00
Margie D. Biggerstaff	Secretary	5,865.00
Daniel Butler	Documents clerk	6,082.20
S. Janice Coil	Secretary	6,952.89
Elizabeth S. Crawford	Clerk	97.22
Anniel Cunningham	Chief files and reference section.	9,956.10
Florence Doyle	Secretary	5,564.52
Helen M. Gittings	Editor	10,360.86
Doris Jaeck	Information analyst	5,918.85
Mildred V. James	Clerk-typist	4,184.32
Norma H. Lewis	Secretary (resigned Apr. 14, 1974).	$3,455.33
Tina V. Markey	Information classifier	3,580.02
Anita S. Maggio	Clerk	3,776.94
Terry M. Morgan	Information classifier (appointed Jan. 14, 1974).	3,247.20
Virginia Masino	Receptionist	5,020.37
John E. Manning	Investigator (resigned June 30, 1974).	11,478.00
David J. Murray	Assistant documents clerk (resigned Apr. 9, 1974).	1,969.01
Maureen P. Ontrich	Information analyst (resigned Mar. 31, 1974).	2,583.06
P. Lamar Payne	Assistant documents clerk (summer help, appointed June 10, 1974).	379.17
Alma T. Pfaff	Research analyst	7,009.29
Stuart Pott	Investigator	8,137.25
S. Louise Rees	Research analyst	7,500.00
Audrey Rollins	Secretary	5,562.86
Jane Y. Rumsey	Clerk-typist (summer help, appointed Apr. 1, 1974).	1,708.53
Albert H. Solomon, Jr.	Investigator	10,650.00
John N. Stratton	do	9,242.52
S. Jane Strawser	Secretary (appointed May 20, 1974).	1,252.78
Barbara C. Sweeny	Editor	5,543.22
Susan K. Tonkinson	Information analyst	5,126.28
Investigative committee (minority):		
George C. Armstrong	Investigator	8,425.50
Browardine Broyhill	Research assistant (resigned Mar. 31, 1974).	1,178.67
Donna Francisco	Research assistant (appointed Apr. 4, 1974).	1,875.00
Richard Norusis	Investigator	9,006.54
Linda Spirt	Secretary	7,430.28
William T. Poole	Research analyst	7,999.20

Funds authorized or appropriated for committee expenditures	$950,000.00
Amount of expenditures previously reported	446,398.16
Amount expended from Jan. 3 to June 30, 1974	212,942.81
Total amount expended from Jan. 1 to June 30, 1974	659,340.97
Balance unexpended as of June 30, 1974	290,659.03

RICHARD I. ICHORD, Chairman.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from **January 1 to July 1, 1974, inclusive, together with total funds authorized or appropriated and expended by it:**

Name of employee	Profession	Total gross salary during 6-month period
Clerical staff:		
W. E. Williamson	Clerk	$18,000.00
Kenneth J. Painter	First assistant clerk	17,475.24
Marcella F. Johnson	Assistant clerk	11,401.08
Frank W. Mahon	Printing editor	11,499.42
Eleanor A. Dinkins	Clerical assistant	9,142.86
Mary Ryan	do	9,142.86
Laura F. Elder	do	7,150.98
Edwin E. Thomas	Staff assistant	8,113.58
Lewis E. Berry (minority).	Minority counsel	18,000.00
Professional staff:		
William J. Dixon	Professional staff member.	18,000.00
Robert F. Guthrie	do	18,000.00
Charles B. Curtis	do	18,000.00
Lee S. Hyde	do	18,000.00
Jeffrey H. Schwartz	do	14,048.13
Elizabeth Harrison	do	14,048.13
John Gamble	Counsel	15,202.95

Name of employee	Profession	Total gross salary during 6-month period
Additional temporary employees under H. Res. 182, 303, 916:		
Henry Thomas Greene	Staff assistant (minority).	$13,727.34
Barbara L. Bullard	Clerical assistant (minority).	8,521.06
Darlene G. McMullen	do	6,510.64
Jan B. Vlcek	Staff assistant (minority).	12,287.40
Bertram J. Levine	do	12,287.40
Thomas C. Sawyer	Staff assistant (minority) (from Apr. 1, 1974).	6,476.85
Joseph T. Kelley	Staff assistant (minority) (from May 1, 1974).	1,500.00
Joanne E. Bell	Clerical assistant	6,000.00
Violet M. McCarthy	do	7,710.84
Ann P. Jordan	do	5,662.50
Barboura C. Flues	do	6,857.52
Clarence E. Martin III	Assistant counsel (from May 20, 1974).	1,700.33
Martin Auerbach	Staff assistant (to June 16, 1974).	4,831.04
Jo Anne Glisson	Clerical assistant	5,505.16
John L. Duncan	do	7,857.78
Susan Tomasky	Clerical assistant (from June 1, 1974).	666.67
Walter J. Graham, Jr.	Staff assistant	14,959.62
Steve Lawton	do	14,959.62
Michael R. Lemov	do	14,959.62
Richard Krolik	do	14,959.62
Marilyn Barber	Clerical assistant (from June 1, 1974).	585.33
Elizabeth Bailey	Clerical assistant	4,750.02
Michael J. Russo	Clerical assistant (from June 19, 1974).	200.00
Douglas Stoddart	Clerical assistant (from June 10, 1974).	466.67
Michael J. Pucillo	Clerical assistant (from June 1, 1974).	500.00
Thomas A. Mesereau, Jr.	Staff assistant (from Feb. 1, 1974).	4,166.65
Special Subcommittee on Investigations:		
Daniel J. Manelli	Chief counsel	18,000.00
William T. Druhan	Staff assistant	16,375.02
James R. Connor	Special assistant	15,183.66
Benjamin J. Smethurst.	do	16,375.02
Mark J. Raabe	Staff attorney	15,688.86
Michael J. Parker	do	12,783.48
Albert J. McGrath	Special assistant	8,821.62
Lynne D. Finney	Staff attorney	13,096.26
Raymond C. Cole	Special assistant	11,015.52
Elizabeth G. Paola	Clerical assistant	9,142.86
Russell D. Mosher	Staff assistant	6,088.26
Diane G. Kirchenbauer	Clerical assistant	6,682.32
Michael F. Barrett	Staff attorney	15,688.86
Elizabeth A. Eastman	Clerical assistant	7,706.04
Special securities study group:		
Robert L. Stern	Special cosultant (to Jan. 31, 1974).	2,663.23
Harvey Rowan	Staff attorney	14,746.40
Marion S. Ryan	Clerical assistant	5,228.04
Vicky Austin	Clerical assistant (to Apr. 30, 1974).	3,485.36
Lisa A. Wiles	Clerical assistant (from May 1, 1974).	1,666.66

Funds authorized or appropriated for committee expenditures	$1,819,000.00
Amount of expenditures previously reported	814,269.17
Amount expended from Jan. 1 to June 30, 1974	440,182.24
Total amount expended from Jan. 3, 1973 to June 30, 1974	1,254,451.41
Balance unexpended as of June 30, 1974	564,548.59

HARLEY O. STAGGERS, Chairman.

STANDING COMMITTEE ON THE JUDICIARY

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Jerome M. Zeifman	General counsel	$18,000.00
Garner J. Cline	Associate general counsel.	18,000.00
Herbert Fuchs	Counsel	18,000.00
William P. Shattuck	do	18,000.00
H. Christopher Nolde	do	17,810.88
Franklin G. Polk	Associate counsel	17,601.36
Alan A. Parker	Counsel	16,500.00
Roger Pauley	Associate counsel (through Feb. 10, 1974).	3,492.33
Thomas E. Mooney	Associate counsel	14,458.26
Alexander B. Cook	Associate counsel (from Mar. 1, 1974).	9,219.76
Frances F. Christy	Legislative analyst	12,048.54
Mary G. Sourwine	Clerical staff	10,429.32
Jane C. Caldwell	Clerical staff (through Apr. 30, 1974).	6,705.44
Gertrude Clara Burak	Clerical staff	8,948.04
Pearl Chellman	do	7,851.00
Alma Haardt	do	7,801.02
Alice M. Smith	Clerical staff (from June 1, 1974).	1,114.58
Investigating staff:		
Lynn Alcock	Clerical staff	7,249.98
Deborah Alt	do	5,500.02
Veronica Amick	Clerical staff (from June 17, 1974).	388.89
Maurice A. Barboza	Counsel	11,626.02
Michael W. Blommer	Associate counsel	14,414.82
Robert L. Brown	Assistant counsel	7,999.98
Alan F. Coffey, Jr.	Associate counsel (from Mar. 25, 1974).	5,600.00
Daniel L. Cohen	Counsel	11,476.98
Alexander B. Cook	Associate counsel (through Feb. 28, 1974).	4,609.88
Lizzie M. Daniels	Clerical staff	4,849.98
Eva J. Denev	do	8,207.52
William P. Dixon	Counsel	13,310.52
Arthur P. Endres, Jr.	do	11,601.98
James F. Falco	do	13,072.50
James B. Farr	Messenger-clerk	5,392.50
Theresa M. Gallo	Clerical staff	6,083.33
Constantine J. Gekas	Associate counsel (from Jan. 23, 1974).	9,216.67
Linda C. Gersten	Clerical staff	9,467.52
Roberta Haeberle	Clerical staff (from June 24, 1974).	155.56
Timothy J. Hart	Assistant counsel (from May 6, 1974).	2,215.27
James D. Hoard	Staff analyst (from Feb. 11, 1974).	4,861.13
Sharon B. Hughes	Clerical staff	5,115.00
Thomas W. Hutchison	Counsel	11,749.98
Alice M. Jackson	Clerical staff	6,137.52
Frederick Jett	Counsel (through Apr. 20, 1974).	366.67
Susan Kapuza	Clerical staff (from Mar. 17, 1974).	2,055.55
Jeffrey Kayden	Clerical staff	3,600.00
Michael Kelemonick	do	7,801.02
Olga Kirk	do	5,749.98
Bruce Lehman	Counsel (from Jan. 21, 1974).	8,888.91
Stephen P. Lynch	Research assistant	5,250.00
Florence T. McGrady	Clerical staff	7,801.02
Betty Jean McKay	do	5,010.00
Mary E. Manners	do	3,750.00
Michael P. Murphy	do	4,053.86
Nancy L. Parke	do	5,529.00
Joan Porter	Clerical staff (through Mar. 15, 1974).	2,077.07
Cheri Robinson	Clerical staff (from Apr. 15, 1974).	1,583.33
Ruth O. Robinson	Assistant counsel	12,499.98
Dennis S. Rutkus	Staff analyst	7,333.92
Dawn M. Ruuspakka	Clerical staff	4,828.02
Arden B. Schell	Assistant counsel	9,006.48
Holly C. Shaw	Clerical staff	2,444.45
Judith M. Shellenberger.	do	4,902.87
Alice M. Smith	do	4,947.90
Jared B. Stamell	Assistant counsel	10,977.00
Peter Straub	do	3,963.67
Robert J. Trainor	Counsel	11,476.98
Jean LaRue Traylor	Assistant counsel (through Mar. 31, 1974).	4,500.00
Louis S. Vance	Messenger	5,669.46
Dorothy Wadley	Clerical staff	6,137.52
Karen Walsh	do	3,928.98
Marice C. Werth	Clerical staff (from Mar. 25, 1974).	2,133.34
Mary Y. Westergren	Clerical staff (through May 15, 1974).	2,812.50
Minnie White	Clerical staff (through June 30, 1974).	9,429.30
Janice A. Zarro	Assistant counsel	7,999.98
Virginia Allred	Clerical staff (from Feb. 9, 1974).	5,522.24
Fred H. Altshuler	Counsel (from Jan. 16, 1974).	$9,854.18
Barbara A. Bacon	Clerical staff (from Feb. 25, 1974).	836.15
Ernest Banchero	Clerical staff	5,183.34
Maureen Barden	Research assistant	7,741.65
Carolyn K. Beahm	Clerical staff (through March 1, 1974).	1,186.10
Thomas D. Bell	Counsel (from Jan. 7, 1974).	9,425.00
David L. Bennet	Clerical staff (from Jan. 1, 1974).	4,449.99
Elsie A. Biggs	Clerical staff (from Mar. 9, 1974).	3,266.67
William P. Bishop	Counsel (from Jan. 29, 1974).	5,911.13
Philip Boone, Jr.	Clerical staff	4,241.66
Nancy H. Brooks	Clerical staff (from Jan. 28, 1974).	5,276.40
Jeannette Brown	Clerical staff (through Feb. 15, 1974).	1,166.67
Martha K. L. Brown	Clerical staff (from Jan. 21, 1974).	4,444.43
Cheryl R. Budd	Clerical staff	1,167.48
Julia Busalacchi	Clerical staff (from Apr. 25, 1974).	2,108.33
Susan Butler	Clerical staff (from Mar. 17, 1974).	1,808.89
Barbara Campbell	Research assistant (from May 5, 1974).	1,883.33
Doris G. Cassidy	Clerical staff	1,824.98
Richard L. Cates	Senior associate special counsel.	18,000.00
Robert H. Charles	Security assistant (from May 6, 1974).	2,291.67
Abbie L. Cole	Technician (Mar. 15, through Apr. 30, 1974).	2,555.56
Michael M. Conway	Counsel (from Jan. 1, 1974).	8,444.43
Donald R. Coppock	Information officer (from Jan. 23, 1974).	5,103.40
Rufus Cormier, Jr.	Special assistant (from Jan. 22, 1974).	9,683.33
Edward L. Dale	Counsel (from Jan. 22, 1974).	9,716.65
Lois D'Andre	Administrative assistant (through Feb. 1, 1974).	1,550.00
John B. Davidson	Counsel (from Feb. 4, 1974).	8,166.68
Evan A. Davis	Counsel (from Jan. 23, 1974).	14,044.46
Lance Davis	Clerical staff (from May 25, 1974).	720.00
Susan Davis	Clerical staff (from Apr. 1, 1974).	2,499.99
Beatrice E. Dillard	Clerical staff (from Feb. 4, 1974).	4,370.83
John M. Doar	Special counsel	18,000.00
Patricia A. Donohue	Clerical staff (through Mar. 1, 1974).	2,363.89
Marie Drayer	Clerical staff (from Feb. 7–June 28, 1974).	4,930.57
Elizabeth M. Dunigan	Research assistant (from Jan. 28, 1974).	4,249.98
Valerie P. DuVal	Clerical staff (from Feb. 1, 1974).	5,208.35
Charles E. Feeley	Clerical staff	4,216.66
Barbara Fletcher	Clerical staff (from Jan. 21, 1974).	6,666.67
Jonathan Flint	Research assistant (from Jan. 29, 1974).	4,222.21
Gayle D. Falin	Clerical staff	4,708.35
David C. Forrester	Clerical staff (from Jan. 28, 1974).	3,516.66
Samuel A. Garrison	Counsel	17,500.00
Gregory M. Gill	Clerical staff (from Feb. 14, 1974).	3,320.55
Richard Gill	Counsel (from Jan. 22, 1974).	14,133.35
Paul Goodrich	Counsel (through May 21, 1974) (from June 1–15, 1974).	4,303.33
Patricia Gray	Clerical staff (from Jan. 7, 1974).	5,380.55
James Haardt	Clerical staff (from May 5, 1974).	1,120.00
Judy Haberek	Clerical staff (from Jan. 28, 1974).	4,213.87
Charlene R. Haley	Clerical staff (Feb. 25 through Mar. 11, 1974).	94.44
Dagmar S. Hamilton	Counsel (through June 28, 1974).	10,877.76
David S. Hanes	Assistant to special counsel (through May 31, 1974).	11,458.35
Timothy Harr	Research assistant (from June 3, 1974).	894.44

STANDING COMMITTEE ON THE JUDICIARY—Continued

Name of employee	Profession	Total gross salary during 6-month period
Kenneth S. Hays	Clerical staff (from May €, 1974).	$1,100.00
Robert K. Hedrick, Jr.	Clerical staff	4,299.99
Janet Howard	Administrative assistant.	8,066.66
Michael H. Hughes	Clerical staff	4,483.32
Roberta Johansen	Research assistant (from Jan. 14, 1974)	6,587.20
Florence C. Johnson	Clerical staff (Jan. 21 through Mar. 31, 1974).	2,236.10
Yolanda Johnson	Clerical staff (from June 10, 1974).	262.50
Ilene Katz	Clerical staff (from Mar. 1, 1974).	4,125.01
John E. Kennahan	Counsel	15,791.68
Lawrence Keives	Research assistant (from Jan. 1, 1974).	6,888.91
Terry Kirkpatrick	Counsel (from Feb. 16, 1974).	6,937.52
Helen F. Klein	Research assistant (Jan. 23 through Feb. 2, 1974).	300.00
Kris M. Kononen	Clerical staff (from Feb. 2, 1974).	4,552.80
John Labovitz	Counsel (from Feb. 1, 1974).	13,014.18
Patsy Ann Leigh	Clerical staff (from Mar. 6, 1974).	3,513.90
Alyn H. Levin	Clerical staff (from Feb. 9, 1974).	3,352.76
Lawrence Lucchino	Counsel (from Feb. 2, 1974).	7,297.24
Phyllis MacKown	Clerical staff (from Jan. 10, 1974).	7,027.79
R. L. Smith McKeithen	Counsel (from Feb. 4, 1974).	9,800.00
Alan Marer	Counsel (Mar. 11 through June 25, 1974).	9,333.35
Elizabeth J. Marra	Clerical staff (from Jan. 19, 1974).	4,808.33
Benjamin C. Marshall Sr.	Security officer (from Jan. 14, 1974).	9,380.57
Catherine Marshall	Research assistant (from June 17, 1974).	280.00
E. Anne Meiselman	Clerical staff (Feb. 14 through Mar. 24, 1974).	1,050.00
Michael J. Murphy	Clerical staff (from Jan. 28, 1974).	3,562.50
Robert J. Murphy, Jr.	Staff assistant	4,624.99
Ricki L. Ninomiya	Clerical staff (from Mar. 4, 1974).	3,249.99
Bernard W. Nussbaum.	Senior associate special counsel (from Jan. 17, 1974).	16,400.00
James B. Oliphant	Counsel (from Jan. 21, 1974).	11,555.57
Jan Orloff	Research assistant (from Feb. 11, 1974).	5,638.87
Ann J. Palmer	Clerical staff (from June 3, 1974 through June 17, 1974).	466.67
Thomas J. Payne	Staff assistant	11,630.01
John Peterson	Research assistant (from Feb. 11, 1974).	4,791.67
Elizabeth Pond	Clerical staff (from Jan. 18, 1974).	5,206.93
Richard H. Porter	Counsel (from Feb. 6, 1974).	8,659.74
Lillian V. Pride	Clerical staff (Feb. 2, through Feb. 5, 1974).	94.44
Muriel Pugh	Research assistant (from Feb. 11, 1974).	5,055.55
George G. Rayborn, Jr.	Counsel (from Jan. 17, 1974).	12,072.20
Sally A. Regal	Research assistant	4,733.32
James M. Reum	Counsel (from Feb. 1, 1974).	9,166.65
Joan A. Reynolds	Clerical staff (from Feb. 16 through June 16, 1974).	4,537.50
Jane Ricca	Clerical staff (from Feb. 11, 1974).	5,833.33
Elise Ritter	Clerical staff (from May 16, 1974).	900.00
Hillary Rodham	Counsel (from Jan. 14, 1974).	8,813.87
Linda Rogerson	Clerical staff (from Mar. 15, 1974).	3,533.33
Marguerite M. Roney	Audio specialist (Apr. 1 through Apr. 30, 1974).	1,458.33
Robert D. Sack	Associate special counsel (from Jan. 17, 1974).	15,488.87
Nancy R. Schaefer	Clerical staff (from Jan. 14, 1974).	5,697.21
Diane I. Schneider	Clerical staff (Feb. 15 through June 7, 1974).	3,390.00
Alan E. Schwartz	Clerical staff (from May 8, 1974).	$1,207.22
Sara L. Shafer	Clerical staff (from Jan. 7, 1974).	5,447.49
Stephen A. Sharp	Counsel (from Feb. 3, 1974).	7,893.33
Robert A. Shelton	Associate counsel for administration (Jan. 1 through June 30, 1974).	16,208.33
Katherine R. Siddall	Clerical staff (from Feb. 15, 1974).	1,893.06
Eileen Silverstein	Counsel (from June 7, 1974).	1,333.34
Carl H. Simms	Security assistant (from May 1, 1974).	2,875.00
Barbara Simon	Clerical staff (Apr. 29 through May 17, 1974).	1,240.00
Doris G. Smith	Clerical staff (from Jan. 3, 1974).	5,358.33
Mary Ann Spaeth	Clerical staff (from Apr. 1, 1974).	1,991.67
Roscoe B. Starek, III	Counsel (from Jan. 22, 1974).	7,950.00
Gary W. Sutton	Counsel (from Jan. 28, 1974).	10,624.98
Nina Sweetwood	Clerical staff	4,216.66
Edward S. Szukelewicz	Counsel (from Jan. 28, 1974).	7,950.90
Theodore R. Tetzlaff	Counsel (Feb. 11, 1974 through Mar. 24, 1974).	3,361.12
Sue M. Trabosh	Clerical staff (from Jan. 14, 1974).	6,113.88
Nina J. Turitz	Clerical staff	4,216.66
James S. Walker	Counsel (from Apr. 1, 1974).	5,675.01
Ben A. Wallis, Jr.	Counsel (from Feb. 13, 1974).	9,966.68
Olga E. Watkins	Clerical staff (from Jan. 18, 1974).	6,338.91
Gary M. Weaver	Clerical staff	3,499.98
William F. Weld	Counsel (from Jan. 14, 1974).	10,901.37
Muriel J. White	Clerical staff (Feb. 14 through May 17, 1974).	2,872.24
William A. White	Associate counsel	11,749.98
John S. Whitman	Counsel (from June 3, 1974).	1,555.56
Josephine C. Will	Clerical staff (Jan. 21 through Jan. 31, 1974).	325.00
Denise R. Wilson	Clerical staff (from May 28, 1974).	325.00
Joseph Woods	Senior association special counsel (Jan. 14 through May 22, 1974).	12,900.00
Joanne Woods	Research assistant (from June 10, 1974).	554.17
Yvonne Zecca	Clerical staff (from Mar. 7, 1974).	1,140.00

Funds authorized or appropriated for committee expenditures	$2,585,217.75
Amount of expenditures previously reported	554,680.06
Amount expended from Jan. 1 to June 30, 1974	1,312,028.06
Total amount expended from Jan. 3, 1973 to June 30, 1974	1,866,708.12
Balance unexpended as of June 30, 1974	718,509.63

PETER W. RODINO, Jr., Chairman.

Funds for Preparation of United States Code, District of Columbia Code, and Revision of the Laws

A. Preparation of New Edition of United States Code (no year):	
Unexpended balance Dec. 31, 1973	$131,808.61
Expended Jan. 1–June 30, 1974	27,310.31
Balance June 30, 1974	104,498.30
B. Preparation of New Edition of District of Columbia Code:	
Unexpended balance Dec. 31, 1973	153,562.90
Expended Jan. 1–June 30, 1974	7,764.12
Balance June 30, 1974	145,798.78
C. Revision of the Laws, 1974:	
Unexpended balance Dec. 31, 1973	21,980.00
Expended Jan. 1–June 30, 1974	7,764.12
Balance June 30, 1974	14,215.88

PETER W. RODINO, JR., Chairman.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Ernest J. Corrado	Chief counsel	$18,000.00
Ned P. Everett	Counsel	17,534.34
Francis D. Heyward	do	12,136.32
Leonard L. Sutter	do	15,421.74
Frances P. Still	Chief clerk	4,959.84
W. Bernard Winfield	Clerk	13,072.98
Vera A. Barker	Secretary	10,602.42
Richard N. Sharood	Minority counsel	16,523.28
Charles A. Bedell	do	11,000.00
Virginia L. Noah	Minority clerk	10,464.74
Investigative committee staff:		
Mary C. McDonnell	Counsel	11,556.32
Frank M. Potter, Jr	do	11,182.18
Carl L. Perian	Professional staff member.	14,870.94
Donald A. Watt	Editor	11,135.58
Terrence W. Modglin	Clerk	5,881.42
Ruth I. Hoffman	Assistant clerk	7,710.84
Jacquelyn M. Westcott	Stenographer-clerk	7,327.92
Eleanor P. Mohler	Secretary	6,941.04
Mabel Duran	do	6,908.28
Marvadell Zeeb	Secretary (appointment Jan. 1, 1974).	5,461.69
Boyd T. Bashore	Clerk (appointment May 1, 1974).	3,500.00
Gwndolyn H. Lockhart	Assistant minority clerk.	7,160.10

Funds authorized or appropriated for committee expenditures	$494,500.00
Amount of expenditures previously reported	203,063.19
Amount expended from Jan. 1 to June 30, 1974	116,675.48
Total amount expended from Jan. 1, 1973 to June 30, 1974	319,738.67
Balance unexpended as of June 30, 1974	174,761.33

LEONOR F. SULLIVAN, Chairman.

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
John B. Martiny	Chief counsel	$13,686.00
Victor C. Smiroldo	Staff director and counsel.	17,916.66
Theodore J. Kazy	Assistant staff director	17,916.66
Roy C. Mesker	Staff assistant	17,916.66
Francis C. Fortune	Coordinator	15,175.02
Robert E. Lockhart	Assistant counsel	15,649.98
Barbara M. Wells	Executive secretary	9,730.02
Maria R. Pendleton	Administrative clerk	9,604.98
Dorothy L. Peters	Document clerk	8,340.00
Special fund staff:		
Edward T. Hugler	Investigator	14,625.00
Alton M. Howard	Printing editor	11,350.02
John Gabusi	Staff assistant	9,750.00
Margaret Napier	Secretary	6,445.02
Jo Ann Ciaravella	do	6,250.02
Patricia Perdue	do	4,274.98
Catharin Thomas (through Apr. 30).	Assistant document clerk.	3,460.00
Diane Bakall (as of May 20).	Clerk-typist	683.33
Edward M. Sibble (as of May 20).	Intern	546.67
Andrew Sangeorge (as of June 14).	do	226.67

Name of employee	Profession	Total gross salary during 6-month period
Manpower and Civil Service Subcommittee:		
Paul Newton	Investigator	$12,000.00
Patricia Pankonin	Secretary	6,000.00
Evelena Carroll (as of June 10).	Clerk-typist	437.50
Julia McNair (through May 17 and June 1 through June 14).	Secretary	3,355.57
Deborah Willey (as of June 17).	Intern	186.67
Postal Service Subcommittee:		
Richard Barton	Staff assistant	13,999.98
Cassandra Cox	Secretary	4,750.02
Rosemary Storey (as of Mar. 18).	Associate staff assistant.	3,433.33
Joy Smucker (as of June 1).	Intern	400.00
Robert Husson (as of June 1).	do	400.00
Postal Facilities, Mail, and Labor Management:		
George B. Gould	Staff assistant	14,500.02
Michael Cavanagh	Associate staff assistant.	6,000.00
Paula Hemphill (as of May 24).	Secretary	1,181.94
Janet Jerz (through May 31).	do	4,599.98
Karen Ingoldsby (as of June 16).	Intern	200.00
Retirement and Employee Benefits:		
Donald Terry (through Mar. 1 and as of May 28).	Assistant counsel	5,483.34
Robert Neuman (through Mar. 1–May 31).	do	6,000.00
Michael O'Connor (through Mar. 1).	Staff aide	3,050.00
Joseph Skillin (as of Mar. 1).	Staff assistant	4,400.00
Bruce Mansel Gwinn	do	4,999.98
Wendy Weisheit	Secretary	3,649.98
Census and Statistics:		
Richard Bullock	Staff assistant	13,999.98
Bettie LaMotte	Secretary	6,250.02
Austin Bray, Jr. (through Apr. 15).	Assistant counsel	4,593.75
Ronald McCluskey (from Apr. 16 through May 31).	do	1,968.75
Minority:		
Anthony J. Raymond	Staff assistant	12,900.00
Ray H. Coultrap	do	7,900.02
Kathryn Bates	Secretary	6,925.02
Margaret Barry	do	5,749.98
Lawrence Portwood (as of June 17).	Intern	186.67

Funds authorized or appropriated for committee expenditures	$1,173,500.00
Amount of expenditures previously reported	486,885.36
Amount expended from Jan. 1, to Jul 1, 1974	268,827.11
Total amount expended from Jan. 1, 1973 to to June 30, 1974	755,712.47
Balance unexpended as of June 30, 1974	417,787.53

THADDEUS J. DULSKI, Chairman.

COMMITTEE ON PUBLIC WORKS

June 30, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Richard J. Sullivan	Chief counsel	$18,000.00
Lester Edelman	Counsel	18,000.00
Lloyd A. Rivard	Engineer consultant	18,000.00
Carl H. Schwartz, Jr.	Consultant—projects and programs.	5,538.00
James. L. Oberstar	Administrator	18,000.00
Dorothy A. Beam	Executive staff assistant.	$13,135.23
Meriam A. Buckley	Calendar clerk	10,685.28
Sterlyn B. Carroll	Staff assistant	9,613.49
Ruth Costello	do	10,046.42
Clifton W. Enfield	Minority counsel	18,000.00
Richard C. Peet	Associate minority counsel.	18,000.00
Erla S. Youmans	Minority executive staff assistant.	10,874.82
Investigating staff:		
Phyllis B. Stone	Staff assistant	5,408.77
Peggy C. Pasquini	do	5,893.30
Joan Marie Kovalic	do	9,250.02
Thomas L. Anderson	do	6,024.30
Patricia Carol Cross	Staff assistant (terminated Jan. 11, 1974).	272.11
Catherine A. Evans	Staff assistant	5,668.30
Roger B. Furey	do	2,988.22
J. Ann Joseph	do	4,557.48
Robert Whitfield	Staff assistant (terminated Jan. 31, 1974).	1,047.70
Machele Miller	Staff assistant	5,518.09
Shirley Ruhe	do	7,333.92
Robert F. Spence	do	10,028.52
Toby J. Stein	do	4,884.97
Clyde E. Woodle, Jr	do	9,782.67
Olga Wynnyk	do	4,190.82
Charilyn W. Cowan	Staff assistant (effective Jan. 10, 1974).	3,800.02
Christine E. Teal	Staff assistant (effective Feb. 5, 1974) (terminated Apr. 30, 1974).	2,030.55
Harry Lee Stout	Staff assistant (effective Mar. 1, 1974).	4,666.68
Gail Ann Chase	Staff assistant (effective May 13, 1974).	1,066.67
Douglas W. Marshall	Staff assistant (effective May 20, 1974).	820.00
Catherine Lawson Hagaman.	Staff assistant (effective June 3, 1974).	833.33
Kevin J. Jennier	do	933.33
Elisabeth Forshay	Staff assistant (effective June 13, 1974).	575.00
Gordon E. Wood	Assistant minority counsel.	16,763.22
Sheldon S. Gilbert	do	16,523.28
Patricia A. Hill	Minority staff assistant	6,925.05
Richard C. Barnett	do	7,925.70
Brenda G. Jones	do	2,237.11
Alexandra R. Sassoon	do	5,346.23
Joanne Morrone Frantzich.	do	5,323.73
Cheryl Ann Meyers	do	5,080.48
Florence B. Edelen	Minority staff assistant (effective Apr. 15, 1974).	2,427.77
James Walter Brown	Minority staff assistant (effective June 10, 1974).	700.00
Errol Lee Tyler	Associate counsel	15,715.50
Joseph A. Italino	Editorial assistant	12,152.41
Marie M. Lynch	Clerk, Subcommittee on Water Resources.	7,907.27
Nancy B. Vitali	Clerk, Subcommittee on Public Buildings and Grounds.	8,721.93
Subcommittee on Economic Development:		
Robert Paul	Consultant, environment and economic development.	18,000.00
Carl J. Lorenz	Counsel	17,432.04
Margaret McCarthy	Staff assistant (terminated Jan. 31, 1974).	846.89
Anne Louise Howard	Staff assistant	5,668.12
Ann D. Clineburg	do	6,286.20
John Jeffery Carter	do	4,583.33
Nancy Denholm	Staff assistant (effective Feb. 19, 1974).	3,116.65
Subcommittee on Energy:		
Salvatore J. D'Amico	Counsel	17,936.64
Henry G. Edler	Technical adviser	18,000.00
Carole Dahlstedt	Clerk	8,381.58
Stephanie G. Negley	Staff assistant	6,286.20
Subcommittee on Investigations and Review:		
Walter R. May	Chief counsel	18,000.00
John P. O'Hara	Associate counsel	17,432.04
Robert G. Lawrence	do	18,000.00
George M. Kopecky	Chief investigator	18,000.00
William O. Nolen	Investigator	11,621.40
George P. Karseboom	Professional staff member.	15,688.86
Charles A. Krouse	do	15,688.86
B. Craig Raupe	do	15,663.12
Charles W. Prisk	Staff engineer (effective Jan. 1, 1974).	5,838.00
Walter L. Mazan	Professional staff member (effective June 15, 1974).	1,000.00
Kathryn M. Keeney	Chief clerk	$11,015.52
Betty Hay Wright	Administrative assistant.	10,464.72
Agnes M. Ganum	Staff assistant	7,523.46
Shirley B. Novotny	do	7,263.36
Virginia Middledorf	do	6,600.54
John Brooks Harrington.	Staff assistant (effective Jan. 10, 1974).	1,710.00
Paul R. S. Yates	Minority staff director	17,624.82
Martha F. Downie	Minority staff assistant	7,995.33
Consultants:		
Stephen Clapp	Consultant	800.00
F. Robert Edman	do	10,900.00
Peter Jutro	do	1,060.00
Richard C. Royce	do	8,400.00
Max Taher	do	7,800.00
Chung-ming Wong	do	6,000.00

Funds authorized or appropriated for committee expenditures:	
H. Res. 285	$1,519,700.00
H. Res. 987	1,394,480.00
Total	2,914,180.00
Amount of expenditures previously reported	1,060,137.06
Amount expended from Jan. 1, to June 30, 1974	639,915.67
Total amount expended from Jan. 3, 1973, to June 30, 1974.	1,700,052.73
Balance unexpended as of June 30, 1974	1,214,127.27

JOHN A. BLATNIK, Chairman.

COMMITTEE ON RULES

July 22, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Dorothy Ballenger	Secretary	$7,857.78
Laurie C. Battle	Staff director and counsel.	18,000.00
Margaret Anne Bundick	Staff assistant	8,261.64
William D. Crosby, Jr.	Minority counsel	13,218.60
Jonna Lynne Cullen	Assistant minority counsel.	9,996.60
Donald Gregory Nicosia	Majority counsel	9,429.30
Nancy J. Smith	Intern	233.33
Linda L. Trotter	Secretary	6,286.20
Winifred L. Watts	Administrative assistant.	11,015.52
Total		84,298.97

Funds authorized or appropriated for committee expenditures	$5,000.00
Amount of expenditures previously reported	2,326.69
Amount expended from Jan. 3, to June 3, 1974	1,245.12
Total amount expended from Jan. 3, 1973 to June 30, 1974	3,571.81
Balance unexpended as of June 30, 1974	1,428.19

RAY J. MADDEN, Chairman.

COMMITTEE ON SCIENCE AND ASTRONAUTICS

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

COMMITTEE ON SCIENCE AND ASTRONAUTICS—Continued

Name of employee	Profession	Total gross salary during 6-month period
John L. Swigert, Jr.	Executive director	$18,000.00
James E. Wilson, Jr.	Deputy director	18,000.00
John A. Carstarphen, Jr.	Chief clerk and counsel	18,000.00
Philip B. Yeager	Counsel	18,000.00
Frank R. Hammill, Jr.	do	18,000.00
Mary Ann Robert	Administrative specialist.	8,373.92
Carol F. Rodgers	Secretary	7,832.42
June C. Stafford	do	7,950.00
Patricia J. Schwartz	do	6,049.25
Carl Swartz	Minority staff	13,882.02
Rebecca S. Wheeler	Secretary	4,966.68
Michael A. Superata	Minority staff (from Apr. 1, 1974).	5,250.00
Joseph Del Riego	Minority staff (to Jan. 19, 1974).	1,410.03
Investigative staff (H. Res. 793):		
William G. Wells, Jr.	Technical consultant	17,239.16
Helen Lee Fletcher	Secretary (from Mar. 27, 1974)	3,916.67
George W. Fisher	Special assistant to chairman.	18,000.00
Francis J. Giroux	Printing clerk	10,175.89
Harold A. Gould	Technical consultant	18,000.00
J. Thomas Ratchford	Science consultant	17,457.80
Leon F. Drozd, Jr.	Assistant to the chief clerk (from May 1, 1974).	3,000.00
Judith Ann Everett	Secretary	4,699.98
John D. Holmfeld	Science policy consultant	14,110.13
L. Kirk Hall	Technical specialist	8,059.00
Thomas N. Tate	Technical consultant and counsel.	14,280.63
Peggy Glynn Welch	Secretary	4,249.98
Mark D. Friedrichs	Research assistant (from Feb. 1, 1974)	2,500.00
William G. Carter	Publications clerk	4,993.35
Suzanne M. Stamper	Secretary (to June 21, 21, 1974)	4,675.00
Barbara A. Sutton	Secretary (from Mar. 16, 1974).	2,292.50
Linda Gene Craig	Secretary (to Mar. 31, 1974)	2,250.00
Martha N. Rees	Secretary (to Jan. 31, 1974).	1,245.46
Thomas H. Tackaberry	Research assistant (from June 3, 1974).	583.33
Ellen M. Barney	Clerical assistant (from June 20, 1974).	232.22

Funds authorized or appropriated for committee expenditures	$780,000.00
Amount of expenditures previously reported	328,981.92
Amount expended from Jan. 1 to June 30, 1974	198,771.74
Total amount expended from Jan. 1, 1973, to June 30, 1974	527,753.66
Balance unexpended as of June 30, 1974	252,246.34

OLIN M. TEAGUE, Chairman.

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

July 8, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John M. Swanner	Staff director	$18,000.00
William F. Arbogast	Assistant staff director.	15,000.00
Mariann R. Mackenzie.	Secretary	12,572.40
Pamela Gray	Assistant clerk (May 28–June 30, 1974).	755.56
Nancy Nicholas	Assistant clerk (June 1–June 30, 1974).	500.00
Lynn Graham	Assistant clerk (June 19–30, 1974).	300.00
J. Charlene Brimmer	Assistant clerk (Jan. 1–May 31, 1974).	4,583.35

Funds authorized appropriated for committee expenditures H. Res 219 Mar. 20, 1973)	$25,000.00
Amount of expenditures previously reported	7,758.91
Amount expended from Jan. 1 to June 30, 1974	+677.39
Total amount expended from Mar. 20, 1973 to June 30, 1974	8,436.30
Balance unexpended as of June 30, 1974	16,563.70

COMMITTEE ON VETERANS' AFFAIRS

July 10, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Oliver E. Meadows	Staff director	$18,000.00
Donald C. Knapp	Counsel	18,000.00
John R. Holden	Professional staff member (minority).	18,000.00
Billy E. Kirby	Professional aide	18,000.00
Arthur M. Gottschalk	Professional aide (minority).	12,202.44
Mack G. Fleming	Assistant counsel (from Apr. 8, 1974).	8,300.00
Helen A. Biondi	Clerk	11,664.00
Marjorie J. Kidd	Clerk stenographer	8,082.84
Patsy R. Kelley	Clerk stenographer, minority (to Jan. 22, 1974).	768.48
Candis L. Graves	Clerk stenographer	5,762.34
Morvie Ann Colby	do	8,451.36
Audrey P. Burnett	do	6,369.72
Barbara Lee Neff	Clerk stenographer, minority (from Feb. 1, 1974).	5,208.35
Investigative staff:		
Philip Eugene Howard	Investigator	17,888.88
Vance L. Gilliam	Records clerk	5,036.64
Alice V. Matthews	Clerk stenographer	3,666.96
Margaret Hulehan	do	5,762.34
Anne Steadman	do	6,705.00
Diane Sue Gaujot	Clerk stenographer (minority).	5,237.52

Funds authorized or appropriated for committee expenditures	$270,000.00
Amount of expenditures previously reported	107,962.22
Amount expended from Jan. 1 to June 30, 1974	56,198.71
Total amount expended from Jan. 1, 1973 to June 30, 1974	164,160.93
Balance unexpended as of June 30, 1974	105,839.07

WM. J. BRYAN DORN, Chairman.

COMMITTEE ON WAYS AND MEANS

July 3, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John M. Martin, Jr.	Chief counsel (P)	$18,000.00
Richard C. Wilbur	Minority counsel (P)	18,000.00
John Patrick Baker	Assistant chief counsel (P).	17,749.98
William Fullerton	Professional staff (P)	17,749.98
Robert B. Hill	do	14,710.14
William Kane	Professional staff (P) March/11.	7,001.38
James W. Kelley	Professional staff (P)	17,749.98
Harold Lamar	do	17,749.98
Arthur Singleton, Jr.	do	17,749.98
Florence Burkett	Staff assistant (C)	9,432.33
Virginia Butler	do	10,631.68
William C. Byrd	Staff assistant (C)	$7,345.72
Marie Crane	do	9,793.93
Connie Faulkner	do	5,183.58
Hughlon Greene	do	9,973.98
Charles Hawkins	do	17,749.98
Grace Kagan	do	11,077.53
June Kendall	do	13,217.20
Marilyn Lee	Staff assistant (C) from June 1.	958.33
Elizabeth Lieblich	Staff assistant (C)	6,068.42
Walter B. Little	do	9,973.98
Danna Palmer	do	5,874.96
Doris Parker	do	5,915.86
Marsha Powell	do	5,648.71
Jean Ratliff	do	7,080.69
Karen Schwarz	do	6,750.00
Gloria Shaver	do	10,580.35
Margo Shildkret	do	4,774.98
Carole Vazis	do	8,329.20
Under H. Res. 945, 93d Cong.:		
John Meagher		17,749.98
Robert Leonard (from Jan. 15).		9,222.24
Marilyn Lee (Feb. 1–May 31).		3,833.32
Robbye Meador (June 5–June 18).		202.22
Jan Wallace (June 5–June 18).		202.22

Funds authorized or appropriated for committee expenditures	$520,000.00
Amount of expenditures previously reported	69,732.97
Amount expended from Jan. 1 to June 30, 1974	38,044.09
Total amount expended from Jan. 1, 1973 to June 30, 1974	107,777.06
Balance unexpended as of June 30, 1974	412,222.94

WILBUR D. MILLS, Chairman.

SELECT COMMITTEE ON COMMITTEES

July 10, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Charles S. Sheldon II	Chief of staff	$18,000.00
Melvin M. Miller	Deputy chief of staff	18,000.00
Gerald J. Grady	Professional staff member.	16,774.98
Spencer M. Beresford	Counsel	18,000.00
Linda H. Kamm	do	13,866.65
Robert C. Ketcham	Special counsel	15,715.50
Roger H. Davidson	Professional staff member.	16,999.98
Terence T. Finn	Staff consultant	10,725.00
Mary E. Zalar	Professional staff member.	8,250.00
Linda G. Stephenson	Chief clerk (to May 31).	6,711.55
Shirley A. Kalich	Secretary (to February 3).	1,109.16
Rose M. Sanko	Secretary (to March 19).	4,282.47
Carmen T. Bagherzadeh	Secretary (to February 24).	1,650.01
John Bannon Bachula	Research assistant	6,443.10
Ellen E. Leake	Secretary (begin February 11).	4,277.79
Barbara K. Rodriguez	Chief clerk (begin February 11).	4,486.12
Lorren V. Roth	Secretary (begin February 25).	3,058.33

Funds authorized or appropriated for committee expenditures	$1,500,000.00
Amount of expenditures previously reported	343,410.88
Amount expended from Jan. 1 to June 30, 1974	219,391.23
Total amount expended from Jan. 1, 1973, to June 30, 1974	562,802.11
Balance unexpended as of June 30, 1974	937,197.89

RICHARD BOLLING, Chairman.

SELECT COMMITTEE ON THE HOUSE RESTAURANT

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Thomas J. Campbell	Staff director	$11,095.66
Susan Cory Lawrence	Secretary—Resigned Mar. 15, 1974.	1,743.28
Denise Ann Bell	Secretary—Reported May 1, 1974.	1,116.66
Total		13,955.60

Funds authorized or appropriated for committee expenditures	$68,000.00
Amount of expenditures previously reported	30,717.41
Amount expended from Jan. 1 to June 30, 1974	14,065.96
Total amount expended from Jan. 3, 1973, to June 30, 1974	44,783.37
Balance unexpended as of June 30, 1974	23,216.63

JOHN C. KLUCZYNSKI, Chairman.

PERMANENT SELECT COMMITTEE ON SMALL BUSINESS

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Emilia E. Parrish	Secretary	$6,499.98
Susan Burnette	do	625.00
William A. Keel, Jr.	Research analyst	18,000.00
Myrtle Ruth Foutch	Clerk	12,499.98
Donna M. Watson	Secretary	5,375.01
Henry A. Robinson	Counsel	17,750.01
Peter D. H. Stockton	Staff assistant	4,500.00
Lois Liberty	Printing editor	9,000.00
Thomas G. Powers	Counsel	9,000.00
Elizabeth Cingel	Secretary	4,125.00
Justinus Gould	Counsel	17,500.02
William F. Demarest	do	9,000.00
Mary Eileen Hohman	Secretary	4,000.02
Howard Greenberg	Staff director	18,000.00
Lucille C. Hicks	Secretary	6,750.00
Kenneth H. Davison	Staff assistant	4,166.65
Michael J. Ward	Counsel	6,649.98
Linda Louise Hardin	Secretary	6,249.99
Charles D. Loyd	General counsel	3,000.00
James R. Phalen	Minority counsel	13,500.00
Paul Kritzer	Assistant minority counsel.	11,625.00
Elmira R. Stewart	Secretary, minority	4,625.01
Willa C. Rawls	do	5,874.99
Carol Ann Ward	do	5,124.99

Funds authorized or appropriated for committee expenditures	$994,000.00
Amount of expenditures previously reported	470,182.77
Amount expended from Jan. 1, to June 30, 1974	217,777.48
Total amount expended from Jan. 3, 1973, to June 30, 1974	687,960.25
Balance unexpended as of June 30, 1974	306,039.75

JOE L. EVINS, Chairman.

JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Eugene F. Peters	Executive director	$18,000.00
Raymond L. Gooch	Staff counsel	15,977.40
Cynthia K. Watkins	Office manager	7,999.98
Donald G. Tacheron	Director of research	17,749.98
George Meader	Counsel	300.00
Ann Holoka	Staff assistant	3,666.95
Beverly Jean Muncy	Stenographer	2,328.21
Barbara C. Lyle	Receptionist-typist	3,479.16
Robert J. Kelley	Administrative officer	10,824.10
Susan B. Perry	Staff assistant	692.65
James F. McAllister	Administrative officer	14,405.88
Gerard C. Snow	do	6,428.72
March E. Dyer	Placement assistant (to Feb. 28).	1,484.24
Betty A. Franklin	do	1,500.00
John Gilman Stewart	Temporary clerk (to May 31).	5,000.00
Lee A. Riedel	Placement assistant (to Mar. 1).	1,378.14
William F. Walsh	Temporary clerk (to Jan. 31).	750.00
William B. Blacklow	Staff assistant	7,103.34
Mark L. Greenberg	Placement assistant (to Apr. 11).	2,311.48
Grace Seckler	Placement assistant	4,125.00
Sally K. Murphy	Placement assistant (to Jan. 31).	611.16
Sybil Anne Capps	Placement assistant	4,407.76
Simeon R. Orlowski	Temporary clerk (to April 30).	633.32
John Turner Donelan	Temporary clerk to Jan. 31).	312.50
Earl Francis Rieger	Counsel	9,333.33
Samuel Merrick	Staff assistant	7,500.00
Patricia Neal Gray	Temporary clerk	3,000.00
Linda Jo Richards	Stenographer	3,547.22
Francis J. Keenan	Professional staff	14,041.65
Mary C. Mundee	Placement assistant	3,041.68
Denise M. Berkley	Temporary clerk (Feb. 19 and 20).	41.57
David Robert Solomon	Placement assistant (from Feb. 20).	2,729.17
James Joseph Abrams	Placement assistant (from Feb. 25).	2,800.01
Dolores A. Cotter	Temporary clerk (Mar. 4–10).	145.83
Debra Dawn Rollyson	Temporary clerk (Mar. 25–27).	62.50
Margaret A. Borellis	Temporary clerk (Mar. 21–31).	208.33
Kathy Sue Hockenberry	Temporary clerk (Mar. 25–Apr. 1).	125.00
Henry David Rosso	Temporary clerk (Apr. 4–16).	281.67
Nancy Louise Emery	Placement assistant (from Apr 5).	1,552.79
David W. Schmucker	Placement assistant (Apr. 15–June 18).	1,333.33
Gerald P. McCartin	Temporary clerk (May 1–June 3).	2,000.00
J. E. Vandelly	do	3,000.00
Melanie E. Wolfram	Temporary clerk (May 9–31).	427.77
Julie S. Gross	Temporary clerk (May 1–June 30).	1,500.00
Laura May	Temporary clerk (May 20–26).	136.11
Peter B. Crouch	Temporary clerk (June 1–30).	1,500.00
Victor D. Petaccio	do	2,100.00
David W. Savercool	Temporary clerk (from June 3).	466.67
Susan Ellen Shapiro	Temporary clerk (June 1 to 30).	1,000.00
Terrence John McCartin	Temporary clerk (from June 1).	750.00
Nina Swan Davis	Placement assistant (from June 27).	88.89

Funds authorized or appropriated for committee expenditures	$530,000.00
Amount of expenditures previously reported	213,621.02
Amount expended from Jan. 1 to June 30, 1974	211,868.51
Total amount expended from July 1, 1973, to June 30, 1974	$425,489.53
Invoices received, pending payment	6,698.96
Obligated, but not billed: Approximately	7,500.00
Balance unexpended as of June 30, 1974	104,510.47

LEE METCALF, Chairman.

JOINT COMMITTEE ON DEFENSE PRODUCTION

July 11, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Harold J. Warren	Staff director and counsel.	$18,000.00
Cary H. Copeland	Assistant staff director	13,514.94
Robert S. Riggs	Professional staff	5,971.92
Robert B. Geddie, Jr.	do	7,857.78
J. Michael Hemphill	do	12,286.38
Ruth Baskerville	Secretary	5,272.02
Edward A. Sokol	Professional staff	9,167.40
Ed McMurphy	Clerk	660.35
William Kling, Jr.	do	588.57

Funds authorized or appropriated for committee expenditures	$152,105.00
Amount of expenditures previously reported	71,269.50
Amount expended from Jan. 1 to June 30, 1974	75,476.58
Total amount expended from July 1, 1973, to June 30, 1974	146,746.08
Balance unexpended as of June 30, 1974	5,358.92

JOHN SPARKMAN, Chairman.

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

July 15, 1974.

To the Clerk of the House:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1 to June 30, 1974, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Laurence N. Woodworth	Chief of staff	$19,999.98
Lincoln Arnold	Deputy chief of staff	18,000.00
Herbert L. Chabot	Assistant chief of staff	18,000.00
Arthur S. Fefferman	Chief economist	18,000.00
Bernard M. Shapiro	Legislation counsel	17,842.50
Harrison B. McCawley	Refund counsel	16,886.27
James H. Symons	Statistical analyst	18,000.00
John Germanis	do	15,869.73
Michael D. Bird	Economist	18,000.00
Albert Buckberg	do	17,842.50
Leon W. Klud	do	12,296.65
James W. Wetzler	do	9,372.93
Howard J. Silberstone	Legislation attorney	16,366.23
Robert A. Warden	do	16,366.23
Robert A. Blum	do	14,411.65
Thomas R. White III	do	15,846.25
Mark L. McConaghy	do	13,933.73

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION—Continued

Name of employee	Profession	Total gross salary during 6-month period
James L. Billinger	Legislation attorney	$13,544.15
Paul W. Oosterhuis	do	8,006.68
Joseph P. Spellman	Refund attorney	12,556.67
Carl E. Bates	do	12,531.67
Joseph E. Fink	Statistical clerk	12,515.00
Cynthia F. Wallace	do	6,925.40
Allan S. Rosenbaum	Accountant	13,247.08
Joanne B. McDermott	Secretary	10,227.48
Linda R. Savage	do	7,923.35
Blanche F. Nagro	do	7,569.58
Jamie L. Daley	do	7,187.10
Marcia B. Rowzie	do	7,047.92
Jacqueline S. Pfeiffer	do	7,022.92
June M. Matthews	do	6,508.32
Amelia Del Carmen	do	6,374.17
Alexa B. Gage	do	6,103.73
Maria L. Winter	do	5,939.60
Ellen I. Woodriff	do	5,594.17
Sharon F. Malcom	do	5,109.60
Michael Cook	Clerk	4,875.02
John J. King	Administrative assistant (as of Jan. 3, 1974).	10,961.10
Richard L. Bacon	Legislation attorney (as of Mar. 21, 1974).	8,888.90
Don L. Ricketts	Legislation attorney (as of Mar. 18 1974).	7,522.23
Meade Emory	Legislation attorney (as of June 4, 1974).	2,475.00
Donald C. Evans	Legislation attorney (to Jan. 12, 1974).	897.53
Norma E. Kershner	Secretary (as of Feb. 25, 1974).	4,200.00
Elizabeth A. Dale	Secretary (as of Feb. 13, 1974).	4,600.00
Elizabeth Ruth	Secretary (from Jan. 15 to Mar. 8, 1974).	2,089.92
Theresa Sbarra	Secretary (to Feb. 7, 1974).	1,141.45
Peter J. Davis	Econometrician (as of Apr. 22, 1974).	2,587.50
Herman Wommack	Clerk (as of May 28, 1974).	733.34
Guy Richard Eigenbrode.	Clerk (as of June 3, 1974).	622.22

Funds authorized or appropriated for committee expenditures	$1,021,180.00
Amount of expenditures previously reported	456,313.52
Amount expended from Jan. 1 to June 30, 1974	512,372.11
Total amount expended from July 1, 1973 to June 30, 1974	968,685.63
Balance unexpended as of June 30, 1974	52,494.37

RUSSELL B. LONG, Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2611. A letter from the Secretary of the Army, transmitting notice of the proposed disposal of certain lethal chemical warfare agents and munitions, pursuant to 50 U.S.C. 1512; to the Committee on Armed Services.

2612. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements other than treaties entered into by the United States, pursuant to Public Law 92-403; to the Committee on Foreign Affairs.

RECEIVED FROM THE COMPTROLLER GENERAL

2613. A letter from the Comptroller General of the United States, transmitting a report on benefit provisions, financial data, and key issues relating to Federal retirement systems; 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. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 16077. A bill to amend the Public Health Service Act to extend through fiscal year 1975 the scholarship program for the National Health Service Corps and the loan program for health professions students; (Rept. No. 93-1240). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS: Committee on Foreign Affairs. H.R. 16168. A bill to authorize appropriations for the Department of State, and for other purposes (Rept. No. 93-1241). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS: Committee on Foreign Affairs. H.R. 15172. A bill to authorize the Secretary of State to prescribe the fee for execution of an application for a passport and to continue to transfer to the U.S. Postal Service the execution fee for each application accepted by that Service (Rept. No. 93-1242). Referred to the Committee of the Whole House on the State of the Union.

Mr. HÉBERT: Committee on Armed Services. H.R. 13320. A bill to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended (Rept. No. 93-1243). Referred to the Committee of the Whole House on the State of the Union.

Mr. PIKE: Committee on Armed Services. H.R. 16136. A bill to authorize certain construction at military installations, and for other purposes; with amendment (Rept. No. 93-1244). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. House Concurrent Resolution 564. Concurrent resolution to declare the sense of Congress that Smokey Bear shall be returned on his death to his place of birth, Capitan, N. Mex. (Rept. No. 93-1245). Referred to the House Calendar.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 7486. A bill to authorize the establishment of the Boston National Historical Park in the Commonwealth of Massachusetts; with amendment (Rept. No. 93-1246). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 8352. A bill to establish the Cascade Head Scenic-Research Area in the State of Oregon, and for other purposes; with amendment (Rept. No. 93-1247). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK:

H.R. 16177. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax, in the case of an individual or a married couple, for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. DICKINSON:

H.R. 16178. A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. DINGELL (for himself and Mr. DOWNING):

H.R. 16179. A bill to amend the Fishermen's Protective Act of 1967 in order to strengthen the import restrictions which may be imposed to deter foreign countries from conducting fishing operations which adversely affect international fishery conservation programs; to the Committee on Merchant Marine and Fisheries.

By Mr. HAMMERSCHMIDT:

H.R. 16180. A bill to amend title 38 of the United States Code to increase the income limitations relating to the payment of pension and dependency and indemnity compensation and to provide supplemental pension payments to certain veterans; to the Committee on Veterans' Affairs.

By Mr. HENDERSON (for himself and Mr. DERWINSKI):

H.R. 16181. A bill to amend title 5, United States Code, to provide for additional positions in grades GS-16, GS-17, and GS-18, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JOHNSON of Pennsylvania:

H.R. 16182. A bill to incorporate the United States Submarine Veterans of World War II; to the Committee on the Judiciary.

By Mr. MOORHEAD of Pennsylvania:

H.R. 16183. A bill to amend title 5, United States Code, by adding a section 552a to safeguard individual privacy from the misuse of Federal records and to provide that individuals be granted access to records concerning them which are maintained by Federal agencies; to the Committee on Government Operations.

By Mr. MURTHA:

H.R. 16184. A bill to amend title 23 of the United States Code to add 90 miles to the Interstate System and provide for the inclusion of a critical north-south highway corridor; to the Committee on Public Works.

By Mr. MURTHA (for himself, Mr. DENT, Mr. KEMP, and Mr. DULSKI):

H.R. 16185. A bill to amend title 23 of the United States Code to add 337 miles to the Interstate System and provide for the inclusion of a critical north-south highway corridor; to the Committee on Public Works.

H.R. 16186. A bill to amend title 23 of the United States Code to add 320 miles to the Interstate System and provide for the inclusion of a critical north-south highway corridor; to the Committee on Public Works.

By Mr. MURTHA (for himself, Mr. DENT, and Mr. DULSKI):

H.R. 16187. A bill to amend title 23 of the United States Code to add 272 miles to the Interstate System and provide for the inclusion of a critical north-south highway corridor; to the Committee on Public Works.

By Mr. MURTHA (for himself, Mr. DENT, Mr. STAGGERS, and Mr. DULSKI):

H.R. 16188. A bill to amend title 23 of the United States Code to add 522 miles to the Interstate System and provide for the inclusion of a critical north-south highway corridor; to the Committee on Public Works.

By Mr. OBEY:

H.R. 16189. A bill to amend the Federal Food, Drug and Cosmetic Act to promote honesty and fair dealing in the interest of consumers with respect to the labeling and advertising of special dietary foods, such as vitamins and minerals, et cetera; to the Committee on Interstate and Foreign Commerce.

By Mr. OWENS (for himself, Mr. RAILSBACK, Mr. MITCHELL of New York, Mr. BADILLO, Mr. BREAUX, Mr. BUCHANAN, Mr. CARNEY of Ohio, Mr. COCHRAN, Mr. CONYERS, Mr. DEVINE, Mr. DRINAN, Ms. HECKLER of Massachusetts, Mr. HEINZ, Mr. HORTON, Mr. KEMP, Mr. LONG of Maryland, Mr. MCCLOSKEY, Mr. MOAKLEY, Mr. MOSHER, Mr. RIEGLE, Mr. STUDDS, Mr. TIERNAN, and Mr. UDALL):

H.R. 16190. A bill to regulate lobbying and related activities; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 16191. A bill to terminate the Airlines Mutual Aid Agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS:

H.R. 16192. A bill to allow an additional income exemption for a taxpayer or his spouse

who is deaf or deaf-blind; to the Committee on Ways and Means.

By Mr. RONCALLO of New York:

H.R. 16193. A bill to prohibit certain conflicts of interest between financial institutions and corporations regulated by certain agencies of the United States; to the Committee on Banking and Currency.

By Mr. SHIPLEY:

H.R. 16194. A bill to further the purposes of the Wilderness Act by designating certain lands for inclusion in the National Wilderness Preservation System, to provide for study of certain additional lands for such inclusion, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STEELMAN (for himself, Mr. KEMP, Mr. HUDNUT, Mr. BROWN of California, Mr. GUDE, Mr. BENNETT, Mr. PRITCHARD, Mr. RONCALLO of New York, Mr. HORTON, and Mr. HEINZ):

H.R. 16195. A bill to require candidates for Federal office, Members of the Congress, and officers and employees of the United States to file statements with the Comptroller General with respect to their income and financial transactions; to the Committee on the Judiciary.

By Mr. WOLFF (for himself, Ms. ABZUG, Mr. BRASCO, Mr. HARRINGTON, Mr. LENT, Mr. KYROS, Mr. RONCALLO of New York, and Mr. STOKES):

H.R. 16196. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the interest on deposits in certain savings institutions; to the Committee on Ways and Means.

By Mr. HUBER:

H.R. 16197. A bill to establish a Commission on Medical Malpractice Awards; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 16198. A bill to amend the Federal Railroad Safety Act of 1970 to direct the Secretary of Transportation to establish fire safety requirements for locomotives in order to minimize the danger of fires along railroad right-of-ways; to the Committee on Interstate and Foreign Commerce.

H.R. 16199. A bill to amend section 4945 (g) of the Internal Revenue Code of 1954 to make it clear that nothing in that provision authorizes the limitation of the grants awarded by a private foundation to a fixed percentage of the number of applicants for such grants; to the Committee on Ways and Means.

By Mr. NIX:

H.R. 16200. A bill to prohibit discrimination on the basis of sex, marital status, and sexual orientation, and for other purposes; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 16201. A bill to amend the Mineral Leasing Act of February 25, 1920, as amended; to the Committee on Interior and Insular Affairs.

By Mr. PODELL (for himself, Mr. WOLFF, Mr. ROSENTHAL, Mr. BIAGGI, Mrs. CHISHOLM, Mr. CAREY of New York, Mr. MURPHY of New York, Mr. RANGEL, Mr. BADILLO, Mr. ADDABBO, Mr. DELANEY, Miss HOLTZMAN, Mr. KOCH, Ms. ABZUG, Mr. BINGHAM, and Mr. PEYSER):

H.R. 16202. A bill to establish in the Department of Housing and Urban Development a housing enforcement assistance program to aid cities and other municipalities in the more effective enforcement of housing codes; to the Committee on Banking and Currency.

By Mr. ROE (for himself, Mr. BROWN of Michigan, Mr. CONLAN, Mr. COTTER, Mr. GRAY, Mr. HUDNUT, Mr. MCKINNEY, Mr. MAZZOLI, Mr. MINISH, and Mr. VAN DEERLIN):

H.R. 16203. 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. ROGERS (for himself, Mr. STAGGERS, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, Mr. HASTINGS, Mr. HEINZ, and Mr. HUDNUT):

H.R. 16204. A bill to amend the Public Health Service Act to assure the development of a national health policy and of effective area and State health planning and resources development programs; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHERLE:

H.R. 16205. A bill to provide emergency deficiency assistance to producers of agricultural commodities; to the Committee on Agriculture.

By Mr. STOKES (for himself, Mr. BIESTER, Mr. MATSUNAGA, Mr. MOSHER, Mr. MOSS, Mr. OWENS, Mr. RAILSBACK, and Mr. RIEGLE):

H.R. 16206. A bill to require that discharge certificates issued to members of the armed forces not indicate the conditions or reasons for discharge, to limit the separation of enlisted members under conditions other than honorable and to improve the procedures for the review of discharges and dismissals; to the Committee on Armed Services.

By Mr. WYMAN:

H.R. 16207. A bill to provide for emergency relief for small business concerns in connection with fixed price Government contracts; to the Committee on the Judiciary.

By Mr. PERKINS (for himself and Mr. QUIE):

H. Con. Res. 570. Concurrent resolution authorizing the Clerk of the House to make corrections in the enrollment of H.R. 69; ordered to be printed.

By Mr. ANDERSON of California:

H. Con. Res. 571. Concurrent resolution for negotiations on the Turkish opium ban; to the Committee on Foreign Affairs.

By Mr. CAMP:

H. Con. Res. 572. Concurrent resolution calling for a domestic summit to develop a unified plan of action to restore stability and prosperity to the American economy; to the Committee on Banking and Currency.

By Mr. MCCOLLISTER:

H. Con. Res. 573. Concurrent resolution calling for a domestic summit to develop a unified plan of action to restore stability and prosperity to the American economy; to the Committee on Banking and Currency.

By Mr. HEINZ (for himself, Mr. ADDABBO, Mr. BIESTER, Mr. GILMAN, Mr. HAWKINS, Mr. STOKES, Mr. TOWELL of Nevada, Mr. WALDIE, and Mr. WOLFF):

H. Res. 1281. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. ICHORD:

H. Res. 1282. Resolution providing for additional copies of the committee print, a staff study entitled "Terrorism"; to the Committee on House Administration.

By Mr. SYMINGTON (for himself, Mrs. BURKE of California, Mr. EILBERG, Mr. HEINZ, Mr. MICHEL, Mr. REES, Mr. THOMPSON of New Jersey, and Mr. WAGGONNER):

H. Res. 1283. Resolution requesting that each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, American Samoa, and the Trust Territory of the Pacific Islands conduct a survey or study to determine the views of their citizens with respect to abortion laws; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURLESON of Texas:

H.R. 16208. A bill for the relief of the estate of Earnest Nancy Brindley; to the Committee on the Judiciary.

By Mrs. SULLIVAN:

H.R. 16209. A bill for the relief of Chae Won Yang, Myung Jae Yang, Yoo Jung Yang, Jee Sun Yang, Yoo Sun Yang, and Hong Suk Yang; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 16210. A bill for the relief of Maria Elena San Agustin; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

FEDERAL FOOLISHNESS

HON. JESSE A. HELMS

OF NORTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 31, 1974

Mr. HELMS. Mr. President, on previous occasions I have discussed in the Senate my friend, Jack Rider, who operates Stations WFTC and WRNS, in Kinston, N.C.

If there is a more forthright broadcaster in America, it has not been my privilege to listen to him. Jack writes and presents a daily editorial, called "Editorially Speaking," for his stations. And, as I have said before, when Jack Rider speaks out, the people for miles around listen attentively and, for the most part, approvingly.

On July 17, Jack Rider presented an editorial that has come to my attention. As I read it, it was my immediate judgment that other Senators would be interested in his comment.

Therefore, Mr. President, I ask unanimous consent that Jack Rider's "Editorially Speaking" of July 17 be printed in the Extensions of Remarks.

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

EDITORIALLY SPEAKING

(By Jack Rider)

Government is by consent of the governed, and I can only wonder how long the people are going to keep consenting to far worse invasions against their freedom than King George ever dreamed about in his wildest fantasies. Consider this: Monday we and thousands of other people who have from time to time sold anything to the Du Pont Company received a form letter, which cost the Du Pont Company about 50 cents to get out to every supplier it has all across the nation. The cost of this red-tape compliance, of course, has to be added to all the products Du Pont manufacturers . . . but the political cost is far, far worse than the fractional increase it causes in the price of Dacron or

any other Du Pont product. This letter says, in part:

"Being subject to the provision of Executive Order 11246, as amended, relating to equal employment opportunity, as well as Executive Orders 11265, 11640, 11701 and 11758, E. I. du Pont de Nemours, and Company is required to certify that: (1) It is in compliance with the Equal Opportunity Clause as set forth in Section 202 of Executive Order 11246; (2) It does not maintain segregated facilities for its employees; (3) It will file annual reports on Standard Form 100 (EEO-1); (4) It has developed and maintains a written and signed affirmative action program at each of its facilities."

And the letter continues, "We are required in turn to obtain a similar certification of fair employment practices from our suppliers, under each of these executive orders; and we have elected to fulfill this obligation by obtaining an annual certification from each non-exempt supplier rather than obtaining individual certification with each contract or purchase order. The necessary certification form is enclosed. Please sign the attached form indicating your acceptance of these terms as a part of any purchase order or agreement between us and return. . ."

Ironically enough on the Du Pont stationery at the bottom there is a slogan which reads: "There is a world of things we're doing something about."

Operating a radio station under the federal feral first, we are no stranger to this kind of tyranny. In order to protect our investment and the jobs of our 20 people, we have to sell our soul to the federal devil, or our franchise will be taken away. There is not a radio or television station owner in this nation who believes that the Federal Government has either a moral or a legal right to dictate whom it shall hire and whom it shall not hire; but we, like Du Pont, sign sworn statements on a dictated, regular basis affirming that we believe what we utterly despise.

NEWARK CELEBRATES PUERTO RICAN DAY PARADE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. RODINO. Mr. Speaker, 22 years ago, a covenant that proclaimed the creation of a permanent union between the people of Puerto Rico and the United States was signed. On July 25, 1952, the Commonwealth of Puerto Rico joined hands with the mainland on the "basis of common citizenship, common defense, common currency, a free market, and a common value of democracy".

For more than two decades this unique relationship between the 3 million people of Puerto Rico and the American people has existed. Progress, economic, social, and cultural has been vital for both the island and the mainland. And, today as we look at this progress and the many achievements resulting from this union, our hearts and spirits are filled with pride and joy.

Puerto Rican Gov. Rafael Hernandez Colon since his election has introduced dynamic programs that have proven to be extremely beneficial to the island. And, to further insure continued advancement, a year ago an ad hoc committee consisting of seven members from the mainland, including five Members of Congress was formed to examine the various problems of the island and introduce steps to strengthen our mutual bond.

Many of our Puerto Rican brothers and sisters, who have chosen to settle on the mainland, regard July 25 as a day of great celebration. The richness of Puerto Rican culture and traditions had indeed become in each succeeding year more and more a part of our communities.

On Sunday, July 28, in my hometown of Newark, N.J., the Puerto Rican people once again joined together to commemorate this most joyous occasion. The 10th Annual Puerto Rican Parade was certainly a beautiful and marvelous display of pride and culture. And, Miguel Rodriguez, grand marshal, and Jose Rosario, parade president, deserve the highest of recognition for their leadership in organizing the days' events.

Gov. Brendan T. Byrne, Mayor Kenneth A. Gibson, Archbishop Peter L. Gerety, members of the State legislature, and other officials were among the 6,000 spectators. Senator Frank Los of Puerto Rico and Rafael Torregrosa, executive director for Puerto Rican Migration Division were also on hand.

Our joy and pride were further elevated when we looked at lovely and talented Mary Lou Rivera of Newark, the winner of Miss Puerto Rico of New Jersey. I know that when our Puerto Rican citizens celebrate, they rejoice with heart and soul. And, I join them in spirit and pride on this most special occasion.

RESOLUTIONS ADOPTED BY THE NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. RHODES. Mr. Speaker, the National Society of the Sons of the American Revolution has asked me to insert into the CONGRESSIONAL RECORD the resolutions adopted at its 84th annual Congress, June 23 through June 27, 1974, in Baltimore, Md., and I am pleased to do so.

The resolutions follow:

RESOLUTIONS ADOPTED BY THE NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

RESOLUTION NO. 1

Whereas, under the 1903 Treaty with Panama, the United States obtained the grant in perpetuity of the use, occupation and control of the Canal Zone territory with all sovereign rights, power and authority to the entire exclusion of the exercise by Panama of any such sovereign rights, power, or authority as well as the ownership of all privately held land and property in the Zone by purchase from individual owners; and

Whereas, the United States has an overriding national security interest in maintaining undiluted control over the Canal Zone and Panama Canal and solemn obligations under its treaties with Great Britain and Colombia for the efficient operation of the Canal; and

Whereas, the United States Government is currently engaged in negotiations with the Government of Panama to surrender United States sovereign rights to Panama both in the Canal Zone and with respect to the Canal itself without authorization of the Congress, which will diminish, if not absolutely abrogate, the present U.S. treaty-based sovereignty and ownership of the Zone; and

Whereas, these negotiations are being utilized by the United States Government in an effort to get Panama to grant an option for the construction of a "sea-level" canal eventually to replace the present canal, and to authorize the major modernization of the existing canal, which project is already authorized under existing treaty provisions; and by the Panamanian government in an attempt to gain sovereign control and jurisdiction over the Canal Zone and effective control over the operation of the Canal itself; and

Whereas, similar concessional negotiations by the United States in 1967 resulted in three draft treaties that were frustrated by the will of the Congress of the United States because they would have gravely weakened United States control over the Canal and the Canal Zone; and by the people of Panama because that country did not obtain full control; and

Whereas, the American people have consistently opposed further concessions to any Panamanian government that would further weaken United States control over either the Canal Zone or Canal; and

Whereas, many scientists have demonstrated the probability that the removal of natural ecological barriers between the Pacific and Atlantic oceans entailed in the opening of a sea-level canal could lead to ecological hazards which the advocates of the sea-level canal have ignored in their plans; and

Whereas, the Sons of the American Revolution believes that treaties are solemn obligations binding on the parties and has consistently opposed the abrogation, modification or weakening of the Treaty of 1903; now, therefore, be it

Resolved, That the National Society, Sons of the American Revolution in its 84th Annual Congress assembled, opposes the construction of a new sea-level canal and approves Senate Resolution 301 introduced by Senator Strom Thurmond and 34 additional Senators, to maintain and preserve the sovereign control of the United States over the Canal Zone.

RESOLUTION NO. 2

Whereas, the strength and stability of the economic and monetary system of the United States is vital to the defense of the country, and

Whereas, the fiscal and monetary policies of the Congress and Administration, present and past, have led to the devaluation of the dollar, double digit inflation, and the current economic crisis in the United States, and

Whereas, double digit inflation within is as great a threat, if not a greater threat, to the liberty and freedom and well-being of this country as the thre[illegible] from our enemies without, and

Whereas, the basic cause of the rampant inflation is the deficit spending of the United States Congress, and

Whereas, under the Constitution of the United States, Congress is charged with the responsibility for all federal appropriations, and

Whereas, it is the urgent duty of the United States Congress to limit federal spending to the revenues of the Federal Government, now, therefore, be it

Resolved, That the National Society, Sons of the American Revolution in its 84th Annual Congress assembled, urges the Congress to balance the federal budget.

RESOLUTION NO. 3

Whereas, it was the national policy of the United States of America to intervene in Vietnam and prevent a Communist takeover of that country, and

Whereas, it is the duty of every American citizen to bear arms in support of the national policies of the United States, and

Whereas, a citizen of the United States is called upon to share the burdens of citizenship in order to insure its benefits for all citizens, and

Whereas, 40,000 young Americans fled to foreign countries to evade the military obligations of United States citizenship, now, therefore, be it

Resolved, That the National Society, Sons of the American Revolution at its 84th Annual Congress assembled, is opposed to any granting of amnesty to those who refused to bear arms for their country and instead, fled to foreign countries to evade their military obligations.

RESOLUTION NO. 4

Whereas, this country was founded by God-fearing men and women and conceived in liberty, and

Whereas, men of all countries have been moved by the eloquence and high spiritual qualities of the Declaration of Independence, and

Whereas, the Bicentennial will be a focal point for a nationwide review, and reaffirmation of the values upon which this Nation was founded, and

Whereas, all businesses and private citizens should display the United States Flag daily during daylight hours except during inclement weather, and

Whereas, it is fitting for patriots to celebrate each Fourth of July with prayer, music, fireworks and other expressions of joy and cheer, and

Whereas, it is the duty of every citizen and local community to take the initiative in planning a suitable commemoration of the Bicentennial: Now, therefore, be it

Resolved, That the National Society, Sons of the American Revolution at its 84th Annual Congress assembled, urges its members and all citizens to fly flags daily, to ring bells and blow automobiles horns on the Fourth of July at a time to be set by each community as a suitable prelude to the Bicentennial.

RESOLUTION NO. 5

Whereas, we believe the Federal Government has entered upon a movement to eliminate basic rights and powers guaranteed to the states by the 10th Amendment to the Constitution, in particular the control of education and public schools, the control of land, the extension of jursidiction of the federal judiciary, the weakening of state criminal law enforcement by the imposition of untenable federal standards that result in interminable trials and sheer technicalities that often show more concern for the criminal than for the innocent victim and the long-suffering public, to name a few: Now, therefore, be it

Resolved, That the National Society, Sons of the American Revolution at its 84th Annual Congress assembled, recommends that our state governors and legislators resist these federal encroachments upon state sovereignty and oppose the extension of federal grants and Supreme Court decisions.

RESOLUTION NO. 6

Whereas, hostile foreign nations desire to obtain advanced American technology during a period of our history entitled "detente," and

Whereas, the sharing of our technology with unfriendly foreign powers will weaken this country's power and protection of the free world, and

Whereas, the joint exploration of space with any foreign nation will result in the release of technical information vital to the defense of this nation, and

Whereas no foreign power has been successful in its man-in-space program, Now, therefore, be it

Resolved, That the National Society, Sons of the American Revolution, in its 84th Annual Congress assembled, opposes in general the sharing of any of our technology with unfriendly foreign nations and in particular the sharing of our man-in-space capability with any foreign power, and recommends that all federal agencies should intensify efforts to prevent the dissemination of critical technology to any foreign power.

RESOLUTION NO. 7

Whereas, the National Society, Sons of the American Revolution supports proper commemoration and celebration of the American War for Independence which gained the 13 Original Colonies their freedom; and

Whereas, the Battle of Cowpens, fought in South Carolina near the present village of Cowpens was a major victory for loyal Americans in their fight for liberty; and

Whereas, the Federal Government has appropriated certain funds for the improvement and enhancement of the Cowpens Battleground site; and

Whereas, the effect of monies spent will be much more effective and widespread, and of longer duration, if a permanent annual celebration is held at the Battleground; Now, therefore, be it

Resolved, That the National Society, Sons of the American Revolution in its 84th Annual Congress assembled, favors allocation of an adequate portion of available funds for the construction of a suitable amphitheater which will be made available for the production of an annual outdoor drama based upon the Battle of Cowpens and surrounding events, so that the people of America will have a better opportunity to become more conversant with the great deeds of our illustrious ancestors.

RESOLUTION NO. 8

Whereas, Professional Standards Review Organization (PSRO) was established as a rider attached to the Social Security Law of 1972 without public hearing or proper consideration; and

Whereas, confidential medical records of every patient under any of the numerous government-sponsored health care programs will be open to PSRO inspectors; and

Whereas, "norms" set by the Department of Health, Education and Welfare, after examination of all patient records, will change the concept of health care, nullify doctor-patient privacy preventing full use of the doctor's knowledge, experience and training; and

Whereas, PSRO can overrule a doctor's decision in prescribing, hospitalization, or operating under penalty of fine and suspension from medical practice; now, therefore, be it

Resolved, That the National Society, Sons of the American Revolution at its 84th Annual Congress assembled, supports the adoption of H.R. 9375, or similar resolutions, which would repeal the provisions of the Social Security Act which violate the confidentiality of the doctor-patient relationship which would be contrary to numerous state statutes, contrary to professional ethics, and which would lead to federal control of medicine.

RESOLUTION NO. 9

Whereas, there is pending in the United States Congress a resolution sponsored by Senator Harry Flood Byrd, Jr. of Virginia in which Senator William Scott of Virginia has also joined as a co-sponsor, to restore the citizenship of General Robert E. Lee, now, therefore, be it

Resolved, That the National Society, Sons of the American Revolution at its 84th Annual Congress assembled, joins in with the purpose and spirit of this pending Congressional resolution.

RESOLUTION NO. 10

Now, therefore, be it *resolved,* That the National Society, Sons of the American Revolution at its 84th Annual Congress assembled, reiterates and reaffirms that all previous resolutions adopted at prior Congresses be reaffirmed.

RESOLUTION NO. 11

Whereas, the 84th Annual Congress of the National Society, Sons of the American Revolution has been successful in every respect, and

Whereas, that success has been due to the efforts of those who planned and took part in the program, now, therefore, be it

Resolved by the National Society, Sons of the American Revolution, That it hereby expresses its gratitude and deep appreciation:

1. to the President General for his able leadership,
2. to the officers, chairmen and members of their committees,
3. to the loyal headquarters staff for their constant effort in providing an efficient operation,
4. to the speakers, Compatriot (Dr.) Norman Vincent Peale and the Honorable J. William Middendorf, II, Secretary of the Navy, for their inspiring addresses,
5. to the United States Navy; Joint Armed Forces (Pentagon); Colonial Guard, 175th Infantry; United States Marine Corps and the Commander-in-Chief's Guard Colors, U.S. Army, for furnishing color guards,
6. to the United States Marine Band, the United States Army Soldiers' Chorus, the Chorus of the Chesapeake, and the U.S. Navy Sea Chanters for furnishing music and entertainment,
7. to the press, radio and television for their coverage of the Congress,
8. to the Maryland Society for its contribution to a successful 84th Annual Congress,
9. to all individuals who contributed to the success of this Congress.

BINARY NERVE GAS FUNDING—NOT IN THE NATION'S INTEREST

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. OWENS. Mr. Speaker, the military appropriations bill will be before the House Appropriations Committee this Thursday and the full House next week. As far as I now know, one of the items within this bill is the authorization to begin the procurement of the binary chemical weapons system. This request, for approximately $5.8 million, has been the subject of hearings before the House Armed Services, Foreign Affairs, and the Appropriations Committees.

The continued justification for this binary chemical weapons appropriation is the threat posed by the chemical stockpiles of the Soviet Union. This is the same justification which has been presented to the Congress since the end of World War II. There is no evidence to show that a new round of chemical weapon procurements, which may eventually cost this Nation as much as $2 billion, will in any way alter or improve the capability of the United States to prevent the use of chemical weapons by the Soviet Union or to strengthen the U.S. retaliatory threat to any enemy who should be contemplating the use of chemical weapons against our forces. It seems to me that the initiation of such a procurement at this time involves more arguments

against than can be presented in support of the proposal.

We currently have the capability to produce more nerve agent in existing chemical plants than our Armed Forces can possibly foresee as a requirement. We now have vast stockpiles of bulk nerve agent in storage. We are going through a period of adjustment which includes some disposition of deteriorating munitions and elimination of chemical agents no longer considered to be standard agents in our arsenal. The binary offers a limited advantage in safety and handling in comparison with existing stockpiles. It presents many political disadvantages, in addition to possibly being a less effective chemical weapon.

I urge you to examine the discussion presented by Representative FRASER in the CONGRESSIONAL RECORD on July 16, 1974. If you agree with this logical analysis, I believe that you will also agree that the procurement of the binary chemical weapon is not in the best interest of this Nation at this time and that to delay this procurement until more thoughtful examination of the issue can be completed will not jeopardize the security of this Nation in any way. The elimination of this item from the fiscal year 1975 military appropriations bill will provide the Congress with the time to examine this issue with greater care.

THE TIDE IS CHANGING

HON. DAVID R. BOWEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. BOWEN. Mr. Speaker, those of us in Congress who represent predominantly rural districts have been very concerned that rural America's needs, goals, and great contribution to the stability of this country not be overlooked. I am pleased to call to the Congress' attention this very excellent editorial in last week's edition of the Winston County Journal at Louisville, Miss., written by one of the many responsible and progressive newspaper editors of our State, Mr. Joe T. Cook. The editorial, entitled, "Tide Is Changing," reads as follows:

TIDE IS CHANGING

The tide is at last flowing in the opposite direction.

Following a period of about 30 years during which young people, particularly, have been leaving their small-town homes and seeking their opportunities in the large metropolitan areas of this country, the trend is now reversing itself.

There has been a sizeable upswing in the nonfarm rural job opportunities. Between March, 1970, and March, 1973, non metropolitan areas reported an increase of 7.8 percent in jobs as compared with 3.6 percent in metropolitan areas.

The large cities have reached the point in time when the quality of life they can offer, everything considered, does not compare with that of the small community.

Urban congestion, spiraling costs of housing and services, the rising crime rate in the cities, the increasing prevalence of drug pushing, the chaotic conditions in the schools—all have combined to influence people to seek a calmer, more rewarding way of life in the smaller communities.

The assistant secretary for rural development of the USDA said recently: "I have no quarrel with those who prefer city life. But for those people who prefer to maintain their rural family and community ties, there should be enough local jobs available within reasonable commuting distance to make this possible. This is a central goal of rural development.

"For many years cities have had most of the jobs. Millions of farm, small town, and other rural people have been forced to move there. . . . Many cities grew excessively, became congested and unmanageable. And small towns often withered as their population dwindled.

"Every new job adds to the economic tempo of the community, bringing additional jobs and business to it. Small-town and rural people are increasingly organizing to hammer out a master plan for their community," he said.

The USDA and other Federal agencies are giving assistance in building better community facilities for small towns. The Appalachian Program, Farmers Home Administration, and several other agencies are approving grants and loans for making possible a better life in the smaller communities of our nation.

Louisville and Winston County are taking advantage of some of this assistance, and we think that our city and county officials should be alert for every possible source of help to improve our community facilities to provide an increasingly better life for those of us who prefer to live in a small town.

ISRAEL'S REMARKABLE ACCOMPLISHMENT

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. FINDLEY. Mr. Speaker, for the first time in Israel's brief 26-year history, the prospects for peace in the Middle East are bright and hope is strong. Israel now may get on with the pressing domestic problems which confront this dynamic nation.

One of the truly monumental accomplishments of Israel has been its unceasing ability to absorb countless thousands of Jewish immigrants over the years. People with disparate backgrounds have come to this land, adopted it as their own, and begun to make a productive contribution to their new society. Generally, the assimilation has been remarkable, not unlike that in the melting pot of New York City and much of the United States around the turn of the century when waves of immigrants came to the United States.

In fact, many of Israel's problems are directly attributable to the huge numbers of people who have chosen it for their new home.

Housing is crowded in the extreme, with three or more persons often sharing one room.

Education, which begins with nursery school, must accommodate the varied backgrounds and languages of all the children, often within a crowded classroom.

Income, social services, agriculture, human welfare—each of these areas presents a unique problem for the Israelis.

To deal with these problems, Israel has one of the highest income taxes anywhere in the world.

Perhaps Israel's greatest problem, however, is the incredible rate of inflation it is currently undergoing. Double-digit inflation is nothing new to the Israelis. However, the current rate of 40 percent a year cannot be permitted to continue. Israel's new government simply must find a way to bring inflation under control.

Another enormous problem is Israel's deficit in its balance of payments. This further weakens its currency and causes instability in its financial affairs.

Yet, with all of this, Israel is still truly a phenomenon of the 20th century. That one small nation could take unproductive land and make it into a home and a refuge for so many must be accounted an outstanding accomplishment. Hopefully a way will be found to extend the peace indefinitely so that Arabs and Jews can once again live and work in harmony together in the Middle East.

PLIGHT OF SOVIET JEWS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. BROOMFIELD. Mr. Speaker, the plight of Soviet Jews was made startlingly clear to me recently through a case involving one of my constituent's relatives. The tragic story, related to me by Rev. Shabtai Ackerman of the Beth Abraham-Hillel congregation in Birmingham, Mich., underlines the cruel and ruthless tactics the Soviet Union employs to harass and detain Jews wishing to emigrate, and I would like to share it with my colleagues.

Mr. Yichil Kutchuk and his wife and sister-in-law applied for and were granted passports to emigrate to Israel in April. The Kutchuks' son had been allowed to emigrate to Israel 18 months earlier. After being assured that their visas were in order, the Kutchuks packed the belongings they would need for the trip, sold the rest, and made plans for a joyous reunion with their son.

But 3 hours before their scheduled departure by train from Kishinev, the police informed them they had to go to the Customs Office to have their baggage checked. When they arrived at the office they discovered their bags had already been opened. Officials proceeded to confiscate their passports and papers, arrest Mr. Kutchuk, and send his wife home to an empty apartment. Since that time over 3 months ago no one has been permitted to visit Mr. Kutchuk, and no official charges have been made against him. His relatives have learned he is ill and being held in the prison hospital. Mrs. Kutchuk, who suffers from a heart condition, has been forced to appear at the police station every day for question-

ing, returning in the evening to her bare apartment.

Upon learning of this travesty of justice I immediately wrote the Soviet Embassy asking for an explanation. The only reply I have received has been a one-line note telling me that my letter has been referred to proper Soviet authorities. I am not holding my breath waiting for a further reply, although I urgently hope for a pleasant ending to the Kutchuk's story.

Mr. Speaker, this episode is an example of the outrageous treatment of Jews that continues to take place in the Soviet Union on a regular basis. It is precisely these inhumane actions that have prompted many members of Congress, myself included, to urge that the Soviet Union not be granted most favored nation trading status. I will continue to adamantly oppose any granting of such status so long as the cold and calculating persecution of Soviet Jews continues. We in the free world cannot and must not tolerate the continued oppression that the Kutchuks and thousands of others have been subjected to.

THE TROUBLE WITH GOVERNMENT REGULATION

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. SYMMS. Mr. Speaker, occasionally, a philosophical masterpiece arrives at my office. There is not a word I can add to the letter and accompanying article sent to me by Mr. Piatt Hull, a distinguished attorney from Wallace, Idaho. I would like to enter it in the RECORD at this point:

HULL, HULL, & WHEELER,
Attorneys at Law,
Wallace, Idaho, June 28, 1974.

Hon. FRANK CHURCH.
Hon. JAMES MCCLURE.
Hon. STEVE SYMMS.
Hon. ORVAL HANSEN.

GENTLEMEN: I enclose a copy of an article from the current Reader's Digest "The Trouble with Government Regulation" by Walter B. Wriston, Chairman of Citicorp.

This restates a proposition I have urged upon you on past occasions: A problem is never as bad as the government's solution to the problem.

Example: One seemingly minor governmental action that has done as much as any other single thing to screw up the energy situation—setting well head prices on natural gas at the rate of about $2 or $3 per ton of coal measured in btu's. Ergo, everybody tended to convert to gas, nobody drilled for gas and the coal mines tended to go to pot. If the price of gas had been left alone, use would have declined, supplies would have been increased, prices would have been competitive and the coal industry would have tended to thrive.

Regulation has obviously killed the railroad industry. Why should we pay billions to the railroads and at the same time let ICC continue to louse up as it has for generations? Why not abolish the ICC and turn the railroad loose to serve the country, subject only to the Sherman Anti Trust Act? Things can't get worse, they would necessarily get better.

Why not adopt the philosophy that we can run our businesses better than you can—you people don't know a single specific thing about running any business, except, perhaps, the one or two you actually engaged in prior to assuming public office, and you are tending to become damn rusty there.

Very truly yours,
PIATT HULL.

Enclosures.

THE TROUBLE WITH GOVERNMENT REGULATION

(Condensed from a speech by Walter B. Wriston, Chairman, Citicorp)

When bureaucrats try to manipulate the marketplace, the result is usually disastrous. It's far better, says this distinguished banker, to allow the enormous innovative talents of the American people free play.

Anyone in our society whose eyesight and hearing are not totally impaired is likely to believe that we Americans are on a collision course with Doomsday. Certainly, the energy shortage has produced no scarcity in the rhetoric of crisis.

The compulsion of the media to turn every scrap of bad news into a full-blown crisis distorts our perspective, however. For prophets of doom fail to appreciate man's inherent ability to adjust and innovate.

The British economist Thomas Malthus, for example, predicted in 1798 that the imbalance between population growth and food production would bring the world to the verge of starvation. The doomsayers called it the iron law. As time has proved, it was neither iron nor law. Like many of our current crop of transient experts, Malthus underestimated everyone's intelligence but his own; he was incapable of imagining that out of the Industrial Revolution would come reapers, threshers, combines and tractors. He did not foresee the era of cheap energy. Nor did he envision chemicals and fertilizers creating such abundance that foolish governments would pay farmers not to cultivate the soil.

A second reason why doomsayers are so frequently unable to predict accurately what will happen is that they cling to the belief that there are accepted absolutes in a rapidly changing world. Examples abound. A commission appointed by President Herbert Hoover in 1929 later reported to Franklin D. Roosevelt on how to plot our course through 1952. The report was in 13 volumes prepared by some 500 researchers.

Yet the two-volume, 1600-page summary contained not a word about the development of atomic energy, jet propulsion, antibiotics, transistors or other significant advances. The World's Fair of 1939, which was dedicated to the World of Tomorrow, didn't envision the impact of these steps forward. The people who have come closest to predicting the future are some of the science-fiction writers, unencumbered by elaborate research or prestigious committees, but with the courage to dream.

Our latter-day Malthusians appear oblivious to the fact that man, given the proper incentive and freedom to act, has repeatedly found substitutes for dwindling materials. The United States was denied 90 percent of its sources of natural rubber during World War II, but technological ingenuity created synthetic rubber, which is now more widely used than the natural product. Coal was not even considered a resource before the Steam Age, nor was uranium highly valued before the Atomic Age. These experiences of yesterday are relevant today. I do not assert that history repeats itself, but offer a reminder that the human story did not begin with today's crisis.

Energy is no exception. Few Americans even remember that, from the time of the American Revolution until the Civil War, a major source of artificial lighting was the whale-oil lamp. The Civil War disrupted whale-oil production, and its price shot up to $2.55 a gallon—almost double what it had been in 1859. Naturally, there were cries of profiteering and demands for Congress to "do something about it." The government, however, made no move to ration whale oil or to freeze its price, or to put a new tax on the "excess profits" of the whalers. Instead, prices were permitted to rise.

The result, then as now, was predictable. Consumers began to use less whale oil, and the whalers invested more money in new ways to increase their productivity. Meanwhile, men with vision and capital began to develop kerosene and other petroleum products. The first practical generator for outdoor electric lights was built in 1875. By 1896, the price of whale oil had dropped to 40 cents a gallon. Whale-oil lamps now sit in museums to remind us of the impermanence of crisis.

The whale-oil "energy crisis" is one of an infinite series demonstrating the ability of the free market to solve problems of scarcity. Shortages, then and now, can often be eliminated when prices are allowed to exercise their age-old functions—that is, to motivate the consumer to consume less and the producer to produce more, and to spur someone on to develop a new product that is better and cheaper. Shortages become a crisis when government intervenes to frustrate the ability of the free market to function.

But government seems loath to learn from experience about intervention. The result is non-economic. No one who saw it on television last year will soon forget the wholesale drowning of baby chicks. It was done because the government froze the price of grown chickens at a level which made it uneconomic for farmers to raise and sell them. But this drowning was only a rerun of the plowing-under of "surplus" cotton and grain, and the slaughter of piglets a generation ago—a slaughter predicated on the proposition that governments are smarter than markets, which all history refutes. Anyone observing the consequences in our country of price and wage controls can have few illusions left about the efficiency of government-controlled markets.

Substituting bureaucratic regulation for the marketplace has always served first to produce a shortage and then to intensify it. Whenever our system appears to falter by not providing our accustomed relative abundance at a low price, the people who distrust freedom stand ready with the simplistic solution: the government should intervene.

Paradoxically, many of those who look to government to remedy every economic grievance in our society also want government to get out of their personal lives. They cannot have it both ways; they cannot ask more and more government intervention in what ought to be a free market and still insist on more and more freedom for themselves as individuals. No people have ever preserved political liberty for long in an environment of economic dictatorship. We often learn too late that freedom is indivisible.

Although in America we have what is described as a free-enterprise economy, our government today regulates more business practices than most other democracies. Listen to the roll call: the utilities which produce heat, light and power; the railroads (what's left of them); trucking companies, airlines, broadcasters, drug firms, dry cleaners, auto manufacturers, meat packers, film makers, farmers, brokers, banks and a host of other enterprises. Most of these industries are highly competitive, but government has decreed that they must serve a variety of objectives other than selling their products at the lowest price.

The government regulator is always adjured to serve the public interest. Sooner or later, however, he usually develops into both judge and jury, and often into prosecutor as well. Congress should legislate. The Executive should enforce the law. The courts

should interpret the conflict. Instead of this, Congress does its best to bypass the other branches and create separate institutions that combine legislative, executive and judicial functions. The new regulatory body then makes rules with the force of law, substituting its opinion for the judgment of the free market. As time goes on, the bureaucracy changes the active verb "to compete" into the passive "to be regulated." This process tends to create a rigid, backward-looking system—which is neither business-oriented nor consumer-oriented. Instead, it is bureacracy-oriented.

Many industries continue to be regulated as though they were monopolies, whereas, in fact, new competitors have long since taken away a good share of their business. The railroads were put at a disadvantage when the truckers began to siphon off revenues; so were the scheduled airlines when the chartered flights entered the market. Instead of welcoming the competitive challenge, the initial regulatory reflex was to reach out and regulate the new industries—permitting no industry to either win or lose on its merits, but causing the public to pay the check for higher costs.

Consider the railroads, which, before the Interstate Commerce Commission clapped them into a regulatory straitjacket, were pioneers in technology—creating the standard track gauge, new freight cars and safety devices. After the ICC stepped in, the efforts of the railroads to improve efficiency through new technology were time after time hampered by costly delays in regulatory decisions. Instead of concerning themselves with key issues, the regulators expended their efforts on such trivia as setting tariffs which distinguished between horses for slaughter and horses for draft. Predictably, many railroads chugged slowly down the road to ruin.

Our current energy crisis furnishes another fork in the road. If you look beyond the panic and concentrate on the problem, there are a number of ways we can go. We can create a new ICC for oil and gas, with the absolutely predictable result that the current market dislocations will become institutionalized, and temporary scarcity will be regulated into permanent shortages.

Or we can permit the enormous innovative talents of the American people to function. Just as the invention of kerosene and practical electric generators took the whale-oil lamps out of the homes of America and put them in the museum, our current energy problem will also be solved in myriad ways that no one now can foresee—if we let the free market operate. Whether it is whale oil, baby chicks or energy, control by a bureaucracy is no match for the free market in the allocation of human and material resources for the good of everybody.

VICTOR B. TOSI

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. PEYSER. Mr. Speaker, Victor Tosi, a constituent of mine, an outstanding community leader and a friend of mine, has recently stepped down as president of the 47th Precinct Community Council of the North Bronx, N.Y. This is indeed an unfortunate loss to the community which Vic has served most ably for many years. Fortunately, the impact of this loss is cushioned by the fact that he will remain on the executive board as an adviser.

During his tenure in office, Vic was responsible for initiating and implementing many beneficial programs and securing hundreds of jobs for the young people in his area. He was, and still is, vitally concerned about safety and crime prevention in our neighborhoods. Most residents of the area remember the leadership that Vic exerted in securing additional policemen assigned to the neighborhood precinct to more effectively serve the community.

Vic Tosi has always had a continuing involvement in community affairs. He has served as chairman of both the public safety and community liaison committees of community planning board No. 13, has been a member of the board of directors of the Bronx Council of the Arts, was the founder and chairman of the New York City Office of Neighborhood Government Advisory Board in his area, was a PTA president, and served as athletic director of one of his local schools.

His achievements in the community have brought Vic much well-deserved recognition. He has additionally received the New York City Certificate of Commendation, and the General Motors Gold Medal as the outstanding man in New York for community service.

Victor Tosi is indeed dedicated and a hard-working, community-minded citizen who deserves the appreciation of us all for his work.

DAY OF RECKONING

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. TAYLOR of Missouri. Mr. Speaker, as you know, our Nation is, day by day, slipping increasingly further into the grips of inflation and, for the most part, we have no one else to blame but the U.S. Congress.

With each passing day Congress approves spending measures with no real thought to fiscal restraint and as a result we are busting the budget completely. There has been, however, one man in the House of Representatives who has been repeatedly warning each of us on the serious predicament in which we have now placed ourselves. The man, the Honorable H. R. GROSS, has been the constant watchdog of the Federal budget during his 26 years of service to the Nation, and now his constant warnings are coming into bleak reality.

As a freshman Member, I am gratified to have had the opportunity to serve under H. R. GROSS and to have had him as a friend and teacher. It is with this in mind that I wish to present an article written by Mr. Robert M. Bleiberg which appeared in the July 22, 1974, issue of Barron's. In this article Mr. Bleiberg points out Mr. GROSS' repeated attempts to bring the budget back into restraints and emphasizing that it is time the Members of Congress begin listening to his warnings. He further stresses that it is about time to take action and place the budget back into proper bounds. I feel this article warrants the careful consideration of the entire membership of Congress so, at this time, I wish to include it in the RECORD.

The article follows:

[From Barron, July 22, 1974]

DAY OF RECKONING?—THERE'S NEVER BEEN A BETTER TIME TO CUT THE BUDGET

"Hon. WILBUR D. MILLS,
"*Chairman, House Ways and Means Committee, Longworth House Office Bldg., Washington, D.C.*

"Dear Mr. Chairman:

As you are well aware, each passing day brings additional news of the tragic effects rampant inflation is having on our economy and our people. This inflation, of course, is fueled in large part by continued spending by the federal government.

"For a number of years I have introduced a bill, H.R. 144, which would require the federal government to live within its means, to limit its spending to its income and to make orderly and systematic payments to reduce the national debt.

"Passage of this legislation would be the first, essential step on the road back to fiscal stability for the United States, and I urge you most strongly to hold hearings on H.R. 144 at the earliest possible moment.

Sincerely,

H. R. GROSS."

Like television's Maytag repairman; Rep. H. R. Gross (R., Iowa) used to be the loneliest party in town. Since January 1959, when the 86th Congress convened, he has regularly dropped into the hopper H.R. 144 (twelve dozen, or 144, of anything is a gross), a Bill "to provide that Federal expenditures shall not exceed Federal revenues, except in time of war or grave national emergency, and to provide for systematic reduction of the public debt." At each session, the Bill was referred to the Committee on Ways and Means, where it invariably died. Despite the eloquent plea to the Chairman (dated July 12, 1974, and cited above), H.R. 144 isn't about to become the law of the land; however, in his perennial quest for federal economy and good husbandry, Congressman Gross has finally evoked some response.

Last week GOP Senators Carl T. Curtis (Neb.), Clifford P. Hansen (Wyo.) and James A. McClure (Idaho) issued a call for "courageous and drastic action," including a 10% slash in legislators' salaries and a $10 billion cut in the federal budget. On the same day, the Honorable Wilbur D. Mills (D., Ark.), abruptly awakening to the "very serious inflationary crisis" for which he and his colleagues are partly to blame, sent a wire urging the White House to veto excessive expenditures, or, if necessary, to impound the proceeds. Last month both House and Senate, by overwhelming majorities (75–0 in the upper chamber), approved the Congressional Budget and Impoundment Control Act of 1974, whereby the lawmakers, for the first time in generations, hope to regain their long-lost power of the purse.

One can only say, high time. While the voters' attention has been focused on Watergate, and Congress on occasion has made abortive stabs at tax reform, the cost of government has been getting wildly out of hand. Under an allegedly Republican Administration, the U.S. in the past five fiscal years has gone from a $200 billion budget (on the socalled unified basis, which includes the operations of various trust funds) to the $304 billion which the White House last winter submitted for the current fiscal year. During this period, aggregate federal deficits have topped the $125 billion mark, while the public debt is approaching half a trillion dollars. Pending legislation, notably proposals for national health insurance and subsidized mass transit, would add many billions more to the spreading sea of red ink.

Yet by any yardstick, philosophical and

practical alike, the pendulum long since should have swung the other way. On the first count, while expenditures on welfare, for example, have increased geometrically, the number of the nation's poor has declined. Even as federal spending continues to rise by leaps and bounds, confidence in Washington's ability to solve problems "by throwing money at them"—and, not incidentally, in Congress itself—has sunk to perhaps its lowest ebb since the New Deal. As to principle, we are inclined to believe that even in the palmiest days, many if not most federal programs constitute an unnecessary and unwarranted burden on the nation's taxpayers. Today—when even the well-to-do find it harder and harder to make ends meet, and the average breadwinner, strive as he may, financially is falling further behind month by inflation-ravaged month—the swollen budget adds injury to insult. When everyone is feeling the pinch it's surely no time for government to wax expansive.

However, expand it has—and never more so under an Administration which ran on a platform pledged to reverse the trend. From $196.6 billion in the 12 months ended June 30, 1970, U.S. outlays have soared to the $304.4 billion originally sought for the current fiscal year. Including an estimated $18 billion for fiscal '75, now four weeks old, the accumulated deficit for the six fiscal years, measured by the impact on the public debt, will exceed $130 billion, roughly one quarter of the total put on the books since the founding of the Republic. From an annual rate of 7.3% in 1960–65, federal civilian outlays per capita in recent years have been rising at an annual rate of 15.2%. Moreover, spending has outpaced population and inflation alike; adjusted for both factors, the yearly advance has leaped from 4% to 9%.

Some increases are mind-boggling. To illustrate, the Food Stamp Act, which "aims at making more effective use of our abundance of food and at providing additional nutrition to those in need," began in 1965 with an appropriation of $34.3 million. Last fiscal year, such outlays ran to an estimated $2.5 billion, and this year to nearly $4 billion. In the past decade federal welfare spending as a whole has surged from under $24 billion, to an estimated $113 billion. Meanwhile, the number of needy has fallen sharply. According to the latest Annual Report of the President's Council of Economic Advisers, the number of poor Americans dropped from 39.5 million in 1959 to 24.5 million in 1972. And, of course, along with inflation, the U.S. has experienced a record-breaking surge in production and trade, during which unemployment has remained low and jobs perennially have gone begging.

Such lavish outpouring, it now seems clear, has done more harm than good. Two years ago the far-from-conservative Brookings Institution concluded that when it comes to solving social problems in poverty, health, education and the environment, "the history of the 'Sixties makes clear that current federal approaches are not effective." Everything that has happened since—the waste of millions of dollars on a useless "people mover," demolition of the world's largest public housing project, sale of hundreds of millions of subsidized bushels of wheat to the Soviet Union, unleashing of the worst domestic inflation in a century—only tends to reinforce the dim view.

Small wonder that the legislative branch of government, to judge by a widely quoted survey of public opinion, rates lower than the Executive with the voters. Or that some lawmakers belatedly are voicing alarm. In his telegram last week, Wilbur Mills urged the White House to demand that Congress cut $10 billion out of the $304 billion budget. If Congress refuses to cooperate, added the lawmaker, the President should impound that sum of money. "The people are beginning to panic," he went on. "We're in a very serious crisis." However, other solons—notably Senator Humphrey (D., Minn.) and Speaker of the House Carl Albert (D., Okla.)—are still doing business at the same old doctrinaire stand. Budget deficits and federal spending, said the former the other day, have little or nothing to do with inflation, which, in his opinion, is caused by "energy and commodity shortages, our changing international financial position, and the continued existence of monopoly and oligopoly power in our economy." Not to mention the economic illiterates who govern our destinies.

Wiser heads—especially if pointed the right way by an aroused electorate—may yet prevail. If so, at least a start may be made toward economy. In a study released today, the Council of State Chambers of Commerce, citing as a precedent the Revenue and Expenditure Control Act of 1968, which effectively cut both budgeted expenditures and new obligational authority by $6–$10 billion, urges a re-run. For the longer haul, an analysis prepared for Treasury Secretary William Simon shows how Congress, given the will, can slash outlays by upwards of $25 billion. For years and years, Congress and its "fiscal constituencies" have sought to avoid the inevitable day of reckoning. They won't succeed forever.—ROBERT M. BLEIBERG.

NAVY RESCUES AMERICANS IN DANGER

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. WHITEHURST. Mr. Speaker, I want to express my pride and my gratitude to the men and women of the 6th Fleet who particicipated in the rescue and evacuation efforts during the recent fighting on Cyprus. I have the honor of representing the homeport of many of these brave sailors and marines.

I would also state, Mr. Speaker, that I was absolutely shocked to learn of the remarks of a Member of the other body who questioned the right of the President to send a limited number of American military personnel ashore to direct the evacuation effort. To connect these humanitarian efforts with the limitations on Presidential war powers is not only spurious, it is ludicrous. The lives of 500 American citizens cannot and must not be placed in jeopardy by such considerations.

The recent situation in Cyprus has again emphasized that necessity for having our military forces strategically deployed so that they may respond rapidly to emergencies. The swift and skillful actions of the U.S. 6th Fleet were instrumental in preventing possible loss of American life, as well as contributing to the stability of a volatile international situation.

Shortly after the American Ambassador requested evacuation of American civilians, Secretary of Defense Schlesinger directed a Navy task force to speed to the area.

On the afternoon of July 22, 1974, Marine helicopters from the U.S. 6th Fleet amphibious helicopter carrier U.S.S. *Inchon* began evacuating American citizens from the British Sovereign Base at Dhekelia in southern Cyprus.

Evacuees were flown to a five-ship U.S. Navy amphibious group composed of the U.S.S. *Inchon*; the assault ships U.S.S. *Coronado*, U.S.S. *Trenton*, U.S.S. *Spiegel Grove* and the amphibious tank-landing ship U.S.S. *Saginaw*.

By the end of the evacuation cycle, almost 500 American citizens and about 250 foreign nationals from 24 countries were embarked aboard these 6th Fleet ships.

Following initial evacuation at Dhekelia, the U.S.S. *Trenton*, along with ships and helicopters from the Royal Navy, British, proceeded on July 24 to Akrotiri Bay, Cyprus. There, some 200 persons were transported from the British ship H.M.S. *Hermes* to the U.S.S. *Trenton* in landing craft buffeted by rough seas and high winds.

Sailors and marines from 6th Fleet ships assisted the arriving evacuees, arranged sleeping accommodations in the ship's living spaces, and helped acclimate them to shipboard life during their overnight voyage to Beirut. Numerous first person accounts of the care and hospitality extended during the transits to Beirut have appeared in print.

During evacuation and transit to Lebanon, additional ships of the 6th Fleet stood by in international waters in the area, should the need for further evacuation have arisen.

Arriving in Beirut, *Coronado* and *Trenton* were met by diplomatic officials who processed the disembarked evacuees and arranged onward transportation. The American Ambassador in Beirut, G. McMurtrie Godley, sent the following message to Capt. E. N. Fenno, the commanding officer of the U.S.S. *Coronado:*

> Hearty well-done to you and officers and men of *Coronado* for evacuation of civilians from Cyprus. Debarkation went off without a hitch, thanks to outstanding cooperation and first rate professional planning.

I think that all of my colleagues will join me in extending a "well done" to the officers and men of these ships and aircraft as well as the rest of the Defense Department. This kind of readiness and superb professional ability continues to be vital to U.S. interests when peace and humanity are threatened. We should not overlook the dedication of these servicemen nor become complacent about their availability.

PERSONAL EXPLANATION

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. DENNIS. Mr. Speaker, due to a longstanding engagement in the city of Muncie, Ind., in my congressional district, and to the unpredictably extensive debate on the Surface Mining and Reclamation Act, H.R. 11500, I was unavoidably absent Thursday, July 25, on rollcall vote 410, on final passage of H.R. 11500. Had I been present I would have voted "aye," as I did on a previous bill

to regulate strip mining which passed the House a year or two ago.

While this measure may not be the most desirable, and there was room for considerable improvement, as witnessed by the many amendments offered during the 5 days of debate on the measure—we all recognize the urgent need for reclaiming our mined lands, and, on balance, I hope and believe this legislation—as ultimately passed by the House—does represent a workable compromise between the economic and environmental interests, both of which are of very fundamental importance.

NETWORK BIAS

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. HUBER. Mr. Speaker, Mr. Anthony Harrigan, executive vice president of the U.S. Industrial Council, recently wrote a very penetrating column entitled "Network Bias," which I believe hits the nail on the head. In it he points out that on any national network program that purports to broadly survey some subject, spokesmen from the liberal to left side of the philosophical spectrum are always included in abundant numbers while the conservative side of the issue is usually not represented or represented by one person as a "token" of fairness. This, in spite of the fact that more and more persons in the United States consider themselves to be conservatives, according to the polls. The article follows:

NETWORK BIAS

The role of the television networks as instruments of establishment liberalism continues to trouble many thoughtful Americans. The networks deny that their programs are slanted. But all their actions reveal that they are interested in presenting only one view—the liberal view—of American life.

A case in point is "The American Challenge," a weekend special on CBS Network earlier this summer. The program purported to offer listeners insight into where the country is going and what are our next frontiers. In an advertisement placed in newsmagazines, CBS said it was broadcasting 39 reports by an "impressive array of thinkers and doers."

It was an impressive array of liberal thinkers and doers. But where were the conservative thinkers and doers? Where was the balance in presentation that should have been offered by the network? The balance simply wasn't there. Only one well-known conservative thinker—William F. Buckley Jr.—was included in the list, as a form of liberal tokenism.

The listening audience heard about America's future from Profs. John Kenneth Galbraith and Paul Samuelson of Harvard, former Johnson administration staffers Richard Goodwin, George Reedy and Bill Moyers, former Sen. Eugene McCarthy, women's liberationist Gloria Steinem, former Socialist Party Chairman Michael Harrington, and a variety of liberal critics of American society, including Margaret Mead, Robert Hutchins, Barry Commoner, Nat Hentoff and Dwight Macdonald. If ever there was a one-sided forum, this was it.

These voices should be heard, but their critics also should be heard. It is inexcusable and intolerable that only the spokesman of liberal elitism should have a hearing on network programs.

Well, someone may say: who should have been on the program to give balance? It would have been the simplest matter for CBS to include a representative group of thinkers and doers who believe in our economic system and in the general structure and objectives of our society—for example, economists Milton Friedman and Henry Manne, essayist Russell Kirk, columnist Stanton Evans, national legislators such as Rep. Philip Crane and Sen. Jesse Helms, and such scholars and commentators as Thomas Molnar, George Roche, Stefan Possony, and R. Emmett Tyrrell Jr.

Why didn't CBS include conservatives of this caliber to balance the liberals and radicals? Why are conservatives systematically excluded from major media events? The answer is that the major media, such as CBS, are determined that the public not receive an in-depth, balanced understanding of national issues. Though fairness is supposed to be built into network programming, the fact is that fairness is almost wholly absent.

One wonders when a really large part of the public will realize that it is being spoon-fed liberal-left views and denied access to other significant views and vital facts. The networks, for example, have functioned as lobbyists for a single point of view—a single conception of America.

Given the fact that the air waves belong to the public, it is outrageous that the electronic media should be characterized by such sustained, systematic bias in the presentation of public issues. In allowing this condition to exist year after year, without making any attempt to require the networks to develop balance in news and commentary, the Federal Communications Commission is betraying its duty to the American people.

SYRIA'S OPPRESSED JEWS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. BIAGGI. Mr. Speaker, the systematic persecution of the venerable Jewish community in Syria has been a matter of international concern for some years. The timeliness of the Jewish holy day of Tisha B'aV, this year marked on July 28, commemorating the destruction of both Temples in Jerusalem thousands of years ago, makes more poignant the tragic plight of Syrian Jewry.

Most recently, the outrages were highlighted by the barbaric rape and murder of four young Jewish women found near the Syrian-Lebanese border several months ago. As a result of an international call for action, the Syrian Government arrested four people described by Syrian Minister of Interior Ali Zaza as "assassins, robbers, and smugglers" who allegedly confessed to the crime under interrogation. It has been since learned that two of the accused murderers are prominent leaders of the decimated Syrian Jewish community, one of whom is even a brother-in-law of one of the murdered women.

In view of the past record of harassment and persecution of Syria's Jews, one does not find too surprising Syria's condemnation of two major figures of the Jewish community for Syria's own murder of Jewish women.

The secret trial of these two Syrian Jews is now in progress. Regardless of the trumped up charges which these two prominent Jews are accused of, it is the duty of free men to speak out against this outrage. The need to raise our voices against these acts is all the more poignant in the Tisha B'aV season which marks the destruction of ancient Jerusalem. I urge deep censure against these atrocities.

OUR VETERANS MUST BE PROTECTED

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. LEHMAN. Mr. Speaker, today the Subcommittee on Compensation and Pension of the Veterans' Affairs Committee, chaired by our distinguished colleague from Texas, held its first day of hearings on legislation in two areas that is of vital interest to our veterans. The first bill, H.R. 1753, would prevent the loss of veterans' benefits when social security benefits are increased. The second bill, H.R. 13977, would provide the veterans of World War I with a pension on the same basis as the veterans of the Spanish-American War.

As a cosponsor of both bills, I was pleased to submit to the subcommittee my statement of full support, and am inserting below my testimony:

STATEMENT OF THE HON. WILLIAM LEHMAN

Mr. Chairman and members of the subcommittee: I am pleased to have this opportunity to share with you my thoughts on the issue of non-service-connected pensions for our veterans.

I have co-sponsored H.R. 1753 which would protect our veterans from having their pensions reduced because of social security increases. As it happens, every time social security benefits are increased, hundreds of thousands of veterans stand to have their pensions reduced, or to even be dropped from the rolls. And every time this occurs, these veterans look to the Congress as their only source of relief. I realize, as we all do, that these pensions are not considered compensation for military service. Rather, they are an income supplement based on need, and every time a veteran exceeds the established income limitation of $2,600 for an individual, or $3,800 for a veteran with dependents or family, he stands to lose his VA pension.

Our veterans cannot view our action here in Congress as part of the grand (or not so great scheme) of things that we do; he only sees the laws giving with one hand and taking back with the other. And at a time when rampant inflation threatens even our working citizens with middle incomes, the effects on our elderly with fixed incomes can truly be tragic.

If our veterans living on a fixed, marginal income are to be able to meet their daily living expenses, they must receive the full value of all cost-of-living increases legislated by Congress.

You can be certain that these veterans never had a wavering thought about defending our country in times of war. They were ready to assist in any way, to give everything they had to preserve the freedom and democracy of America. Now when these same men need our assistance we cannot let them

down. We must preserve the dignity and security of our veterans by our prompt action on this legislation. The assurance of a more secure pension is a small price to pay for the loyalty and courage these men displayed when our nation called.

I would also like to reiterate my affirmative stand on H.R. 13977, legislation I cosponsored which would entitle World War I veterans and their widows to a pension on the same basis as veterans of the Spanish-American War. Spanish-American veterans received this reduction-free pension only twenty-two years after the end of *their* war. World War II, Korean and Vietnam veterans were entitled to GI bill benefits, training benefits, employment assistance, educational assistance, and home loans.

The Veterans Administration was not even in existence when our veterans came home from World War I, and we have never really made it up to them. Over 4.8 million men served in World War I, but only just over one million are alive today. These men know how tough life was for them. They had no veterans orgnization to help them again reenter the changed society. Many of them had to struggle all their lives to make up for the lost time, money and opportunities that they missed by serving their country. The Great Depression which followed a few years later made things all that much more difficult.

For many of them, life has never gotten any easier. Many of these veterans are living in dire poverty, I am sorry to say. We all know that our Veteran's pension program was devised to recognize our obligation to the war veteran population. I really think, given what these brave men missed, we owe them a reduction-free pension so they may live out their later days in a bit more financial comfort.

It is my sincere hope that we pass this legislation as soon as possible. These men need our assistance while they can still use it. It is the least we can do.

MIZELL POSITION ON IMPEACHMENT

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. MIZELL. Mr. Speaker, today I have issued a statement of position in regard to the concluded impeachment proceedings of the Committee on Judiciary. I would like to insert my statement at this time in the RECORD:

STATEMENT

The recommendation by the Committee on the Judiciary did not come as unexpected. Another step in our constitutionally provided procedure of impeachment is now completed.

Until I reach a conclusion on the evidence of these recommendations, it is imprudent of me to address the question of impeaching the President. I am well aware of my serious responsibility in these proceedings, and I am attempting to study all that is relevant to the articles as reported by the committee.

At the appropriate time, I will be prepared to perform my constitutional duty and responsibility in the impeachment procedure.

When I make my decision, it will not be a political decision, it will not be a partisan decision, and it will not be a politically expedient decision. It will be based on the facts on hand at the time.

This is a grave and serious question that is now before the House of Representatives and the American people, and it is my hope that we work responsibly and expeditiously in order that the other serious questions that now face the American people shall not be neglected.

CAMPAIGN FINANCING REFORM

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. GREEN of Pennsylvania. Mr. Speaker, the House Administration Committee yesterday reported a comprehensive campaign financing reform bill (H.R. 16090). It is essential that this measure be passed into law during this session of Congress.

H.R. 16090 provides for strict limits on private contributions, spending limits for candidates, total public financing of Presidential elections, a $100 limit on cash contributions, and a board of supervisory officers to oversee and administer the law. I strongly urge my colleagues to support this vital legislation when it comes to the floor of the House. I also urge support for amendments that will strengthen the oversight commission, and provide for public financing of congressional elections.

Iwould like to take this opportunity to commend the Philadelphia Evening Bulletin and the Philadelphia Inquirer for their frequent editorial calls for campaign financing reform. These two newspapers have been out front on the issue of election reform for many months.

The tireless efforts of the news media have uncovered many of the abuses of existing campaign financing laws that might otherwise never have come to light. The persistent efforts of the Inquirer, the Bulletin, and newspapers around the country on their editorial pages to encourage congressional action on campaign financing reform has helped considerably in bringing the issue to the floor of the House.

Following is a sample of some of the editorials that have appeared in the Bulletin and the Inquirer over the last year:

[From the Philadelphia Sunday Bulletin, Nov. 25, 1973]

NEW "FUEL" FOR CAMPAIGNS

Whether or not all the Watergate "bombshells" have exploded, there's no reason why Congress can't begin cleaning up some of the debris.

An excellent place to concentrate—but understandably, an unpopular one for many incumbent legislators—would be campaign financing practices. No doubt, legislators seeking reelection don't want to make that task any harder; however, since congressional elections are less than a year away, there's no better time for a serious reform effort to begin.

Funding abuses connected with the 1972 Presidential election have, naturally, attracted most of the headline space. The problem of unethical or illegal campaign contributions for favors sought or rendered, unfortunately, is far-reaching.

Last year's campaign records show, for instance, that an independent group called the Builders Action Committee contributed more than $16,000 to 40 congressional candidates, many of whom were members of Senate and House Committees involved with housing legislation. The directors of the builder group are members of the powerful National Association of Home Builders.

A former aide of Senate Watergate investigator Edward J. Gurney (R-Fla) has testified that he collected for the senator a secret fund of some $300,000 from Florida builders who had contracts with the Federal Housing Administration.

A study of last year's congressional campaign funding, released earlier this year, found that incumbents attracted more campaign money than challengers, that the candidate who spent the most money usually won and that large contributions were vital to candidates' success.

It would seem that the need for a system—such as public funding of election campaigns—that would either eliminate or drastically reduce the necessity as well as the possibility of blatant influence seeking and peddling would, by now, have been firmly established.

The message appears to be getting across in the Senate, where nine senators, including Sens. Hugh Scott and Richard S. Schweiker of Pennsylvania, are pushing a compromise on public funding bills as an amendment to the almost certain-to-be passed debt ceiling bill. It would provide public funds for Senate and House general elections and for presidential primaries.

Delaware's freshman Democratic Senator Joseph Biden said the current system "rips off" politicians as well as the public. He offered the following description: "You know what you've got to do to raise money. And it's the most degrading damn thing in the world. . . We know we've got to go out with our hat in our hand. . . whether it be a labor union, or whether it be to big business interests."

Meanwhile, it seems that public financing and other reforms such as limits on campaign expenditures and contributions, which were approved by the Senate in July, face an uphill, perilous road in the House. There, Rep. Wayne Hays (D-Ohio), chairman of the House Administration Committee and also chairman of the Democratic Congressional Campaign Committee, has no desire to make the job of getting reelected any tougher.

The voter turnout in the last local elections indicates that public confidence in the political system has sunk to new lows. A thorough reform of the campaign financing system could do a lot to lessen the public's doubt about the system and to improve its showing in the polls.

[From the Philadelphia Inquirer, Dec. 5, 1973]

CAMPAIGN SPENDING REFORM MUST MOVE FORWARD SWIFTLY

The attempt to make Presidential campaign financing a public matter was defeated Monday in the Senate. That defeat should surprise no one inured to the natural conservatism of elected officials concerning their own access to power.

Revolution is not to be undertaken casually. It cannot be disputed that the proposal to finance Presidential campaigning virtually entirely from tax funds is just that: a radical change in one of the most fundamental mechanisms of American politics.

But we believe it is a revolution long overdue. And we believe that the wisdom and necessity of the revolution is the most obvious and redundant lesson of the scandals that have been tearing at this nation's political heart for a year and more.

It was the need for money, in huge quantity, that corrupted the 1972 electoral process beyond the grimmest, most cynical limits of previous imagination.

Certainly, that dollar-lust derived from the appetite for power that motivates all political hopefuls, for better or worse. But it was the process of raising 60 million dollars for the re-election of Mr. Nixon that accounted for the most despicable crimes, and created the mood that led to other violations of both

law and common decency that have driven the Nixon Administration to its present sad and battered state.

Money flowed in to the Committee to Re-Elect the President from thousands of sources, much of it shoddily, much of it in outright defiance of the law. Many of the contributors, practical men in a tough world, rightly or not could not distinguish between contribution and bribe. As George Spater, board chairman of American Airlines, explained his own firm's illegal contributions, they were made "in fear of what could happen if (they) were not given."

Altogether, an estimated $500 million went into political campaigns in 1972. Raising and spending, and accounting for the contributions of, money in those proportions produces pressures on public servants that can only worsen unless the public-funding revolution is brought to pass.

In failing to cut off the filibuster Monday, the Congressional supporters of the first vital step in that revolution were thwarted, even though the practical possibility they were pressing for would have affected only Presidential campaigns, with Congressional campaign financing still to be dealt with.

There is considerable wisdom in exposing the Congressional campaign funding question to further examination—not because the principle is not sound, but because there are dangers of very substantial and unfair imbalances in any transitional approach. High among these is the enormous campaign-funding power of labor unions—which unlike corporations are now allowed to support candidates with little limitation.

That labor money is far too potent a force to be left unregulated and unlimited. The reform principle could greatly add to the power it represents, and thus to the influence of a small group of labor leaders with very specific political interests.

But that disbalance can be overcome, we are confident, with reasonable accommodation within the House and Senate.

Senate Minority Leader Hugh Scott deserves great credit in pressing for the unsuccessful reform despite heavy White House pressure. Working with Majority Leader Mike Mansfield he gained promise that a full campaign-spending reform bill will be reported out by the Rules Committee within 30 days of Congress's reconvening in January. That promise must be kept, and no time should be lost in fashioning it into law.

[From the Philadelphia Inquirer, Aug. 1, 1973]

CAMPAIGN SPENDING REFORM MUST NOT BE DELAYED

The United States Senate has passed a campaign spending bill that goes far and commendably beyond all previous restrictions on the acquisition, use and accounting of money for political purposes. The House should move swiftly, more swiftly than its leaders indicate are present plans, to pass it and send it to President Nixon for signature.

The nation's attention is on the subject these days. For although money is not the only root of what John Mitchell calls the White House Horrors, it is a main stem. And loose, unenforced or unenforceable restraints were, it becomes increasingly clear daily, a major nourishment.

The Senate bill is complex and it is strong. It would, most importantly, establish a seven-member Federal Election Commission, with regulatory and prosecutive powers. That role has previously fallen to the U.S. Department of Justice, which, under the last three Presidents at least, has been the most political of all cabinet agencies. Justice Department zeal and detachment in the area has been minimal and suspect.

The bill, at the moment it was signed, would also establish, with stern criminal sanctions, limits on the amounts of money any single contributor could give any and all candidates, and upon the amount that could be spent by any candidate in pursuit of any Federal office.

More important than the limits, perhaps, would be the section of the bill that would make it a crime to give or receive a cash contribution of more than $50, and to fail to disclose all gifts of $100 or more by amount, name, address and occupation of the donor.

Sen. Howard H. Baker, vice chairman of the committee that is now laboring over the story of American campaign corruption and criminality in 1972, caused something of a stir on the Senate floor by declining to vote either for or against the new campaign spending bill. His point was that it probably does not go far enough, and that much is being learned, and more will be, in the course of the committee's work.

His points are valid. But his reservation of support for the bill was misplaced.

Far off as the 1974 elections may appear, candidates are raising campaign funds for them at this moment. And every day that passes without erecting, staffing and amply funding an independent campaign policing commission is a day that invites further finagling.

Those represent immediate and important needs, which should be satisfied with a minimum of delay—weeks, not months. The Senate Select Committee's report will not come before next February, and at the present rate of progress may be delayed long after that.

In the fullness of that time, even more significant reforms must be considered, including the attractive but radical proposal that campaign funds be taken out of the hands and influences of private donors altogether.

Meanwhile, the American political atmosphere needs quick cleansing, lest the present public dismay be turned to public cynicism.

[From the Philadelphia Evening Bulletin, Aug. 27, 1973]

ENDING ELECTION ABUSES

Both the value and the weaknesses of the 1971 Federal Election Campaign Act are dramatically revealed in the General Accounting Office's voluminous report on political contributions during 1972.

That GAO report, published last week, lists over 70,000 persons who gave or lent some $79.1 million to the presidential candidates after April 7, 1972 (when the 1971 law went into effect). The estimated total for the full year is about $100 million, of which about two-thirds went to President Nixon's campaign.

Knowing who gave how much, while enlightening, is obviously only part of the task of curbing U.S. campaign excesses.

And the problem now is setting a reasonable limit on spending, considering inflation, that won't play into the hands of incumbents; also to clamp down on individual contributions, some of which, as the GAO report reveals, have been astronomical.

Beyond all this is the problem of enforcement. While the GAO has done yeoman service in detailing all the whos and whats of 1972 giving, it is forced to rely on the Justice Department for prosecuting infractions of the law. And the Justice Department is, of course, always somewhat beholden to the incumbent administration.

With Watergate's abuses in mind, the Senate passed, on July 30, tighter campaign financing legislation. Now the questions are: Can it pass the House? Does it set the proper limits on spending and contributions?

There is no answering the first question until reformers try.

As for the limits—on spending, the maximum would be 25 cents per voting age constituent, or about $35 million each party could spend on a presidential race; on contributions, the most any person could give to any candidate would be $3,000 per election, and $25,000 to all candidates for all elections each year.

To eliminate abuses such as those alleged against the Committee to Reelect the President, every expenditure over $1,000 for President would have to be approved by the national committee of the candidate's party.

By far the most needed provision in the Senate bill is one to create a bipartisan and independent Federal Elections Commission with power to subpena, prosecute and fine violators. There should be no hesitancy in enacting this provision in time to be effective for next year's congressional races.

The proposed limits on spending and contributions are tied to the question as to whether there should be public (tax) funds made available to political campaigners.

Certainly, both spending and contributions have been getting out of hand. The GAO report shows the need for curbing campaign excesses, but unless the ceilings are realistic, they may do more harm than good.

[From the Philadelphia Evening Bulletin, Apr. 18, 1974]

FORCING CAMPAIGN REFORM

Although reform-minded members of the U.S. Senate managed to push through a wide-ranging campaign spending reform bill when the legislation appeared to be doomed, final enactment of true reform legislation this session is doubtful.

The bill, passed by the Senate, which applies to presidential and congressional elections, would limit contributions and expenditures, establish an election commission with prosecutory powers and provide for the use of public funds in both primary and general elections.

In spite of the clear need and increasing public demand for such reform, the issue has languished in the House. Representative Wayne Hays, chairman of the House Administration Committee, which has jurisdiction over campaign reform legislation, is also chairman of the Democratic Congressional Campaign Committee. A staunch opponent of public campaign financing, Mr. Hays has kept reform legislation bottled up in committee for nearly sixteen months.

While the Democratic congressional leadership has been quick to exploit Watergate to its fullest political advantage, it has been noticeably silent on the reform question. Cashing in on Watergate is understandable; not to do so would be unlikely. But, missing the point of Watergate and permitting the same abuses to flourish seems equally cynical and indefensible.

The Senate bill undoubtedly asks a lot in the way of reform. In the light of Watergate and related disclosures, however, arguments that it proposes too much change don't hold. Public demand for sweeping reform including some form of public financing is strong. The mandate cannot be ignored.

A number of lawmakers such as Mr. Hays, who wield considerable power and are comfortable with the present system, are obviously determined to have their way. That powerful minority should not be allowed to succeed merely because they are willing to take the political heat.

The House leadership should force the reform issue promptly and see to it that the legislation contains the basic provisions in the Senate bill. And House members should approve the measure by such a wide margin that President Nixon has no justification for vetoing it.

[From the Philadelphia Inquirer, July 8, 1974]

CAMPAIGN SPENDING REFORM MUST NOT DIE IN THE HOUSE

Congress now is returning from the Fourth of July recess, during which its members

have almost unanimously celebrated the joys and traditions of American democracy. Its members—or those in the House anyway—will almost immediately face a challenge which will draw the line between those whose conception of democracy is merely clambake oratory and those who want to make it work democratically.

The issue that will divide them is campaign funding reform.

Few things in the public process are simple, and the financing of politics, its evils and its strengths, is no exception. But it is hard to imagine that two years after the Watergate break-in there can be many right-minded people in the United States who are not appalled by what lay as its root cause: a political financing system that invites big-money perversion.

The Senate has responded well. On April 11 it passed a bill that offers immensely constructive therapy for those ills. It would, most importantly, establish an independent campaign spending enforcement agency and set up long-overdue public funding of election expenses, including matching grant arrangements for Congressional candidates. It would set ceilings on the size of individual contributions and over-all limits on spending by any candidate.

The House meanwhile has stood by its tradition on such reforms—one of delaying when possible and emasculating when delay fails. The House Administration Committee, under the chairmanship of Democratic Representative Wayne Hays of Ohio, has produced a bill which will go to the House floor this week. It makes mockery of the Senate's efforts and the national needs.

The Hays bill was analyzed by Common Cause, the public interest lobby that has been a pre-eminent campaign-reform force. Its conclusion:

"The House Committee's bill is a grossly inadequate response to the money-in-politics scandals that have been the underpinning of the Watergate story. The loophole-ridden proposal virtually ignores the growing public demand for true reform of American political campaign financing."

Those are strong terms. But they could be stronger, for if the committee's bill should be passed under the guise of a real reform, it could cripple the chances of any actual improvement.

An impressive number of Congressmen are as appalled by the Hays committee's bill as is Common Cause—and ourselves. A number of them have promised efforts to amend into the bill, on the House floor, the main principles and the teeth that the Senate wisely approved.

Those efforts deserve the support of everyone who shares with us the conclusion that American politics is being intolerably corrupted by legislation-through-contribution. Every member of the House this autumn faces re-election or retirement. How each Congressman stands on the campaign-reform issue could very well decide which it is to be for him.

STATEMENT OF LEN B. JORDAN

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. SYMMS. Mr. Speaker, on July 15 the House Parks and Recreation Subcommittee took testimony on the future management of an important area of my State, Idaho's famed Hells Canyon. At that time, it was not possible that my distinguished friend and adviser, former U.S. Senator Len B. Jordan, be present to explain the concept he had proposed for Middle Snake management back in 1968.

Earlier this month, he submitted a written statement to Chairman TAYLOR which I believe demonstrates wisdom and responsibility in the management of our natural resources. I insert it in the RECORD at this point:

STATEMENT OF LEN B. JORDAN OF BOISE, IDAHO

I wish to be recorded as supporting Congressman Symms' bill for a four year moratorium on the construction of dams on the Middle Snake River.

To identify myself for the record, my name is Len B. Jordan. Except for time away in government service, I have spent my entire life in close proximity to the Middle Snake. I grew up at Enterprise, Oregon, attended public schools there, graduated from the University of Oregon in 1923, moved to Idaho in 1932. I spent 12 years on the Middle Snake—one year on the Lower Imnaha in Oregon and 11 years as owner of an Idaho ranch at the head of navigation on the Middle Snake below Hells Canyon. My knowledge of the area covers a period of more than 50 years.

Since disposing of our Middle Snake ranch in 1943, I have spent many years in public service: Idaho State Legislator, Governor of Idaho, 1951–55; Chairman, U. S. Section of International Joint Commission—1955–58. Working out details with Canada for the joint development of the St. Lawrence Seaway and Power project and the Columbia Treaty.

I served in the U.S. Senate from August, 1962 to January 3, 1973 when I retired. During all of my Senate years I served on the Committee on Interior and Insular Affairs. I also served on the Committee on Finance and the Joint Economic Committee. I served also on the Public Land Law Review Commission.

My support for the Symms moratorium bill is consistent with my Senate record. Two similar bills, S. 940 in the 91st Session and S. 488 in the 92nd Session both passed the Senate but were not acted upon in the House of Representatives.

On February 1, 1971 I said on the floor of the Senate:

"Mr. JORDAN of Idaho. Mr. President, I introduce today, for appropriate reference, on behalf of myself and my distinguished colleague, Senator Church of Idaho, a bill which will declare a moratorium on the granting of a Federal Power Commission license for any dam on the Middle Snake River, between the existing Hells Canyon Dam and the authorized Asotin Dam. The moratorium would extend to September 30, 1978, a date which marks the termination of an existing 10-year statutory moratorium on reconnaissance studies to augment the surface water supplies of the Colorado River Basin from outside that basin.

"This bill is an updated version of S. 940, also co-sponsored by the Idaho Senators, which was approved without opposition by the Senate last May 15. The Senate-approved bill was referred to the House Committee on Interstate and Foreign Commerce, where it remained without further action when the 91st Congress ended.

"Our colleague, Representative Orval Hansen of Idaho's Second Congressional District, is introducing a companion bill in the House.

"Mr. President, this bill is designed purely and simply to keep open the options for the development of Idaho's limited future water supplies in the Snake River, the State's major source of surface water.

"The time scope of this bill with the remainder of the 10-year moratorium on interbasin water diversion planning incorporated in the Colorado River Basin Act of 1968 is not a mere coincidence. The planning moratorium was inserted in the Colorado River bill at the insistence of the Members of Congress from the Pacific Northwest who had become concerned at talk of diverting the Columbia River or its Snake River tributary to the water-short Pacific Southwest.

"This diversion scare promoted needed interest on the part of my State in its future requirements for water and the means to protect the sources of this needed water. As a result, the State of Idaho established a water resources board and immediately embarked upon a series of studies which will result in formulation of our first State water plan. These multiple planning studies will not be completed until the mid-1970's—another reason for the 7-year moratorium time span.

"Mr. President, I shall conclude with the observations I made 2 years ago when I introduced the predecessor bill, S. 940:

" 'Idaho is now at a water supply crossroads. The stakes are high. Within 7 years we must decide which direction to take, whether it be toward achieving our high reclamation potential by full development of the Middle Snake or to maintain an open river. We do not have to make this decision now. Nor do we wish to be forced into a decision by others who are motivated by the single purpose, power. Bear in mind, there are many sources of power, including nuclear or fossil fuel generation, but the one essential element in making the desert bloom is water.

" 'In Idaho we have a double loyalty in our great love for our vast forests, mountain meadows, open ranges, lakes, and streams. We are determined to protect our great wildlife and recreation resources and we are equally determined to utilize the natural resources of these areas to help us grow and develop fully our industrial and agricultural potential. I believe that these objectives are not incompatible and I hope that Congress will help us reach these objectives by granting a moratorium against further development until our studies have been completed.' "

To those who are not familiar with the area, the name "Hells Canyon" is a vague but exciting place. Many people confuse the ranching area along the navigable portion of the Middle Snake as Hells Canyon. Having spent twelve years living in this area we speak with some degree of accuracy. In her book "Home Below Hell's Canyon" Grace Jordan took care to emphasize that the ranching area where we lived was many miles below the true Hell's Canyon, described as the deepest canyon in North America. That area lies roughly between the end of navigation upstream from Lewiston and the end of navigation downstream from Weiser. This distance of roughly twenty-five river miles is indeed spectacular. No trails, no habitation, walls rising abruptly from the river to the Seven Devils on the Idaho side to the Wallowa Mountains on the Oregon side. That is Hells Canyon, impenetrable except by downstream floating—remote, inaccessible. No matter how you label it the gorge of the Hells Canyon proper is destined to remain unchanged unless it becomes the backwater of a high dam downstream on the Middle Snake.

The ranching area where present interest is focused is not much different than any number of western ranch areas. It is very similar to the Riggins-Whitebird area of the Salmon River. It is accessible by roads, by power boats and by many trails. Moreover, it provides a continuing economic contribution to a region where most of the area is already publicly owned. I repeat the suggestion I mentioned earlier. Those who would change the regimen of a productive ranch country for all time should fortify their judgment by spending a day or two in the area at various seasons of the year. I offer my services as a tour guide for such a trip.

The first point I wish to emphasize is that more than any other tributary of the mighty Columbia river system the Snake is a working river. Its waters are the life blood of Southern and Eastern Idaho. The 3.5 million acres presently irrigated represent only about half of Idaho's irrigation potential. Back through the years leaders of both political parties have stood shoulder to shoulder to insure that this most precious water resource and the land of high potential for reclamation should never be alienated. So far this bipartisan effort has paid off, but we must be ever vigilant so that future generations will bless us for the prudence and foresight of our stewardship.

It is no coincidence that here in Idaho we speak proudly of the Treasure Valley and the Magic Valley. These valleys became treasures through the magic of applying life giving water to arid lands. To illustrate the importance of water to Idaho's economy I have frequently used this illustration. Suppose a major disaster such as a massive tornado or an earthquake reduced every home, every business building, every school, every hospital and church to a mass of rubble and ashes. As long as the Snake River continued to flow the towns and the cities would be rebuilt and revitalized. Like the Phoenix of ancient mythology new structures would rise from the ashes to house a new and thriving economy. But let some major disaster diminish or divert the flow of our Snake River and the towns and cities of the Snake River Valley would wither and die.

The earliest emigrants paid Idaho as little attention as possible. Billowing clouds of sage-scented dust marked the Oregon Trail as the covered wagons toiled slowly and laboriously across the rutted plains of the Snake River Valley on their way to the lush meadows and tree clad hills of the Willamette Valley.

My second point is the need for flood control in the Lewiston-Clarkston area. Most people do not realize that irrigation has flood control benefits too and they are substantial. This is how it comes about. The Snake River at Weiser contributes about 10% of the normal flow of the Columbia River at The Dalles but, due to the flood retarding effect of reclamation facilities upstream, at high flood stage the Snake at Weiser contributes only 5% to the flood flows. Reclamation has tamed the floods by stabilizing the flow of the river. On the other hand the Clearwater and the Salmon and the Imnaha and the Grand Ronde which join the Snake below Weiser contribute about 14% of the normal flow of the Columbia at The Dalles but their contribution increases to nearly 30% of the flood flows. These percentages are calculated prior to Libby and Canadian storage which will reduce flood flows at The Dalles to a tolerable level but will have no effect whatever on flood flows in the Lewiston-Clarkston area.

I would point out to those in that area who want all dams below and no dams above that they are courting disaster. The hydrologic potential for a major flood disaster is enhanced by present development of 8 dams downstream which retard the outflow. The value for power and navigation is unquestioned. In every study made by the Corps of Engineers and other Federal agencies these dams were intended to be operated with adequate upstream storage to retard the runoff for flood protection at the confluence of all these tributaries at Lewiston. When the Lower Granite dam is completed, downtown Lewiston will be protected by dikes.

The question is, will the dikes be adequate? I don't think they will. Modern technology enables us to calculate with great accuracy the amount of the runoff from any watershed. No one has yet devised a way to predict the vagaries of the weather which will determine when or how fast the runoff comes. From a flood control standpoint, the eight power and navigation dams are on the wrong end of the river system. When the floods do come and downtown Lewiston is under water, the origin of those flood flows will be the watersheds of the wild and the untamed rivers upstream rather than from the comparatively docile Snake.

It is unfortunate that flood control facilities cannot be operated from the vantage point that hindsight would provide. Instead, they must be operated on a forecast basis. Who among us has the wisdom of a Solomon to decree, in a time of energy crisis, that certain generators must be idled in order to accommodate flood flows which may not come at all this year as nature cooperates and provides another season of orderly runoff.

A third point is that, if given all the facts, I firmly believe that the majority of Idaho citizens are not ready to surrender control of Idaho's working river to federal authority. A short time ago I approved the action of Idaho's political leaders as they spoke with one voice to urge the Corps of Engineers to keep hands off the management of Lake Coeur d'Alene, a navigable body of water in North Idaho.

I would urge the same hands off policy with respect to the Middle Snake. It seems most inconsistent to me to oppose Federal control of a navigable lake and invite Federal control of a navigable river, especially when that river is the life blood of Idaho.

If we keep the fox away from our chicken coop on Lake Coeur d'Alene, why should we invite the same fox to guard our chickens on the Middle Snake?

Federal designation and control has an irrevocable finality. I cannot recall a single instance where any area or river once set aside and authorized as a National Park, National Wild or Scenic River or a National Recreation Area has ever been withdrawn from the national classification and returned to its prior status.

Claims by some proponents that such resources may be held on a tentative basis as in a soil bank have no historical precedent. Once committed to a national purpose, that commitment is permanent and irrevocable.

And finally I am apprehensive about the effectiveness of "protective language." Sponsors of Recreation Area legislation now being considered for the Middle Snake claim that language written into the bill guarantees rights for future upstream consumptive use when more new lands are reclaimed for irrigation. Before officials of Idaho and Oregon cooperate in moves to give the Middle Snake a federal label whether it be for a National River, a Wild or Scenic River, or even a National Recreation Area in the belief that protective language asserting the supremacy of State water law, I think they should consider what has happened to such protective language on other rivers in other Western states. I shall not give details here but the record is available for examination.

In short, the record shows that no protective language, however specific it may be, has ever survived the challenge in later years by those who sought to disregard it. That is why I have grave concern about the ultimate effectiveness of any attempt to incorporate protective language for future upstream consumptive use under state law in any proposal that bears a national label and/or is set aside for a designated national purpose.

A recent Potomac Associates book entitled "The Limits to Growth" provides some startling predictions on the limits of certain nonrenewable energy resources. They say:

1. Global natural gas reserves will be exhausted in 22 to 49 years.

2. Global reserves of petroleum will be exhausted in 20 to 50 years.

3. Global reserves of coal will be exhausted in 111 to 150 years.

Citizens of New Hampshire and Rhode Island have refused to allow installation of oil refineries within their borders. Delaware led the parade by not only refusing oil refineries but by also prohibiting oil tankers to discharge their cargo off Delaware's shore.

If the United States is to become self sufficient energywise, it will become necessary for each of the 50 states to make some trade offs to accommodate their energy needs. Are the states of Idaho, Oregon and Washington willing to lock up a great potential source of clean renewable energy and demand that other states or foreign nations bring their nonrenewable energy to us?

We speak hopefully of clean new sources, solar, geothermal, breeder reactors as if energy demand would remain constant for 25 or 30 years. Relief is not in sight for the immediate future.

Compared to energy from nonrenewable sources, clean hydro takes on new value and renewed respect. Hydro is solar energy provided by natural laws of the hydrologic cycle. Before we lock up our remaining hydro let's have another look.

For example, Idaho's contribution to the original National Wild and Scenic Rivers is 250 miles—44% of the total mileage. These include the Lochsa, the Selway, the Middle Fork of the Clearwater and the Middle Fork of the Salmon River. Collectively these rivers have a potential hydroelectric potential of 5 billion average annual kilowatt hours.

Presently under study for inclusion in the same system are Idaho rivers Moyie, Priest, St. Joe, all of the main stem of the Salmon River and the Bruneau—a total of 550 linear miles with a hydro potential of 11 billion average annual kilowatt hours.

Superimposed on all of these are proposals for a free flowing Middle Snake and tributaries with a hydro potential of an additional 9½ billion average annual kilowatt hours.

With less than 30% of Idaho's hydro potential presently developed, this state does not need 1000 miles of National Wild and/or Scenic rivers.

Idahoans must have more time to explore our options!

AN ALTERNATE PROPOSAL

This legislation is too important to be treated in haste. It involves the permanent lockup of power from a renewable source equivalent to 19,000,000 barrels of oil a year. It leaves the Lewiston-Clarkston area vulnerable to frequent and extensive flood damage. You will recall that the original Main Control Plan for the Columbia and its tributaries called for storage at Bruces Eddy (now Dworshak), Penny Cliffs and High Mt. Sheep (or Nez Perce). After the treaty with Canada was consummated, Canadian storage was substituted for Snake and Clearwater projects in the Main Control Plan. Thus the Portland-Vancouver area is protected but the Lewiston-Clarkston area is not.

Personally I do not favor the applicant's proposal that is now before the Federal Power Commission. The only justification for flooding true Hells Canyon would be to extend barge navigation to the Weiser-Ontario area, and that is technically possible but not economically feasible at this time. But it is possible to develop about 85% of the potential hydro, preserve the salmon runs on the Salmon and Imnaha and Grand Ronde Rivers, preserve the true Hells Canyon in a free flowing state—all in one coordinated plan, which would include Asotin, China Garden, and Appaloosa (backing the water up only to the head of navigation at the downstream entrance to Hells Canyon). Under this plan, diversion of Salmon River flood flows via tunnel to Appaloosa Reservoir is economically feasible without doing violence to the salmon resource. This would provide needed flood protection for the Lewiston-Clarkston area.

In the late 50's, I was on the IJC working out details of power development at Barnhardt Island on the St. Lawrence as a joint venture between U.S. and Canada. That same concept, now working so well between neighboring nations, surely could work between the three neighboring northwest states. It is worth exploring. I believe the northwest states should retain control of northwest water.

If the United States is to become self-sufficient energy-wise, it behooves each of the several states of the Union to re-examine its own potential energy resources before we levy demands on other states or turn to the volatile Middle East for oil.

A distinguished Supreme Court Justice has declared that a river is more than an amenity—it is a treasure. The Snake River is greater than the Colorado River. In multi-purpose potential it is unexcelled by any river in America. Some of its tributaries are already included in the National Wild Rivers System.

I wish to re-emphasize the fact that the Snake is a working river—one of the most heavily used rivers in the country. Idaho's major industries—agriculture and food processing—are directly dependent upon water from the Snake.

In spite of wishful thinking on the part of many of us, that Idaho should remain unchanged and unspoiled, our state is destined to increase in population. We had better prepare ourselves to manage the inevitable growth so as to retain the best of what we have and to accommodate growth and expansion of the right kind.

Along with our water resources planning we need a comprehensive statewide land use plan that is compatible with our long term objectives. As I said at the beginning of my remarks, land and water and life are interdependent.

The best way that we in Idaho can improve the quality of life is to dedicate ourselves to improving the quality of our stewardship over the land and the water resources which are our heritage. Some people equate non-use with conservation—or conversely, use with exploitation. Neither is true. Wise and responsible use is the essence of true conservation. By using these resources wisely and well, we not only improve the quality of our own lives but we may take pride in passing our heritage on to future generations as good or better than it came to us.

In closing, Mr. Chairman, may I extend an invitation to you and your committee to come to Idaho and talk with our people, inspect the Middle Snake as a committee project and hold public hearings in Idaho.

Idahoans should not have to journey to Washington, D.C. to defend our river.

THE INFORMATION EXPLOSION—A LOGISTICS PROBLEM

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. FUQUA. Mr. Speaker, the Institute of Electrical and Electronics Engineers, Inc., in their April issue of Spectrum carried a thought-provoking statement of the distinguished chairman of the Committee on Science and Astronautics, the Honorable OLIN E. TEAGUE. Chairman TEAGUE joined several other Members of Congress in evaluating the significance of scientific and technical information to our national well-being. Because of the importance of these remarks, I am including them in the RECORD for the benefit of our colleagues and the general public:

THE INFORMATION EXPLOSION—A LOGISTICS PROBLEM

(By Representative OLIN E. TEAGUE)

It is pretty difficult to say anything on the subject of freedom of scientific and technological information except something nice. I do not intend that observation to be a facetious one. It is undeniably true that the strength, quality, and durability of our economy and, in fact, our country depend upon adequate scientific information and its judicious use.

I have said many times before, and I repeat now, my belief that the relative status of all nations within the global community will be throughout the foreseeable future in direct proportion to their effective handling of science and technology.

It is also axiomatic and, I take it, an article of faith that such information must be freely available, freely exchanged—for without such freedom, information is worth very little. Those who may seek to delay or tightly control it usually hurt only themselves and, in any event, their efforts at best can be only temporary. True scientific information, as we should have learned during the past three or four decades, cannot be monopolized and sooner or later will surface everywhere.

FREE EXCHANGES NOT ENOUGH

Having said this much, however, I nonetheless feel constrained to point out that it is by no means enough to say that we as a nation or a Government should have a policy of free exchange of scientific and technological information. Further, we must have active, dynamic policies and mechanisms which will guarantee that this information is appropriately used.

I am sure that none of the *Spectrum* readership needs to be told how complicated a problem this is. For example, there must be certain exceptions to the foregoing rule, such as those spelled out in the Freedom of Information Act, which protects information that has special significance for national security as well as information of a proprietary nature. The latter may be quite as important as the former since it impinges on our whole industrial system of trade secrets and patent laws. Certainly we need these as a spur to innovation. Yet anyone who has looked closely at our patent system in recent years also realizes that here is an area of technological information handling which needs a general overhaul.

Another problem lies in the fact that the various systems by which our technical information is stored, retrieved, and transmitted are often incompatible with each other—a fact that causes enormous confusion and can defeat the very purpose of scientific research and development.

Still another problem lies simply with the surfeit of information, which from time to time inundates those who would like to use it. For example, I recently noted a directory of Information Analysis Centers supported by the Federal government, and found that there were 119 of these scattered about the country. This, of course, is quite aside from the various information banks and storage systems maintained by private sources.

Moreover, we have a number of Federal entities such as the Committee on Scientific and Technical Information within the Executive Office, the Science Information Exchange of the Smithsonian Institution, the Office of Science Information Service of the National Science Foundation, the National Technical Information Service of the Department of Commerce, and others—all of whom are spending a lot of time and effort on promulgating up-to-date scientific information in the hope of assuring its utility.

As any of these organizations will tell you, the task is an extremely complex and difficult one. I sometimes get the impression that scientific information experts are almost afraid to push their own computer buttons for fear of being drowned in floods of data, abstracts, bibliographies, charts, blueprints, and what have you—with maybe two thirds of it either incompatible with or irrelevant to what is being sought.

THERE'S STILL HOPE

I have not intended simply to paint a gloomy picture or to question the value of our national R&D effort. I do not intend to suggest that we have gone so far down the road of accumulating scientific and technological information in an inept fashion that it no longer is possible to manage. I am sure that it *is* manageable. But I also have the strong impression—given the explosion of current technological information—that we need a lot more research, and soon, to learn *how* to manage it. Otherwise that nice sounding phrase "freedom of information" is likely to go down in the books as a pious platitude generated by a civilization that couldn't keep from stumbling over its own technological feet.

REPRESENTATIVE KEMP INTRODUCES THE RAILROAD RIGHT-OF-WAY FIRE PREVENTION ACT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. KEMP. Mr. Speaker, on June 14, I had the pleasure of meeting with the legislative seminar of the Erie County Volunteer Firemen's Association.

In our discussion of measures to prevent and control fire, it was brought to my attention that a significant fire hazard exists along railroad rights-of-way, where sparks given off from the exhaust stacks of locomotives threaten adjoining residential, commercial, and industrial property. The high incidence of fires along railroad rights-of-way places a considerable burden upon our communities in terms of the high cost of fire equipment and manpower to control and extinguish these fires.

The Firemen's Association of New York State, and the Erie County Volunteer Firemen's Association under the outstanding leadership of President William Ziegelhofer, and their able legislative chairman, Leon Jacobs, have been tremendously active in seeking a solution to this problem. For several years in a row, they have supported legislation in the New York State Assembly designed to curtail and eliminate fires caused by sparks from locomotive smokestacks. This past year, legislation to require spark arresting devices on certain locomotives passed both houses of the New York State Assembly. It was not, however, signed into law, because the Governor felt this problem was more properly the province of Federal legislators.

Mr. Speaker, today I am introducing a bill to establish fire safety requirements for locomotives. Entitled the Railroad Right-of-Way Fire Preventive Act, my bill directs the Secretary of Transportation to establish standards of fire safety for locomotives that will greatly

reduce the likelihood of sparks falling from smokestacks and igniting property adjacent to railroad rights-of-way. The technology exists for controlling sparks. So-called spark arresters have been proven effective. It is, therefore, essential that their use be required on those locomotives which present a constant threat of fire.

This body has actively committed itself to the control and prevention of fire. In April we passed the Fire Prevention and Control Act of 1974—comprehensive legislation designed to give our Nation's firefighters the credit, recognition, and Federal assistance they need to tackle the monumental task of reducing fires. At that time, it was widely recognized that many specifics remained to be done in our overall efforts to combat fire. At that time, it was widely recognized that we must continue to be responsive to the expressed needs and concerns of those closest to fire prevention—our firefighters.

Mr. Speaker, the firefighters of western New York have worked hard to focus attention upon the threat of fire produced by the smokestacks of certain locomotives. My bill would end this threat by requiring that technology we already possess—spark arresters—be required on locomotives. I hope that my colleagues will join me in support of this bill, the text of which follows:

H.R. —

A bill to amend the Federal Railroad Safety Act of 1970 to direct the Secretary of Transportation to establish fire-safety requirements for locomotives in order to minimize the danger of fires along railroad rights-of-way

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 "Railroad Right-of-way Fire Prevention Act".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) there is a continuing problem with fires along railroad rights-of-way;

(2) such fires often cause serious damage to residential, commercial, and industrial property located adjacent to such right-of-ways,

(3) such fires impose a considerable burden upon local communities and upon State and Federal agencies which must furnish the firefighting equipment and manpower necessary to control and extinguish such fires;

(4) most such fires are caused by sparks emitted from the exhaust stacks of locomotives;

(5) the technology exists for controlling such emissions and thereby greatly reducing the likelihood of such fires; and

(6) requirements that such technology be utilized by railroads should be nationally uniform to the extent practicable.

(b) It is the purpose of this Act to amend the Federal Railroad Safety Act of 1970 to direct the Secretary of Transportation to establish railroad safety requirements for controlling spark emissions from locomotives in order that the danger of fires along railroad rights-of-way be significantly reduced.

ESTABLISHMENT OF FIRE SAFETY REQUIREMENTS

SEC. 3. The Federal Railroad Safety Act of 1970 (45 U.S.C. 431–441) is amended—

(1) by adding immediately after the first sentence in section 202(a) the following new sentence: "For the purpose of minimizing the danger of fire along railroad right-of-ways, the Secretary shall prescribe rules, regulations, orders, and standards establishing requirements for controlling spark emissions from locomotives, including, to the extent he deems necessary, requirements that spark arresters, or other devices, of such type or meeting such standards as he may prescribe, be used."; and

(2) in subsection (b) of section 209 by—

(A) inserting immediately after "under this title" the following: ", other than a rule, regulation, order, or standard issued pursuant to the second sentence of section 202(a),"; and

(B) by adding at the end of such subsection the following new sentence: "The Secretary shall include in, or make applicable to, any rule, regulation, order, or standard issued pursuant to the second sentence of section 202(a) a civil penalty for violation thereof in such amount, not less than $100 nor more than $250, as he deems reasonable.".

INITIAL ESTABLISHMENT OF FIRE SAFETY REQUIREMENTS

SEC. 4. The Secretary of Transportation shall initially prescribe rules, regulations, orders, and standards pursuant to the second sentence of section 202(a) of the Federal Railroad Safety Act of 1970, as added by paragraph (1) of section 3 of this Act, not later than ninety days after the date of enactment of this Act.

RHODESIAN CHROME

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mrs. MINK. Mr. Speaker, the debate surrounding the reimposition of the ban on imports of Rhodesian chromium, as embodied in S. 1868, is beginning to escalate as action on this issue becomes imminent. Among the oft heard arguments against reimposition of this ban are the following:

First. There is no substitute for chromium.

Second. The U.S.S.R. is not a reliable source of mineral supplies.

Third. There are no other major sources of chromium except for Rhodesia and the U.S.S.R.

Fourth. If a ban were reinstituted, the price of chromium from the U.S.S.R. would skyrocket, having great economic impact on the United States.

However, none of these allegations will withstand close scrutiny, for they are based on half-truths at best. I would like to direct some responses toward these fears.

THE QUESTION OF SUBSTITUTES

The Commodity Data Summaries, 1974, appendix I to the Third Annual Report of the Secretary of the Interior Under the Mining and Minerals Policy Act of 1970 states that:

> Nickel, zinc, cobalt, molybdenum, vanadium and titanium are competitive alternative materials for chromium in various end use applications.

This lengthy list of metals demonstrates that there are indeed a number of substitutes for chrome. Moreover, a considerable portion of the chromium used in the United States today is primarily of decorative value. It would therefore seem entirely possible to achieve the replacement of chromium by other metals without any significant loss in economic terms. The primary requirement would appear to be a modification of consumer demand for certain types of commodities.

Further in this regard, Dr. Franklin P. Huddle of the Science Policy Research Division of the Library of Congress has advised me that:

> It is possible that an alloy containing various amounts of aluminum (ranging from 10 to 16 percent) and molybdenum (3 to 4 percent) the balance being iron, could be developed as a replacement for some uses of stainless steel alloys. Studies sponsored by the Office of Saline Water have shown that the corrosive resistance of some of the aluminum iron alloys approximates that of corrosion-resistant stainless steel in salt spray. Earlier studies of the alloy system at the Naval Ordnance Laboratory, White Oaks, Maryland, showed that it had excellent oxidation resistance up to 2,000 degrees F., which suggests the possibility of some high temperature applications (such as jet engine parts, steam turbine superheaters, furnace boiler tubes, etc.).

Amplifying his statement, Dr. Huddle asserts that:

> There are admittedly technological problems to be overcome in the use of aluminum irons as an alternative material for stainless steels. However, the most difficult obstacle is the inertial resistance to the new metallurgical concept for the express purpose of replacing a well-established and commercially important product. The vulnerability of U.S. industry to curtailment of chromium imports would need to be recognized by industry as a serious threat before the aluminum irons would be regarded as a useful system . . .

In light of the total lack of industry interest in this promising alternative to the use of chromium, we can only conclude that there is no real concern as to the supposed vulnerability to curtailment of imports.

THE QUESTION OF SOVIET UNION RELIABILITY

This brings us to the second objection often raised against a reimposition of the chromium ban, that is the reliability of supplies of chromium or chromite ore from U.S.S.R. It is significant that the United States imported 32 percent of its platinum groups metals from the U.S.S.R. during the period 1969–72. That our dependence on Soviet supplies is increasing is demonstrated by the fact that we imported nearly twice as much platinum-group metals from the U.S.S.R. in 1972 as in 1971. Evidently our platinum industry is not particularly fearful that supplies from the U.S.S.R. will be cut off. Recent agreements on the part of the U.S. natural gas industry to develop Russian resources indicate that this segment of industry is also not overly concerned with the reliability of Soviet supplies. Why should chromium be any different?

THE QUESTION OF ALTERNATIVE SOURCES OF CHROMIUM

Contrary to the popular misconception. Rhodesia and the U.S.S.R. are not the only world sources of chromium. The Republic of South Africa possesses almost two-thirds of total known world reserves. Reserves in other areas of the

world—including, among others, the Republic of the Philippines and Turkey—constitute twice the known reserves in the U.S.S.R.

The United States itself possesses domestic reserves of chromium. They are found in the Stillwater region of Montana. The U.S. Geological Survey has recently concluded a study of the potential for development of the minerals located in this region—USGS Circular 684. The total reserves of chromite are estimated to be 7.9 million short tons.

THE QUESTION OF ECONOMIC IMPACT

It is obviously impossible to predict what would happen to the price of chromite shipped from the U.S.S.R. if a ban on importation of Rhodesian chrome were to be reinstituted. However, 1972 price figures—as supplied to me by the Congressional Research Service—indicate that Soviet chromite, while higher in grade than that from other sources, was actually priced considerably lower. The figures, on a per content ton basis were: U.S.S.R., $58; South Africa, $42; Rhodesia, $80; and Turkey, $81. These figures indicate that there could be a major rise in the price of chromite from the U.S.S.R. before it would equal the price now being paid for Rhodesian chromite. Moreover, the current atmosphere of détente with the U.S.S.R. together with the considerable broadening of economic ties with this Nation indicates that an unreasonable rise in the price of chrome would be unlikely.

FURTHER ARGUMENTS

RECYCLING

During recent oversight hearings held by the Subcommittee on Mines and Mining on the subject on mineral scarcity, representatives of the specialty steel industry stated that they are allowing themselves to be outbid by foreign purchasers of stainless steel scrap. These representatives could give no valid reason for this situation except for the now-defunct price control effects. If the price of chromium were to rise significantly, in response to the reimposition of the Rhodesian ban, the specialty steel producers might then see the economic advantage of purchasing domestically available stainless steel scrap, thus conserving this valuable resource and reducing our overall dependence on foreign supplies.

IMPORTS OF IMPORTANT METALS FROM OTHER AFRICAN NATIONS

One important political implication associated with the current U.S. policy toward Rhodesian chrome is the effect which it has upon emergent black African nations. Although these nations have made no threats regarding the imposition of a ban on the export of minerals to the United States as a result of our policy toward Rhodesia, the potential is there. The recently held Sixth Special Session of the U.N. General Assembly on the problem of raw materials and development—April 9 to May 2, 1974—clearly indicates a growing awareness on the part of these and other mineral exporting nations of the economic power available through manipulation of mineral resources. Among the important minerals which we now import from black African nations are:

Cobalt: Zaire, 45% of U.S. imports.
Columbium: Nigeria, 14% of U.S. imports.
Manganese:
(a) Gabon, 35% of U.S. imports.
(b) Zaire, 7% of U.S. imports.
Tantalum: Zaire, 14% of U.S. imports.

In the long run, do we want to run the risk of triggering a cutoff of these important mineral resources?

Mr. Speaker, all of the above arguments in favor of the Rhodesian ban are directed at assessing the impact of this ban on the domestic economy of the United States. To me, the economic evidence is overwhelming. However, the ethical argument in support of this ban is even of greater importance. The United States is the only U.N. member to officially disavow the U.N. resolution. As leaders of world opinion, we must take action to censure the illegal and racist government of Rhodesia. I believe America will not in any way jeopardize her economic well-being as far as chromium supplies are concerned if we move to support world leadership by reimposing the Rhodesian ban.

THE PRESIDENT'S TAXES AND IMPEACHMENT

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. O'HARA. Mr. Speaker, I deeply regret the decision of the House Judiciary Committee in rejecting the proposed article of impeachment relative to the fraud involved in President Nixon's income tax returns. By their vote, 26 members of the committee have asserted that this matter should not be left to the consideration and collective judgment of the 435 Members of the House of Representatives and, potentially, the 100 Members of the Senate.

Most of the Judiciary Committee members from President Nixon's own party, in the course of debate, conceded the handling of the President's tax returns was "shabby." I agree, but these defenders of the President contented themselves with rendering their personal moral judgments on the President, and then voted to deny the full House of Representatives the opportunity to render its constitutional judgment through the medium of the impeachment process.

It seems clear, from the preponderance of the evidence, that a tax fraud was committed. Even the President's defenders agree that Mr. Nixon signed and filed a grossly incorrect tax return. The President may want to argue that this was an honest mistake, or an error, as his defenders argued in the Judiciary Committee. But it is wrong for some members of the committee simply to assert such a defense and then dismiss the matter out of hand. The defense of honest mistake or error can properly be asserted only by the person who signed and filed the tax return—Mr. Nixon. Such a defense can best be raised in the impeachment proceedings in the House and any trial in the Senate growing out of the House proceedings. A similar defense could be offered by Mr. Nixon in the courts, although such a prospect seems unlikely at present since the question has been raised as to the validity of taking criminal action against a sitting President, and since there is, therefore, some reluctance on the part of the Special Prosecutor to move against Mr. Nixon on the tax fraud question at this time.

The President's defenders on the committee argued for months that only issues of criminality should properly be considered in impeachment proceedings—yet, on the tax fraud issue, which clearly involves criminality, these same members reversed their stand and claimed that, while this might be a matter for the courts, it was not a proper matter for the Congress to consider. Beyond that, in a regrettable departure from fair play, the President's defenders gratuitously brought in the names of former Vice President HUBERT HUMPHREY and the late President Lyndon Johnson, asserting that they, too, made gifts of official papers for which they claimed tax deductions. But the President's apologists know that there never has been an assertion against either Mr. HUMPHREY, Mr. Johnson, or any other Government official, that tax deductions were claimed on papers donated after the tax laws had been changed to prevent such gifts.

Mr. Speaker, the fact of the matter is that every piece of objective evidence shows that the President's gift of papers to the National Archives occurred after, not before, the deadline established in the bill, which Mr. Nixon, himself, signed into law—signed into law, that is, only after the President, through White House staff assistants, had lobbied long and unsuccessfully to delay congressional action on the bill and to change its effective date.

It is spurious to argue, as the Nixon loyalists do, that the gift was effectively made merely because the papers were in the possession of the National Archives prior to the deadline. It has long been the custom of Presidents to send papers to the Archives for safe keeping and storage. It is a custodial relationship, a courtesy extended to Presidents, nothing more. In any event, the claim that the papers constituted a gift at the time they were sent to the Archives is effectively destroyed by the President's later actions—because 17 boxes containing the most valuable of the Nixon correspondence with national and world leaders were retained as the President's personal property and were not made subject to the deed of gift.

Beyond that, the facts are that the appraiser was not chosen to evaluate the papers until 4 months after the deadline for making such gifts; that the appraiser did not even begin the selecting-out process until nearly 5 months after the deadline; that the appraiser did not complete this selection process until the following taxable year; and that the deed

of gift, about which there is clear evidence of back-dating, was defective because it gave Mr. Nixon continuing title and authority over the papers during his lifetime—a fact which, all by itself, rendered the gift not a proper subject for a tax shelter, even if the deadline had properly been met.

It is not just the impropriety of the "gift" of Presidential papers that is involved, Mr. Speaker, for there is a whole litany of tax abuses—the failure to report capital gains on the sale of property in New York, California, and Florida; the failure to report, as income, the taxpayers' dollars that were spent to enhance the value of Mr. Nixon's private vaction resorts at San Clemente and Key Biscayne; and the failure to report, as income, other emoluments received from the Government, in excess of those provided by statute. In sum, the President's tax returns grossly understated his income, and grossly overstated his deductions. No other taxpayer could have hoped to avoid prosecution for such gross and callous disregard of the Internal Revenue Code.

Mr. Nixon's defenders put the responsibility for all of these irregularities on the shoulders of members of the White House staff, the President's tax consultant, and the President's tax lawyer. But it was Mr. Nixon, himself, who signed the fraudulent tax return, and it is Mr. Nixon, himself, who should be held accountable under the law. Every lawyer on the Judiciary Committee knows this—and so should Mr. Nixon, whose legal specialty happened to have been tax law.

The President's handling of his tax returns, which could have resulted in the defrauding of the U.S. Treasury of more than $400,000 in taxes had the irregularities not been brought to light, warrants consideration by the full House as an impeachable offense. It is one more piece of evidence of this President's utter disdain for the laws which govern other citizens; it demonstrates his total insensitivity to the nature of our income tax laws which rely so heavily on the integrity of the individual taxpayer; it is, in my opinion, a crime against the State and an affront to the law-abiding, taxpaying American people. If any action of a President cries out for the impeachment remedy, this one does.

Mr. Speaker, it is my hope that the full House of Representatives will have an opportunity to consider, and pass judgment, on the evidence in this case—either as a separate article of impeachment, or as an addition to one of the other articles which are to be transmitted to the House. Beyond that, at such time as the Special Prosecutor deems it proper to take criminal action, it is my hope that this matter will be brought to the attention of the appropriate grand jury. I believe, that both in the Congress and in the courts, the issue of President Nixon's tax returns must be resolved—and resolved in such a way that the American people can have the assurance that the laws of our land are being faithfully executed.

DR. RAYMOND L. BISPLINGHOFF LEAVES THE NATIONAL SCIENCE FOUNDATION

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. DAVIS of Georgia. Mr. Speaker, the House Subcommittee on Science, Research, and Development, which has oversight responsibilities for the National Science Foundation, has recently received word that Dr. Raymond L. Bisplinghoff, NSF's Deputy Director since 1970, has submitted his letter of resignation to the President, effective September 30, 1974. Dr. Bisplinghoff will become chancellor of the University of Missouri at Rolla beginning October 1. Once known as the Missouri School of Mines and Metallurgy, Rolla is the university member of the University of Missouri that is principally oriented toward science and technology.

Ray Bisplinghoff was appointed NSF Deputy Director in October 1970, following an outstanding earlier career in aeronautical engineering and administration at the Massachusetts Institute of Technology and in Government service with NASA. He is a member of both the National Academy of Sciences and the National Academy of Engineering; a fellow of the American Astronautical Society; a fellow of the Royal Aeronautical Society; and a member of the International Astronautical Federation—to name only a few of a long list of distinguished honors and affiliations.

He has helped Dr. H. Guyford Stever, NSF's Director and the President's Science Adviser, administer the National Science Foundation during a period of significant growth in its responsibilities, and has played a key role in guiding the Foundation into new areas and expanding its contribution in traditional ones. Coming to NSF soon after extension of the Foundation's authority to support applied research, Dr. Bisplinghoff made important contributions to the establishment of the program of Research Applied to National Needs—RANN. Following this, he supervised the formation of four additional units—the Programs of National R. & D. Assessment and Experimental R. & D. Incentives, and the Offices of Energy R. & D. Policy and Science and Technology Policy.

A native of Ohio, Ray Bisplinghoff attended the University of Cincinnati, where he received the degrees of A.E.—aeronautical engineer—in 1940 and M.S. in physics in 1942. His work toward the Ph. D. in physics was interrupted by the war. He received the Sc. D. degree from the Eidgenossische Technische Hochschule, Zurich, Switzerland, in 1957.

At the time of his appointment as Deputy Director of the National Science Foundation in the fall of 1970, Dr. Bisplinghoff was dean of the school of engineering at the Massachusetts Institute of Technology. His career at MIT has spanned more than two decades, commencing in 1946 with an assistant professorship in the department of aeronautics and astronautics, moving on eventually to department chairman in 1966, and then to the dean of the engineering school in 1968. The years at MIT were interrupted while he served as Director of NASA's Office of Advanced Research and Technology, Associate Administrator of NASA for Advanced Research and Technology, and special assistant to the NASA Administrator, during the period 1962–66. Upon his return to MIT in 1966, he continued to serve as consultant to the NASA Administrator.

Dr. Bisplinghoff is the author of three scientific books. He has served as a member of many important committees and governmental boards, scientific societies, and industry groups, both here and abroad, and in numerous consultant roles. In 1967 he received NASA's Distinguished Service Medal and in 1973 the Distinguished Service Award from the National Science Foundation. He is also the recipient of the Distinguished Alumnus Award, University of Cincinnati, 1969; NASA Apollo Achievement Award, 1969; Carl F. Kayan Medalist, Columbia University, 1961; and the Godfrey L. Cabot Award, 1972.

On behalf of the House Subcommittee on Science, Research, and Development I express our very deep appreciation to Ray Bisplinghoff for his extremely valuable contributions to the advancement of science and science administration, both in university and Government circles. We are sorry he is leaving the Washington scene, but we congratulate the University of Missouri at Rolla upon its wise selection of a new chancellor.

WAR AND IMPEACHMENT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. BROWN of California. Mr. Speaker, yesterday the House Judiciary Committee considered, and rejected, an article of impeachment that accused President Richard M. Nixon of violating the Constitution in the pursuit of an illegal war. There were other aspects to this proposed article, but the purpose of it was to clearly establish that the power to make war is one reserved to the Congress, and the actions of President Nixon exceeded his power under the U.S. Constitution, and he is therefore impeachable.

The debate on this article opened up the ugly wounds that the undeclared military actions of the United States in Indochina created. I believe that the debate on this article was a healthy ventilation of this issue, and the country was served well by the Representatives who pressed for this article. This was not a partisan effort, as the accusations against President Johnson clearly showed. Nevertheless, President Nixon carried his authority beyond that of President Johnson, and he deliberately

concealed his illegal acts. Most of us who opposed the war would like to see a true amnesty result from that war. This article was an attempt, not to relieve the war, but to define, for the future, the limits of Presidential power to make war.

One of the main arguments used against this article was that the Congress shared in the responsibilities for the war. On the contrary, adoption of the article on illegal warmaking would guarantee that future wars would truly be the responsibility of the Congress, as demanded by the Constitution. If we are to go to war, to kill in the name of the United States of America, then the Congress should be willing to accept its constitutional responsibility and knowledgably vote for or against that course of action.

Mr. Speaker, the American Report published an article on July 22 that predicted yesterday's vote in the House Judiciary Committee. This news article describes very aptly the seriousness of the now-rejected article of impeachment on illegal warmaking. I commend it to my colleagues:

[From the American Report, July 22, 1974]

IMPEACHMENT AND THE WAR: WHY NIXON WILL GET AWAY WITH MURDER

"I impeach Warren Hastings of high crimes and misdemeanours. I impeach him in the name of the Commons' House of Parliament, whose trust he has betrayed. I impeach him in the name of the English nation, whose ancient honour he has sullied. I impeach him in the name of the people of India, whose rights he has trodden under foot, and whose country he has turned into a desert."

That quotation, taken from a speech delivered by Edmund Burke in the High Court of Parliament in February, 1788, appears on this page of *American Report* for the second time. On the first occasion, in our issue of Feb. 4, 1974, it was printed in 30-point type (three times the size of this) and accompanied by illustrations which suggested that what Burke said in 1788 about Warren Hastings (a former Governor General of colonial India) needed to be said this year about Richard Nixon.

It wasn't a gimmick. The passage from the Burke speech was a key element in an article ("Is There an Edmund Burke in the House?") by attorney Peter Weiss which we regarded as one of the most significant the paper has ever published. Weiss demonstrated: 1) that the House of Commons impeached Warren Hastings in 1787 for acts against the people of India which were identical in nature with actions in Indochina ordered or sanctioned by Richard Nixon; and 2) that the framers of the Constitution added the phrase "high crimes and misdemeanors" to the impeachment clause precisely so that the House of Representatives could bring a President to account for crimes like those of Hastings.

Last February, that kind of argument was highly relevant to the shaping of the Judiciary Committee's inquiry into impeachment. We therefore promoted the article heavily, sending copies of the issue to scores of non-subscribers: Members of Congress, lawyers, professors of law and political science, columnists and editorial writers. This effort failed. Neither our regular readers nor our one-time guests responded in anything like the volume we expected.

In light of what has happened since February, this sequence seems to us to deserve reflection now. True, Nixon's conduct of the Viet Nam war has never been wholly ruled out of consideration by the Judiciary Committee, but in every listing of possible articles if impeachment it appears only briefly, always last on the list—included, it seems, only out of grudging deference to the handful of Committee members (Drinan, Waldie, Holtzman, Mezvinsky) who think it matters. It will be surprising indeed if any war crimes count survives the final winnowing process in the committee. Even Nixon's long-sustained, savage bombing of neutral Laos and Cambodia—wholly unauthorized by Congress, wholly unknown to the American people—will rank, it seems, with the purchase of earrings for Pat out of campaign funds.

How can this be so? Members of the Committee surely understand that they are not only making history but also creating law, since the precedents they are setting will inevitably serve as guidelines to future Presidents, courts and Congresses. It will be a bitter irony if the process launched to curb the arrogance of the Presidency ends by assuring its unrestricted power in military affairs and foreign policy: freedom to make and threaten war at will.

Surely the Committee knows also, as Peter Weiss suggested that for millions of Americans the excesses and illegalities of the Viet Nam war, the brutalities committed in their name, were for many years the central issues around which their political and moral consciousness evolved. They were not, of course, a majority, but they were not a scattered few, and for them My Lai and its coverup were infinitely more seriously than the antics of Gordon Liddy and Howard Hunt. If their deep grievance and their doubt about America were to be healed, they needed a hearing. Why aren't they getting it? By now, every decision of every player in the cast relating to Watergate and its cover-up has been rehearsed and re-rehearsed dozens if not scores of times; we have still to witness any close examination of the decisions that wiped out hundreds of villages, devastated thousands of acres, killed peasants by the tens of thousands. Again why?

The answers, we suggest, are not difficult to perceive; for many of us in the peace movement, they are difficult to face.

The most obvious reason why the majority of the Judiciary Committee, the House and the Senate, wish to keep the war out of the impeachment process is that they themselves and a majority of their constitutents share responsibility for Viet Nam. If the House were to impeach Nixon for war crimes, it would impeach itself—and simultaneously accuse the voters who elected them. There is an exception, the secret bombings; obviously Congress and the people could not be held responsible for actions of which they had no knowledge. But no debate linking those bombings with impeachment could insulate the issue; and Congress knows a can of worms without opening it.

On a more technical plane, any effort to impeach a sitting President for exceeding his authority in connection with the making of war, or for sanctioning methods of warfare contrary to international law, would instantly encounter a legal-historical tangle. Many Presidents have made war without asking the approval of Congress; none has been impeached for doing so. As for barbarity, not even the Christmas bombing of Hanoi rivaled in ferocity the dropping of the first atomic bomb on Hiroshima, and no one credibly urged the impeachment of Harry Truman for that act, perhaps the cruelest in the history of war.

The ultimate, unhappy truth of the matter is that the American people, like most other peoples in this and other eras, do not greatly care what their leaders do to other nations in war, and will not closely study why they do it. In contemporary America it is not possible, as it was in Burke's day, to indict a general or a governor or a President for acts of tyranny against distant, dusky foreigners. Yet, a minority will protest such acts; and no, their protest will not change the course of policy. In Viet Nam, it was not political revisionism or moral revulsion that brought about withdrawal. It was, rather, our costly, bloody failure; and the "enemy's" consent to let us call retreat success.

In a sense, this reading of the Judiciary Committee's attitude toward war crimes is a playback. It is probable that at least three-quarters of the readers of *American Report* agree that Richard Nixon was indeed guilty of high crimes and misdemeanors for his conduct of the war in Indochina. The reason the Weiss article nevertheless drew so little response; it seems likely, is that readers instinctively knew this scenario would not play in Peoria. Anyone who has been watching American politics or taking part in the 60's and 70's should understand now the problem American poses for the world. After the Bay of Pigs, the invasion of the Dominician Republic, Tonkin Gulf, the reaction to My Lai, the Democratic convention of 1968; the endless revelations of duplicity, corruption, ruthlessness in Saigon, the Christmas bombing—after a decade and a half of education, we should know that the American people can tolerate intolerable things. Such a truth is ugly and unwelcome, but hiding from it isn't healthy.

A U.S. PORTFOLIO IN THE U.S.S.R.?

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. FRASER. Mr. Speaker, Zbigniew Brzezinski, on leave from Columbia University, is director of the Trilateral Commission, a private American-European-Japanese organization concerned about world problems. At Columbia, Brzezinski is Herbert H. Lehman Professor of Government and Director of the Research Institute on Communist Affairs.

One of our most prolific writers on the Soviet system, Brzezinski has contributed a thoughtful article to the August 5, 1974 issue of the New Leader, "The Economics of Détente; A U.S. Portfolio in the U.S.S.R.?"

Professor Brzezinski—he also has served in a policymaking position in the State Department—concludes his essay with the thought that only a comprehensive understanding with the Soviets—a political, strategic and social understanding—will provide a solid base for enduring agreement. Mr. Speaker, I share these sentiments. Until we achieve this broad agreement we must proceed with détente, but we must proceed cautiously.

THE ECONOMICS OF DÉTENTE—A U.S. PORTFOLIO IN THE U.S.S.R?

By Zbigniew Brzezinski

It is rightly said that there is no alternative to détente. I can assert this in good faith, for as far back as 1960 I was directly involved in developing the idea of peaceful engagement with the Communists as the only acceptable means of ending the Cold War. Subsequently, I promoted this concept while serving in the State Department, often over strong internal opposition. During the 1968 Presidential campaign, I suggested to the Democratic contender, Vice President Hubert

H. Humphrey, that he publicly propose annual summit meetings between U.S. and Soviet leaders—a proposal he did make, and one that President Nixon later implemented. Finally, on leaving government service in 1968 I published a comprehensive plan for East-West negotiations designed to establish a framework for eventual reconciliation.

I emphasize these points not out of vanity (though I do take pride in them) but because I believe firmly that a protracted and unchecked Cold War entails risks no sane statesman can afford to underestimate, and is prohibitively costly as well. President Nixon and Party Chairman Leonid I. Brezhnev therefore deserve credit for resuming the efforts of Presidents John F. Kennedy and Lyndon B. Johnson and of First Secretary Nikita Khrushchev—initiatives that were interrupted by the Soviet occupation of Czechoslovakia in 1968—to counterbalance the competitive aspects of our relations with cooperative arrangements.

Still, if there is no alternative to détente, it is also true that the word can mean different things to different people. The Soviets have made it quite plain that they have a very clear concept of the kind of détente they desire and—by and large—they have so far succeeded in shaping U.S.-Soviet relations according to it.

Moscow openly views détente as a limited and expedient policy, in no way aimed at terminating the tensions of the Cold War. Indeed, the Soviet rulers have emphasized over and over again that, far from abating, ideological conflict is to intensify during times of "peaceful coexistence." But this, they feel, should not interfere with economic cooperation. As Professor Marshall Shulman of Columbia University ably stated in his testimony before the Senate Banking Committee last April 25: "Rather than face the politically painful choice of instituting fundamental economic reforms, the Soviet leadership has opted for a massive effort to overcome its shortcomings by increasing the flow of trade, advanced technology, capital, and management experience from abroad."

From the American perspective, to be sure, a circumscribed détente is better than nothing, and can be regarded as a necessary way station on the road to a fuller accord. Yet we must recognize that the present arrangement is potentially quite unstable. Ideological hostility, artificially kept alive by impediments to wider contacts, could become a source of renewed strain. And given its limited scope, the Nixon-Brezhnev understanding could easily be reversed should individuals ever come to power, either in the U.S. or the Soviet Union, who were unsympathetic to the present accommodation.

Most significantly, were the existing détente to break down after a period of sustained U.S. investment in the Soviet economy, accompanied by heavy Soviet indebtedness, an undesirable state of affairs could develop. Economists must judge whether large-scale trade would in time leave the United States more dependent on Soviet raw materials than the USSR would be on American markets. *But one can certainly conceive of a Soviet leadership being tempted to use its indebtedness to the United States and American dependence on Soviet raw materials for political purposes. Paradoxically, the very size of the Soviet debts would give the Kremlin additional leverage.* (I might add that the availability of American credits to the Soviets would enhance their ability to make similar commercial deals and obtain the same sort of leverage with Western Europe and Japan.)

Clearly, it is in our national interest, and that of peace in general, to seek a more inclusive, more enduring détente, one that is not restricted to economics nor offset by officially sustained enmity. A comprehensive agreement should encompass broad cultural and political accommodation; the shaping of closer social ties; the expansion of global collaboration to cope with the many new international problems; the adoption, both in principle and in practice, of true reciprocity in our relations; and the rejection of the harmful and antiquated notion that ideological and class struggle are properly part of détente. Unfortunately, in at least five areas the Soviets' current behavior is not consistent with progress toward these goals:

IDEOLOGICAL HOSTILITY

As noted, Moscow's intensification of Cold War animosities not only contradicts the spirit of détente, but poses a potential threat to it.

STRATEGIC SECRECY

Surreptitious military planning, development and deployment by the Kremlin stimulate legitimate anxiety in Washington about the extent and depth of its commitment to peace. Consequently, our policymakers are obliged to consider whether détente is not seen by at least some Soviet leaders merely as a breathing spell, designed to lull the U.S. into a false sense of security while the USSR attempts to move from strategic parity to a position that could be exploited politically. For this reason, an equitable SALT II agreement is a major litmus test of Moscow's intentions.

For this reason, too, current U.S. research and development aid—and I use the word "aid" advisedly—seems to me difficult to justify. I am thinking particularly of the American-Soviet space venture, which has become a vehicle for the one-sided transfer from the U.S. to the USSR of a technology that has obvious military applications. I am also troubled by the Department of Commerce's efforts to modernize the Soviet Air Control System—something that will significantly strengthen Moscow's airlift capability, especially against the Chinese. Nor can I square our concern for human rights with our apparent willingness to sell the Soviets lie detectors and voice-print detection equipment—fortunately blocked because of Congressional outrage.

INDIFFERENCE TO GLOBAL PROBLEMS

The USSR appears remarkably insensitive to matters that cry out for greater cooperation among the advanced nations. Though one of the key beneficiaries of increased commodity prices throughout the world, it remains largely unresponsive to the needs of less developed countries now burdened with huge food and energy costs. In addition, the Soviet rulers have shown a tactically cynical nonchalance to the threat of nuclear proliferation triggered by India's atomic explosion.

HUMAN RIGHTS

The Communist record here leaves much to be desired. While President Nixon and Secretary of State Henry Kissinger are correct in saying we cannot insist other governments alter their systems to please us, to assert that proposition is to skirt the real issue. It is a political fact that many Americans are deeply concerned about those Soviet citizens wishing to leave the Soviet Union, and in that sense the question is not only a domestic one; it affects adversely and directly Soviet-American relations much in the same manner that any U.S. limitations on the right of Americans wishing to leave for the Soviet Union—were such limitation to exist—would affect American-Soviet relations. (I should note as well that the spurious argument of domestic nonintervention did not prevent—justly—the Soviet leaders from condemning anti-Semitic practices in Nazi Germany, nor, more recently, from changing their stand on Chile in the wake of Salvador Allende's overthrow.) Moreover, in the light of this country's traditions, adopting a posture of amorality means sacrificing something very precious, something that should not be sacrificed lightly.

RECIPROCITY OF TREATMENT

U.S. diplomats, businessmen and tourists are subjected to incomparably greater restraints in the USSR than are their counterparts in the United States. American newsmen and scholars have been harassed and excluded from the Soviet Union—in marked contrast to the welcome extended here to Soviet specialists. Whereas Soviet citizens are free to lobby and to promote joint U.S.-USSR lobbies in this country, American access, even to the Soviet elite, is severely restricted. Almost every day some new example of this asymmetrical treatment emerges, such as Moscow police physically barring people from entering the American embassy. Actions of this kind are a basic violation of the concept of détente.

(The above list, I might point out, does not include any reference to divergent U.S. and Soviet positions on important regional disputes, as in Europe or the Middle East. It is only natural that the two major powers, in different geopolitical situations, would have diverse and occasionally conflicting estimates of their vital interests.)

These five areas should be borne in mind when formulating U.S. policy on business investment in the USSR and U.S. credits for Soviet economic development. Although it may be argued that some commitments should be made to encourage accommodation, in my opinion the current level of U.S. concessionary credits is sufficient under the present circumstances. Future progress on the broader issues would of course justify more extensive American commitments.

With regard to the debate over granting the USSR most-favored-nation status (MFN), Congress might consider the following compromise solution since it is in the U.S. interest that a Soviet-American trade bill be passed: The Soviet Union could initially be given MFN for a two-year trial period. The grant would automatically terminate at the end of that time and its renewal would require affirmative Legislative action. This would permit Congress to make a fresh determination based on observation of Soviet behavior during the interim.

In reaching a decision on any of these matters, however, we should remember that U.S.-USSR trade arrangements are politically weighted on the Soviet side because its economy is controlled by the state. America's relatively free market system makes it difficult to infuse a sense of national purpose into business transactions, yet unless we attempt to do so, the USSR will derive important political advantages from its economic relations with us. Thus Congress should explore the idea of creating a formal instrument, perhaps a joint Executive-Legislative coordinating organ, to monitor this crucial area and insure that American interests are not slighted. It simply does not follow that what is good for U.S. business is automatically good for the United States.

In the broadest terms, the U.S. has three options in its economic relations with the USSR: (1) To restrict trade and investment by political means; (2) not to restrict them; or (3) to actively promote them by political means. Unquestionably, détente has advanced sufficiently to warrant the discontinuation of the first course, and this has already been done for the most part. But I cannot help wondering if we have come far enough yet to justify exercising the third option, which would mean providing Moscow with credits at concessionary rates and making a determined effort to encourage massive U.S. investment in the USSR. In my view, Washington's approach ought to be closely calibrated with accommodation on the larger political-strategic issues, and should not outrun it.

Here I can only endorse Henry Kissinger's statement of October 8, 1973, while deploring the White House's failure fully to apply it: "This Administration has never had any

illusions about the Soviet system. We have always insisted that progress in technical fields, such as trade, had to follow—and not reflect—progress toward more stable international relations. We have maintained a strong military balance and a flexible defense posture as a buttress to stability. We have insisted that disarmament had to be mutual. We have judged movement in our relations with the Soviet Union, not by atmospherics, but by how well concrete problems are resolved and by whether there is responsible international conduct."

Unless we apply the Secretary of State's injunction very precisely and most deliberately, we run the risk of perpetuating the USSR's existing system and ideological attitudes. That is, we would reduce internal pressures for economic modernization and political decentralization and political decentralization without really altering the external American-Soviet relationship. The central point to remember is that a comprehensive undertaking—political, strategic and social—is the only solid base for an enduring agreement and until we obtain it, we would be wise to proceed cautiously, not allowing the economic association to become détente's primary blossom. In brief, the time is not yet ripe for a high-risk U.S. portfolio in the Soviet Union.

STATEMENT OF RABBI BARUCH KORFF

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. MATHIS of Georgia. Mr. Speaker, I rise today for the purpose of calling to the attention of all Members of this House a full page advertisement that appeared in last Thursday's edition of the Birmingham News. The advertisement, and I assume it was an advertisement even though it was not labeled as such, contained a statement by Rabbi Baruch Korff, president of the National Citizens Committee for Fairness to the Presidency. The statement by Rabbi Korff, according to the advertisement, was delivered at the second session of the Citizens Congress, Sunday, July 21, 1974, at the Shoreham Americana Hotel here in Washington.

Mr. Speaker, I urge each Member of the House to read this article if for no other reason than to see the words of a demagog. This Rabbi Korff, who apparently holds himself out to be a man of the cloth takes the liberty of comparing himself to Tom Paine, one of the architects of the Revolution in 1776. Rabbi Korff calls the impeachment proceedings "a showdown between our traditional form of government and leftist-radical mobbery."

At the time this statement was apparently made, the Committee on the Judiciary had not voted on any article of impeachment, and the votes of several Members obviously were undecided. Listen to these words:

Chairman Rodino has for weeks been ruthlessly forcing the Democratic members of the Judiciary Committee into line.

The rabbi continues:

Frankly, we don't yet know whether he has been able to dominate Walter Flowers of Alabama, James Mann of South Carolina, and Ray Thornton of Arkansas. Time will tell whether their loyalty is to their constituents or to their party chieftains.

I believe, Mr. Speaker, that every American citizen has a right to his opinion, and a right to express it, but this vicious assertion goes far beyond decency. For Rabbi Korff's information, I know these men, and I know the agony they have undergone in attempting to decide how to cast their votes, and I know them well enough to know that party affiliation had nothing to do with their decision. The votes cast by WALTER FLOWERS, JIM MANN, and RAY THORNTON were cast because they were in fact, in the highest tradition of public service, representing their constituents, and doing so in the manner they deemed best.

Rabbi Korff goes on to viciously attack those Republicans who he feels might vote for impeachment and alleges they have been somehow rewarded by the news media for their position. And, he attacks other members of the committee, many of whom I do not agree with politically or philosophically, for their stand on this issue.

Mr. Speaker, I have seen many distorted articles and heard many distorted statements in my lifetime, but I have never seen anything more vicious than this. Rabbi Korff closes his article with a quote from Tom Paine;

Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph.

I submit, Mr. Speaker, that it is tyranny to malign decent men, it is tyranny to call for laws to be broken, it is tyranny to demagogue. And, it is shameful and deceitful for a man who says he is for fairness to resort to such unfair and unreasonable tactics.

I regret that many Americans who are honest, decent citizens, and genuinely concerned have apparently been misled by this type of individual.

The article follows:

STATEMENT BY RABBI BARUCH KORFF

Over the past year, you have read our messages. We have requested FAIRNESS for the Presidency and have condemned the vicious impeachment campaign of this country's entrenched radical elite.

Now the final crisis is at hand.

We are approaching a Constitutional *Armageddon*, a showdown between our traditional form of government and leftist-radical mobbery.

Do you dislike those words? Do you consider us extremists for saying them? Would you rather we offered you pretty phrases and reassured you that the partisan lynching in Washington was really a political tea party? Not a chance! Like Tom Paine in 1776, *we can no longer equivocate about tyranny*. Like him, we appeal to the common sense of mankind and tell you plainly: *if you value our system of government, you had better act now to defend it or you won't have it long.*

If you have been shocked by our previous revelations about the impeachment lobby—how they have had free access to the tax-supported office facilities of leftist congressmen, how they have been financed by the forced contributions of millions of patriotic union members, how they have secretly determined to nullify the voters' decision of 1972—then this latest expose will horrify you even more. You already know that Chairman Rodino has for weeks been ruthlessly forcing the Democratic members of the Judiciary Committee into line. Frankly, we don't yet know whether he has been able to dominate Walter Flowers of Alabama, James Mann of South Carolina, and Ray Thornton of Arkansas. Time will tell whether their loyalty is to their constituents or to their party chieftains.

But did you know that 4 or 5 Republican congressmen on the Committee are also the subject of a heinous—and very skillful—campaign to secure their votes against the President? Here's the story you won't hear from Cronkite or Chancellor.

The impeachment gang needs some Republicans to create an illusion of bipartisanship. They are desperate to win over a few members of the President's own party, who have disagreed with him over various policy issues, so they can convince the nation that impeachment is not partisan. To that purpose, they have lavished media attention upon a few congressmen—like freshmen William Cohen of Maine—flattering them with laudatory newspaper editorials and, as long as they spoke against the President, rewarding them with prime-time television exposure so valuable in this election year. Haven't you noticed how it is always the same members of the Judiciary Committee who appear on the evening news and the talk shows? Legally, this is not bribery, but it is nonetheless shameful.

And now the pressure is being increased. The radicals don't dare ask the full House of Representatives to vote impeachment along party lines. They already know that dozens of old-line Democrats, patriots in the tradition of Sam Rayburn and John McCormack, will refuse them. They must have some Republican votes as window-dressing. So reporters besiege Republican committee members in the corridors of the Capitol. They press them for commitments against the President. They urge them to make sensational statements against him. They ask defamatory questions, they invite predictions of impeachment, and tailor their conclusions to fit their witch hunt. Thus the media lobby for impeachment.

As the showdown approaches, this is what we face. Bumbling Peter Rodino has become a willing tool of his supposed employee, John Doar. Before being hired by Rodino, he ran an anti-poverty outfit in New York which was the largest single community development grantee in the whole sordid history of the Office of Economic Opportunity? It is no coincidence that, only a year ago, when President Nixon called O.E.O. a travesty against the poor and appointed Howie Phillips to end it, Doar's welfare empire, subsidized by your taxes, fell apart. Doar hates the President for this as much as he lusts after the federal money that is now denied him. This is the rogue who has drawn up articles of impeachment even before the Committee members have seen the evidence. Columnist Joseph Kraft, no friend to the President, happily admitted in the Washington Post on July 21 that, obeying Rodino, Doar purposely created a bland, odorless image of himself and his work. "The aim was to baffle administration charges of partisan bias. Mr. Doar did the job so well that most of the committee were stupefied—even anesthetized." What treachery!

For whom does Doar really work? For the seven members of the Judiciary Committee who had demanded the President's impeachment even before Watergate? For Drinan, Holtzman, and Seiberling, who still weep for the Viet Cong victory of which the President has cheated them? For Edwards, Kastenmeier and Mezvinsky, who are trying desperately through impeachment to divert the voters' attention away from issues of forced busing, abortion, and the subversion of American values? For Waldie, Rangel, and

Conyers, men of no repute and even less regard?

And what will you do about it? Write Doar a letter? Forget it! One does not reason with lynch mobs. But you have a congressman, and he has an office in your district. Collect some friends together and go there. Present your demands in writing for fairness to the President. Don't be stalled. Don't be jived. Don't take "no" for an answer. Your congressman and his staff are paid by your taxes, so make them listen to you. If they walk away, follow them. If they hang up the phone, call again. If they lock their doors, get their home address and meet them there. If they treat you with disdain or condescension, tell them what you think of them! And don't delete your expletives!

For too long we have allowed Congress to listen to an elite—privileged, snobbish, contemptuous of our values and traditions. We have been too quiet, too polite, too respectful. Now, we have learned their ways, we know their tactics. We can scream, too. We can fill offices with angry citizens and chase congressional cowards down the halls of the Capitol. We can interrupt their speeches with the truth. We can boycott their media allies. And with our votes this November we can whip out of the Congress the rascals who have so disgraced that body.

So watch what happens this week. How many Democrats on the Judiciary Committee will recognize John Doar as the paid assassin he is? Will any Republican on the committee sell our birthright of Constitutional liberty for a mess of media pottage? And will you put up with it? Be guided by Tom Paine's advice: "Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph."

ALCOHOLISM: A GROWING HEALTH PROBLEM

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. ROGERS. Mr. Speaker, on July 10 I had the privilege of addressing the first meeting of the new and largely expanded Labor-Management Committee of the National Council on Alcoholism. The cochairmen of the NCA Labor-Management Committee are Mr. George Meany, President of the AFL-CIO, and Mr. James M. Roche, chairman of the Board, General Motors Corp. The expanded committee comprises some of the top labor union and corporate presidents in the United States.

The National Council on Alcoholism was founded in 1944 and during the 1950's and 1960's made the fight against alcoholism in industry one of its top priorities. However, in those days the stigma of alcoholism still prevailed, and while there were limited successes in some industries, there had to be a major attitudinal change on the part of the American public before real progress could be made.

At the luncheon both Mr. Meany and Mr. Roche pledged their full cooperation to developing in the voluntary sector a massive program to detect and treat alcoholism in industry. We in the Federal Government must do our share, because the rising consumption of alcohol is reaching epidemic proportions in the United States. We passed the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act in 1970 and renewed it again in 1974. But passing the law is one thing—getting it implemented is another. That is why I was so delighted that these leaders from both labor and industry have joined hands on their own initiative to see that alcoholism treatment and prevention programs eventually reach into every assembly line and into every corporate executive suite.

The very same day this luncheon was held Secretary Caspar W. Weinberger of the U.S. Department of Health, Education, and Welfare sent to Congress the second special report on developments since the first report was released in February of 1972. The 219-page report was prepared by a 38-member task force of distinguished alcoholism authorities from all over the country.

Interestingly enough, the massive report singled out alcoholism programs in business and industry as one of the most effective segments of the work of the National Institute on Alcohol Abuse and Alcoholism and stated that such programs report the highest rates of recovery. However, the report in its entirety makes for some unhappy reading. In its first report to the Congress in 1972, HEW estimated the cost to the country from alcoholism at $15 billion. At the press conference on July 10, 1974, Secretary Weinberger, referring to alcohol misuse and alcoholism as "an epidemic health and social problem," announced that the report of the 38 experts made a conservative estimate of the cost of alcoholism of $25 billion annually to our country.

The largest single area of cost—amounting to $9.35 billion—was the lost production of the goods and services which could be attributed to the reduced production of alcohol-troubled male workers. The cost of the lost production of women and of alcoholic persons who are institutionalized or living on skid row is not included in the $9.35 billion estimate. Other highlights of the HEW report to the Congress can only be briefly summarized:

First. A Gallup poll of June 9, 1974 reported that the proportion of adults who drink is at the highest point recorded in 35 years of regular Gallup poll audits of America's drinking habits. It reported that 18 percent of those 18 years and older—some 25 million Americans—sometimes drink to excess and more than they think they should.

Second. Excessive use of alcohol, as reported in studies from all parts of the world, is related to certain cancers, particularly those of the mouth, pharynx, larynx, esophagus, and primary cancer of the liver. A heavy drinker who does not smoke has approximately the same increased risk of developing cancer of the mouth and throat as a heavy smoker who does not drink. When heavy drinking and heavy smoking are combined, the risk jumps enormously—to 15 times greater than among people who neither drink nor smoke.

Third. The increase in junvenile drinkers is staggering. The study reports that one out of every seven high school seniors admitted to getting drunk at least once a week. At the present conference Dr. Morris Chafetz, Director of the National Institute on Alcohol Abuse and Alcoholism, said the increase in heavy teenage drinking "just blows my mind. It worries me greatly."

Fourth. Dr. Charles C. Edwards, the Assistant Secretary for Health, emphasizing the report's conclusions that alcoholism is an illness that can engender other serious diseases, said, "the time has come to bring the treatment of alcoholism into the mainstream of our Nation's health crew systems."

EQUAL RIGHTS AMENDMENT

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. PEYSER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

There are indeed many misconceptions today about the effects of the proposed Equal Rights Amendment. As one who worked actively for the passage of this amendment in the Congress I am most concerned about this. The following article excerpted from the March issue of Ms. magazine I think clears up some of these misconceptions and I would like to insert it in the CONGRESSIONAL RECORD at this time for the benefit of my colleagues:

EQUAL RIGHTS AMENDMENT

(By Lisa Cronin Wohl)

Phyllis Schlafly was in her glory. There she was on William Buckley's talk show, "Firing Line," waging holy war against the Equal Rights Amendment—and doing just fine.

"The proponents of the Equal Rights Amendment have given up claiming that ERA can do anything for women in the field of employment," she asserted, gracefully balancing the stack of "evidence" she held on her lap. "Even when Dr. Emerson came to testify at the Missouri hearing, he conceded that ERA will do nothing for women in the field of employment which is not already done by the Equal Employment Opportunity Act of 1972."

ERA won't bring equal pay, she implies—a telling point. Score one for Schlafly, right?

Wrong. "Dr. Emerson," who is an attorney, a Yale Law School professor, and calls himself *Mr.* Emerson, conceded nothing of the kind.

"No, I didn't say that at all," he told me. "That's absolutely incorrect. Obviously ERA would do a great deal to improve opportunities for women workers."

But the television audience didn't have a chance to hear Thomas I. Emerson's correction. Schlafly emerged unscathed, still smiling and one step ahead of the facts.

Carefully choreographed performances like this have lifted Schlafly to her current eminence as a leader in the fight to prevent ratification of the Equal Rights Amendment. A veteran of right-wing causes, she is the author of *A Choice Not an Echo*, a tract boosting the 1964 Presidential campaign of Barry Goldwater. And in 1960 she was termed a "very loyal member of the John Birch Society" by its director Robert Welch—a claim she says she denied at the time.

Now she has surfaced as chairman (yes, chair*man*) of STOP ERA, a national organization opposing the Amendment. As such, she has addressed state legislatures across the country, appeared on national and local television programs, and given countless radio and newspaper interviews.

In her wake, she has apparently left thousands of frightened women who fear ERA will destroy the American family, legalize rape, send mothers into combat, require unisex bathrooms, and force contented housewives into jobs they don't want. One apparent victim of acute Schlafly-shock even thundered that, after ERA, women and men could be "squatting over open latrines"—as if ERA were a chemical that would corrode modern American plumbing.

None of the above is true. Nevertheless, partly as a result of such scare tactics, the ratification of ERA, which had seemed a sure thing in 1972, slowed down in 1973. A total of 38 states must ratify ERA before it becomes the 27th Amendment to the Constitution. Last year four states ratified, bringing the total to 30; 13 failed to ratify (two of them by only a one-vote margin), and one state, Nebraska, attempted to rescind ratification, a maneuver of dubious legal effectiveness.

"Not too bad a track record for an amature," Schlafly says as she smiles sweetly to reporters.

More about that "amateur" standing later. First, let's note that Schlafly can't take all the credit. Some state legislators are adamantly opposed to anything that smacks of women's rights. They would vote against ERA with or without Schlafly.

More ominously, the Equal Rights Amendment has become a rallying point for rightwing extremist organizations around the country. The John Birch Society, the Ku Klux Klan, the National States Rights Party, and other radical right groups have sent their members—some organizationally identified and some not—into the fray. They tend to mirror Schlafly's views, tactics, and arguments; and ultraconservative backing has been a factor in creating her reputation for superhuman effectiveness.

"The claim that American women are downtrodden and unfairly treated is the fraud of the century," she avers. "The truth is that American women have never had it so good. Why should we lower ourselves to 'equal rights' when we already have the status of special privilege?"

In Schlafly's America, every woman enjoys the "right to care for her own baby in her own home while being financially supported by her husband." Never mind that 43 percent of American women over the age of 16 work full time outside the home and that 70 percent of women workers have to work because they are single, widowed, divorced, or married to men who earn less than $7,000 a year. No matter that 61 percent of poor people in this country are female. Schlafly and the lawmakers are in television-commercial land, where the lady in the high heels and $100 skirt delicately mops her vast and already spotless kitchen floor.

Schlafly paints ERA as the product of "liberationists," who are "a bunch of bitter women seeking a constitutional cure for their personal problems." The "libbers," she charges, are using ERA to wage "a total assault on the family, on marriage and on children." Naturally, she doesn't dwell on ERA's backing from the League of Women Voters, the Homemakers of America, the National Coalition of Catholic Nuns, the Women's Christian Temperance Union, the General Federation of Women's Clubs, and dozens of women's groups that are hardly considered radical.

Schlafly plays skillfully on the insecurities of women who are dependent on their husbands, as well as on the role images of male legislators out to "protect" womankind. She uses her discussion of the issues to manipulate the emotions of her audience.

Holding up a fat green copy of *American Jurisprudence 2d*, a legal encyclopedia, Schlafly proclaims the book proves that today in every one of the 50 states, a married women "has the legal right to be supported by her husband."

"This is regardless of her own separate means," Schlafly says. "He can't make her go to work if she doesn't want to. She has the legal right, and these are the laws which will be invalidated by the Equal Rights Amendment."

Here Schlafly addresses a complex and rapidly changing area of the law with oversimplifications that do no service for the women she claims to defend. The issue of homemakers' rights has given her perhaps her most successful arguments and it's important to examine Schlafly's statements carefully. The law does provide a right of support to wives, but too often women wake up to find that this right gives them as much effective protection as the emperor's new clothes.

Most families, of course, work out arrangements for sharing financial, child-rearing, and housekeeping responsibilities, and these agreements are enforced by love and custom—not the law. If a husband becomes a gambler, an alcoholic, or simply lazy, a dependent wife is in serious trouble. At best, if she can get help from a court, it is likely that she would get only a bare minimum of support. In fact, in many cases wives do not get help at all.

Schlafly's toting that heavy copy of *American Jurisprudence* doesn't mean that she is in fact citing weighty and dispositive evidence. She describes the series as "authoritative" and "the most comprehensive modern text statement of American law." But good lawyers would not rely on *American Jurisprudence's* statement of the law without substantial further research.

But Schlafly has other sources. "In Illinois," she told William Buckley's "Firing Line" audience, "the court said the husband had even to buy [his wife] a fur coat—a beautiful silver mink coat. And he had that obligation to do it because it was his obligation to support her, even though she had separate means—she had a $10,000 income of her own—and even though she had four other coats."

A court-ordered mink coat sounds terrific, doesn't it? Where do we sign up?

Unfortunately, according to Professor Judith Areen, associate professor of law at Georgetown University, Schlafly is being "absolutely misleading." Areen explained that the case [Lewis Berman & Co. *v.* Dahlberg, 336 Ill App. 233 (1948)] involved a wife who had charged a fur coat at a store. Her husband had to pay the bill because under the Illinois Family Expense Statute, it is assumed that he consented to her purchase.

That law, like others in the support cases Schlafly cites, is designed to protect creditors or the state—but certainly not the wife. If the wife had not charged the coat, but had simply gone to court and asked for one, she would have lost. And if her husband had canceled all her charges (as he probably did) afterward, that law wouldn't insure her rights to another fur coat.

"What Schlafly didn't say was that under the same law, if the *husband* had charged the coat, the *wife* would have had to pay," Professor Areen added. "That law wouldn't change at all under ERA."

Furthermore, while big alimony and child-support payments may be a reality in Schlafly's wealthy social circles, the average woman facing a separation or divorce soon finds that the "absolute" right to support shrinks to a slim reed indeed.

"Alimony is granted only in a very small percentage of cases," the Citizens Advisory Council on the Status of Women reports, noting that despite the lack of research, a 1965 survey of judges by the American Bar Association showed that temporary alimony is awarded in less than 10 percent of cases and permanent alimony in as few as 2 percent of cases. Moreover. the council continued, "fathers by and large are contributing less than half the support of the children in divided families" and "alimony and child-support awards are very difficult to collect."

You don't have to be a lawyer to figure out why this is true. Most families barely scrape along on one income. Obviously, when the family divides into two households, extra income is needed, and that means the wife usually must work outside the home. Furthermore, most judges are reluctant to impoverish a husband, and often award wives token child-support payments that do not reflect the actual cost in time and money it takes to bring up children. And one study cited by the Citizens Advisory Council showed that 10 years after the divorce, 87 percent of ex-husbands had skipped out on even these meager obligations.

ERA, Schlafly says, "will make a wife equally responsible to provide a home for her family and to provide 50 percent of the financial support of her family." Her statement can terrify housewives who fear they will be forced to go out and earn half the dollars their family spends. This is not the case.

ERA will not interfere with private marital arrangements. The Amendment will change support laws to provide a reciprocal right of support between husbands and wives. Some states, such as Pennsylvania and Schlafly's own home, Illinois, already have reciprocal rights of support. And no one has seen a flood of destitute, abandoned housewives going into the unemployment offices. Furthermore, contrary to Schlafly's assertions, courts already often consider a wife's separate means or earning capacity in settling support disputes. The fact is that whatever effective protection dependent wives now enjoy will not be destroyed by ERA.

Far from depriving the homemaker of her rights, ERA probably would enhance her status. At present, the financial value of the homemaker's contributions as housekeeper, child-raiser, hostess, chauffeur, and general factotum is not legally recognized.

However, ERA "will require state laws to recognize the contribution of the homemaker who takes care of her home and family," according to Common Cause. "The ERA would entitle the homemaker to financial support in compensation for her services as homemaker. In this way, the ERA will actually strengthen the dignity of the homemaker because support laws will be based on the actual earning power and contributions of each spouse, instead of being based simply on sex."

But while ERA backers are mired in the details and complexities of the reality of homemaker's rights, Schlafly has lit a new firecracker. This time it's the draft.

The ERA will "positively, absolutely, and without the slightest shadow of a doubt make women subject to the military draft on the same basis with men." she warns the legislators, her eyes flashing a steely glint. "Women will be sent into combat and onto warships with men and will be required to carry the same forty- or fifty-pound packs. Mothers will have to be drafted on the same basis as fathers"

But doused with facts, this little bomb goes off not with a bang but a fizzle. For one thing, we now have a *volunteer* army. *No one*, male or female, is being drafted.

Yes, we might have another war and reinstitute the draft. But in the event of a nuclear war (which Schlafly in her other writings says is imminent), questions of

the draft become somewhat academic. No one would be safe.

The argument that ERA backers jokingly call the "potty problem" is at the same juvenile level. Schlafly and cohorts warn that ERA would outlaw separate bathrooms and sleeping facilities for men and women in public places. However, nothing in ERA prohibits sex-segregated bathrooms, and proponents argue that the Supreme Court has enunciated a constitutional right to privacy between the sexes. Anyway, don't these people use single-sex bathrooms on airplanes?

* * *

Schlafly's methods are in the best traditions of a propagandist preying on the fears of the ill-informed. She has a reputation for guts—for taking on all comers, which seems to give her a certain credibility. (However, she twice refused to be interviewed by me, even when I suggested she come armed with tape recorder and witnesses.)

Her performance relies heavily on an adroit combination of facts, half-truths, overstatement, and misrepresentation. She puts opponents on the defensive and then, with supreme self-confidence, repeats simplistic statements over and over. Most of us find it hard to believe that a respectable-looking matron might be careless with the truth. To cite a few examples:

In Georgia, Schlafly warned that ERA would eliminate dower rights—a legal provision that allots a man's estate to his widow. In fact, Georgia had abolished dower rights several years earlier.

Schlafly threatens that ERA will do away with so-called protective legislation for women workers. In fact, this legislation, although often well intentioned, tended to protect women from advancement and better-paying jobs. (For example, a law "protecting" women from overtime prevented women from earning time-and-a-half pay rates on an equal basis with men.) Such laws are already being invalidated under Title VII of the Civil Rights Act of 1964. And under ERA, when a law is truly protective, it can be extended to both sexes; when it is discriminatory, it will be eliminated.

Yet, for all the error of her words, Schlafly's arguments are widely promulgated. They have been reprinted—often word for word—in various ultraright publications, from H. L. Hunt's *Life Line Freedom Talk:* to the *Manion Forum*, run by Dean Clarence Manion, a John Birch Society National Council member; to Birch Society publications. Her arguments also appear in local newspapers. Sometimes the story is attributed to her; sometimes a local by-line is used, giving the material grassroots flavor.

Some experts believe that Schlafly and her ultraconservative admirers are concerned with far more than the well-being of women. "The right is always looking for issues of this kind that have some popular appeal and that will bring them into contact with segments of opinion in the mainstream," explains Irwin Suall, director of the domestic fact-finding department of the Anti-Defamation League of B'nai Brith, which carefully monitors extremist groups of all political persuasions. "Then, within that broad context, they try to press their own personal point of view on other issues.

"There is no doubt that the John Birch Society latched onto ERA because they sensed an issue they could exploit," Suall continued. "They got in relatively late after some of their own members had already come out against it. They saw it as an avenue to expand their influence."

Evidence in support of this speculation comes from Washington *Star* reporter Isabelle Shelton. "In state after state," Shelton wrote in a recent article, "labor found that the troops Mrs. Schlafly had organized for a blitz campaign against ERA would stay behind [while she was off in search of more conquests] to use their newfound legislative know-how to fight some of labor's pet programs."

(Until recently, Schlafly has made ample use of the fact that the AFL-CIO was divided on ERA to assert that America's workingwomen don't want the Amendment. That claim evaporated in October when the nation's largest labor organization unanimously endorsed ERA at its tenth convention—thanks largely to extreme pressure from women in the rank and file and the few women in leadership positions.)

The John Birch Society, of course, thinks ERA is a left-wing plot and admits a full-fledged effort to stop it. "It's safe to say that, where ERA was defeated, the Birch Society was involved," said John F. McManus, director of the society's public relations, in a telephone interview.

According to McManus, the Birch Society's first mention of ERA came in a November, 1972, article in *American Opinion* by Birch National Council member John G. Schmitz. Later, the Society's founder and director, Robert Welch, urged members to "plunge in and help relegate this *subversive* proposal to early and complete oblivion."

McManus reported that Birchers responded enthusiastically to Welch's call. "Many of our members have formed local groups and have taken on the job of organizing," McManus says, "because Birch members know how to organize." Birch telephone networks also have called legislators at strategic moments to urge them to vote against ERA, McManus said. The networks are not necessarily identified as Birch-organized.

Although the society's headquarters publicizes its opposition to ERA, the identity of its state and local organizers is carefully concealed. The Birch origins of only a few local groups—such as Utah's HOTDOG (Humanitarians Opposed To Degrading Our Girls) and Wisconsin's POW (Protect Our Women)—have been revealed by the society.

McManus defended the secrecy, saying, "We have a policy of allowing our members to choose their own techniques. We're anxious to be identified because we want people to know what the John Birch Society is doing. But if a local citizen wants not to be identified, that's his affair."

Helping the "local citizens" are 85 full-time paid Birch organizers (called coordinators) across the country. "We're using their talent and organizational abilities to oppose ERA," McManus said. The Birch connections of these coordinators are also kept quiet.

McManus denied that the national Birch organization has sent funds to anti-ERA groups. While denying the existence of a specific ERA war chest at the national level, McManus said, "Any money that has been spent has been raised at the local level. I don't know how much the local societies have spent but I doubt if it's been very much."

He did, however, say that the 85 full-time organizers spend a substantial part of the society's $8-million-a-year budget. Presumably, some of that money could find its way into anti-ERA work.

"Quality is much more important than quantity," he continued, denying a heavy financial commitment. "You don't need a whole lot of literature, but a few pieces mailed to the right people or just sitting down and talking to the right person can be very effective."

Schlafly's alleged John Birch Society connections have been a subject of considerable controversy. In the *John Birch Society Bulletin* in March, 1960, Birch Society founder and director Robert Welch praised Schlafly as a "very loyal member of the John Birch Society." His words have haunted Schlafly ever since.

She steadfastly denies that she is currently a Birch member, and has said that she was not a member in the past. However, her statements about her 1960 status have been less than satisfying, and have led to speculation that Schlafly may have been in fact an early society member but withdrew later to broaden her personal appeal and thus advance her political ambitious.

When I phoned Schlafly to ask for an interview, she declined, and refused to answer a specific question about her alleged Birch Society membership or to help me check other facts about her career.

I asked McManus of the Birch Society whether Welch stood by his 1960 statement calling Schafly a "loyal member." "There is nothing said in the *Bulletin* that [Welch] doesn't stand by," McManus answered firmly.

However, there can be no doubt that Schlafly has had a cordial relationship with the society.

For example, unlike Senator Goldwater, who denounced the John Birch Society and rejected its support in his 1964 Presidential campaign, Schlafly has defended the society from attack. In 1965, according to newspaper reports, she charged that Republicans who denounced the John Birch Society were "guilty of diversionary and divisive tactics."

She herself refused to take such a step in 1967 when her alleged Birch connections became an issue in her bitterly fought but unsuccessful battle for the presidency of the National Federation of Republican Women.

After candidate Schlafly denied that she held Birch membership, Elizabeth Fielding, then the federation's director of public relations, demanded to know why she didn't "denounce the Birch Society . . . as Barry Goldwater has." Fielding offered to call a press conference right away so that Schalfly could do so. But Schlafly, who often paints herself as a Goldwater conservative, declined to follow Goldwater's lead.

For its part, the Birch Society, while not always totally in agreement with Schlafly, has generously pushed her career. *A Choice Not an Echo* became a best-seller at least in part due to promotion and distribution by the society. Later the society called another book "an excellent small volume," while another was "recommended for all adult education courses in national survival" in an *American Opinion* review. Robert Wech urged members to buy yet another Schlafly tract, saying, "You can order it from us by mail; and it is, or soon will be, on sale at practically all our bookstore units."

Recently, of course, Welch's complimentary mentions of Schlafly's anti-ERA activity have been frequent. In December, 1972, Welch recommended a Schlafly newsletter on the ERA, calling her statement "another excellent educational weapon recently added to the anti-Amendment toolbox." In February, 1973, Welch praised the anti-ERA efforts of Schlafly and Jacquie Davision. (Davison heads Happiness of Womanhood, Inc., and plans to defeat ERA and then promulgate the doctrine of "Fascinating Womanhood," which goes something like: "If you make your man your king, then you are a queen," etc.) And significantly, in 1973, Schlafly and her husband J. Fred Schlafly appeared as featured speakers at the Birch Society's annual God, Family, and Country Rally.

Schlafly has repeatedly declared that she does not receive "one dime" from the Birch Society or other far-right groups. Indeed, she told St. Louis *Post Dispatch* reporter Patricia Rice that the STOP ERA fight "hasn't cost me anything."

"I do it right out of my kitchen," she told Rice. "I don't go anywhere to give speeches unless they pay my fare. When I get there, they pass the hat. They buy reprints of my report or they run off copies themselves."

Schlafly's pin-money explanation is too vague to satisfy observers who have seen her anti-ERA blitz in action. For one thing, her

kitchen must be pretty crowded since she reportedly has two paid secretaries.

Who, for example, paid for Schlafly's visit to Nebraska last year during that state's rescission fight? The most visible anti-ERA group was the Omaha Unit of Pro America, Inc., an ultra-conservative national organization. Schlafly stayed overnight with the group's president, Mrs. T. A. Bjorge. However, Mrs. Bjorge told me that Pro America did not pay Schlafly's plane fare and she was not aware of anyone passing the hat to raise Schlafly's expenses. And although large quantities of anti-ERA literature appeared in Nebraska, Mrs. Bjorge said Pro-America spent less than $100 on the struggle.

The National Organization for Women has charged that the insurance industry was a key funding source in the Nebraska anti-ERA fight. (ERA would prohibit many insurance-industry practices that discriminate against women, and would therefore cut into the companies' profits.) NOW points out that State Senator Richard Proud, who led the rescission move, is an employee of Mutual of Omaha and that other anti-ERA leaders had insurance-industry connections. Mutual of Ohama has denied any participation. Of course, Schlafly would not agree to an interview. I could not determine for sure who, if anyone, paid for her Nebraska trip.

Schlafly also denies using her own Eagle Trust Fund to fight the ERA Eagle members pay $5 a year for dues and a subscription to "The Phyllis Schlafly Report," her newsletter. Schlafly puts the number of Eagle subscribers at "under 10,000."

Schlafly could end the speculation and the charges of right-wing funding with a publicly audited account of STOP ERA and Eagle Trust Fund finances. NOW is making available such an accounting of its own ERA war chest, but so far Schlafly has failed to do the same.

Despite her lack of success in previous bids for national attention, she has come far fighting the ERA. Because she or her followers demand equal time on each occasion that an ERA proponent makes an appearance on radio or television, Schlafly has made it out of the minor leagues of obscure right-wing publications and into the national media.

In some ways, she might be called an artificial creation of the fairness doctrine: wherever the pro-ERA views of the vast majority of Americans are presented, Schlafly—the only nationally known spokeswoman against it—is brought out in the name of objectivity.

Schlafly is using her newfound celebrity to promote her conservative views. Recently, CBS gave her a regular national forum as one of its commentators on "Spectrum," a network radio and television editorial series.

Schlafly can expect stiffer opposition on women's issues in the future. ERA backers are now gearing up with an educational campaign to counter Schlafly-style rhetoric in states that haven't ratified.

As the proponents look up the cases Schlafly cites and check on her facts, she will doubltless move onward to new cases and new facts.

In fact, Phyllis Schafly's description of the ERA as a "terminal case" should encourage ERA backers. In 1971, for instance, she urged Nixon to bow out in favor of Reagan: she had a poll, she said, proving that Richard Nixon could not win.

So much for the Schlafly instinct and research. Once we understand her methods, we can cure Schlafly-shock. Women across the country have been working hard for ERA. And this Amendment—the most important legislation for women since suffrage—can and will be passed.

(Lisa Cronin Wohl is a free-lance writer. She supports the ERA, but does not plan, as Schlafly fears, "a total assault on the family, on marriage and on children.")

CONSUMER ADVOCATE FLORENCE RICE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. RANGEL. Mr. Speaker, consumer education is a hot issue these days. In minority communities, it has always been an issue. Because they lacked both information and power, blacks and other minorities allowed themselves to be taken advantage of by companies and stores. But things are changing. As in other areas of politics and power, blacks are making headway in the field of consumer education. In New York City, the driving force behind this progress is an energetic, committed consumer advocate named Florence Rice.

Ms. Rice has been working to protect consumers for more than a decade, and has achieved tangible success in increasing their awareness of how to protect their interests. I commend Ms. Rice's efforts, and urge my colleagues to read the following article about the opening of her second consumer education center:

PRAISE FOR HARLEM "PEOPLE'S ADVOCATE" MARKS OPENING OF SECOND CONSUMER OFFICE

(By Charlayne Hunter)

In a small, cramped storefront in Harlem, Federal, state and city officials and a few "arch-enemy friends" joined Florence Rice yesterday in opening her second consumer-education center uptown.

Mrs. Rice, who organized the Harlem Consumer Education Council, Inc., in 1963, and has been active in a range of consumer problems since, was praised as a "pioneer" and a people's advocate" and as someone who "puts any money she gets back into the community."

In turn, she pledged to continue her battles in the consumer arena, particularly her long-standing ones with the utility companies

Before the informal opening ceremonies, guests who preferred the heat outside to the heat inside talked about Mrs. Rice and her tireless efforts, often without remuneration, on behalf of poor people.

AIDED BY URBAN COALITION

"Any money she gets she puts back into the community," said Luther Gatling, executive assistant to Eugene Callendar, president of the New York Urban Coalition. Both he and Mr. Callendar said that the coalition had been helping Mrs. Rice for the last year, and that they planned to help her draw up a proposal to some foundations.

"She needs at least $50,000 a year to do just the bare-bones work in consumer education," Mr. Gatling said.

"She can't get any money because of what she's doing" Mr. Callendar said. "She's a real people's advocate" before the state Public Service Commission and the Federal Trade Commission. "If you have a problem with your phone bill or your gas bill, you don't call Con Edison or the phone company, you call Florence."

Others, who asked not to be identified, said that Mrs. Rice had turned down offers of grants from Consolidated Edison and the telephone company.

IRKED BY DUNNINGS

Mrs. Rice, who over the years has been outspoken at hearings and public forums about billing practices and complaint procedures of the major utility companies, said that she had found that "people in this area"—Upper Manhattan—were "still having to pay exorbitant deposits, and there's a lot of estimate billing and people getting dunning letters saying they've got to pay immediately."

Among those attending the opening at 1956 Amsterdam Avenue at 157th Street were Attorney General Louis J. Lefkowitz, Richard Givens, region Federal Trade Commissioner, and Consumer Affairs Commissioner Elinor Guggenheimer, both of whom pledged their support to Mrs. Rice's efforts.

Also present were representatives of the Public Service Commission, the Telephone Company and Con Edison, which Mrs. Rice described as "my arch-enemy friends."

"We're going to take care of Florence's people," said Waymon Dunn, deputy assistant to the chairman of Con Edison.

"We're going to take care of all the people, honey, because I'm going to send them to you," Mrs. Rice replied.

Mrs. Guggenheimer said, however, that she was "worried about consumer offices that are not hooked into offices that help them do something."

"A lot of them are confusing the consumer about where you can get governmental action, and where you can go and talk to a friend," she said. Florence is education. She isn't saying that she's the complaint resolution center."

One such agency, a branch office of the Manhattan District Attorney's office at 55 West 125th Street, was established last month, specifically to handle cases involving thefts by deceit and defrauding consumers.

122 CASES IN MONTH

Figures released by District Attorney Richard H. Kuh yesterday showed that the agency had handled 122 complaints in its first month, 16 of them involving allegations of crime.

Of that number, 13 are being investigated further on possible charges of harrassment, fraud, false advertising and larcency. The remaining number involving civil problems were referred to "more appropriate agencies," along with WMCA's Call for Action program.

"A starting volume of 30 complaints a week between June 10 and July 9 demonstrates that district attorneys throughout the country should take their offices to the people," Mr. Kuh said in a statement released to the press.

Mr. Kuh estimated that the figure "will spring upward," as more people learn about the office, which is on the 11th floor of the Charles A. Vincent Building on 125th Street near Lenox Avenue. It is open daily from 9:30 A.M. to 6 P.M., and on Saturdays until 1 P.M.

LUBBOCK, TEX., JOB TRAINING PROGRAM A SUCCESS

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. MAHON. Mr. Speaker, Dr. Leon Sullivan has done an outstanding job in behalf of the underprivileged youth and citizens otherwise of our country. He established what is known as the Opportunities Industrialization Center—OIC—back in 1963 from a pilot project in job training and placement in Philadelphia. OIC has grown to include centers in 6 foreign countries and boasts some 110 centers in 43 States. The job retention rate for graduates is an amazing 85 percent.

The July 1974 issue of the Reader's Digest carries an article about Dr. Sullivan and the OIC program. Reference is made in the article to a very successful OIC unit in my home town of Lubbock, Tex. I quote the following excerpt from the article:

Out on the Great Plains, at Lubbock, Texas, I found OIC operating in an abandoned supermarket converted into a big open classroom, with a day nursery for small children. Sparked by the Rev. Allen L. Davis, the Lubbock OIC serves blacks (48 percent), Chicanos (36 percent) and whites (16 percent). About a quarter are on welfare. One ex-student is a 46-year-old father of eight, who is now working his way through college as a printer, after getting his start at OIC. A mother of five, with a tenth-grade education, trained at OIC to be a sales clerk, and is now earning $320 a month instead of drawing $105-a-month welfare.

I would like to commend Dr. Sullivan, Reverend Davis, and many others who have worked long and hard over the years in behalf of those who want to help themselves.

REVITALIZING THE SYSTEM

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. HARRINGTON. Mr. Speaker, I would like to bring to the attention of my colleagues an article by Richard Trout, TRB, which appeared in the July 20 edition of the New Republic. Mr. Trout raises an issue which should be of central concern to our country—the absence of governmental responsibility and accountability.

The United States is now suffering from fundamental problems which demand immediate and effective action. We face a skyrocketing inflation combined with high unemployment, an environmental crisis, shortage in energy and food, and an executive branch which has lost its ability to lead. Our Government in turn, has proved unable or unwilling to deal with these pressing issues. One party controls the executive while another controls the legislature. The result is a mutual check which either leaves legislation at a standstill or waters it down to such a degree that it lacks any authority.

Mr. Trout presents a convincing argument for establishing a more responsive governmental system. In every other democracy in the world, government is held accountable for its actions and for inaction. Thus, if it meets with popular disapproval it will quickly and efficiently be removed from office and be replaced by a party which has a public mandate to act.

Mr. Trout poses the question, "Who's in control?" This question can only be answered through responsive and accountable leadership. Until such change comes about, we must brace ourselves for more of the same, ineffective leadership which is unable to deal with our country's basic problems.

I would commend TRB's column to the attention of my colleagues, and the text follows:

[From TRB, July 20, 1974]

TURBULENCE AHEAD

With a parliamentary system like Canada's the United States could have dealt with Watergate two months after it was discovered. With our rigid government we have instead reached a point of public helplessness that is demeaning to a great nation. It is not merely demeaning but dangerous. We face extraordinary shocks on the economic front and the President evidently does not know what to do, nor is there any quick way of replacing him. There is impeachment, of course, but that is reserved for high crimes and misdemeanors and simple economic muddleheadedness does not meet the formula. There is no lack-of-confidence vote in our system that can get an election and oust an inept leader, there is no arrangement whereby a political part itself can readily change its spokesman as the Progressive Conservative party in Canada is now preparing to do with the unfortunate Robert Stanfield after his defeat in last week's election. No, we are helpless, as James Sundquist of Brookings put it, recalling the discredited British Prime Minister who sought to appease Hitler. "Under our system, a Neville Chamberlain would stay in office for his full term even if that meant losing a war, and the very freedom of the nation."

We need a more flexible system. For example, Sen. William Fulbright, who has headed the Foreign Relations Committee longer than anybody else, is a national asset. But he was defeated in a local primary and must go. Why should a man like Fulbright—or some equivalent senator in the same fix on the conservative side—be lost under a rigid system, and not run from some other constituency, from some safe seat, to give Congress the benefit of his continuing experience?

It is stunning to cross the line that separates the United States and Canada and find the idea of transferable legislative constituencies unthinkable in the former and taken for granted in the latter. Mr. Stanfield has just run from a district in central Halifax in Nova Scotia—he doesn't live there. Prime Minister Pierre Elliot Trudeau is elected from the Mount Royal district of Montreal—he doesn't live there either. They are glad to have famous men to elect.

There are two dangers of Watergate, one that Mr. Nixon will ride out impeachment, in which case the great sword that the Founding Fathers forged for the Constitution will rust and be forgotten; the other that he will be impeached, and the Nation will say, "See, now we have solved the Nixon problem and we can forget Watergate as soon as possible!" Of the two, the latter possibility could be the more dangerous if it throws away the experience we have gained and what might be the last chance of some permanent reform.

The dominance of the presidency over Congress and courts seems likely to be checked now for a while whatever happens, because Mr. Nixon has overreached himself and been too arrogant. But the same process is apt to begin again after a while because the Nation needs a strong leader, and will achieve it in one way or another.

Suppose the future man in the White House had the charisma that Mr. Nixon lacks, the demagoguery of Huey Long, the effrontery of Joe McCarthy, the racism of George Wallace, and pushed his power in the paths Mr. Nixon has pointed out—impoundment, executive privilege, national security, warrantless wiretaps, sale of ambassadorships, falsification of cables, favors for campaign funds, burglary, spying and all the rest. Could we depend on the device of impeachment alone to handle the matter? Really, wouldn't it be simpler to adopt a collectized parliamentary government or some partial adaptation of it? Half a dozen proposals are now in Congress.

The United States would never accept parliamentary "instability," it is argued, like that in Canada; it breeds coalition governments. It is odd to hear the latter argument advance. Prime Minister Trudeau has just been reelected with a fresh mandate, and presumably he can govern for the next four years with collective party responsibility.

Things are different in Washington. I do not mean Watergate. One party controls the White House, a rival party controls the legislature and the emphasis is on negativism. Ah yes, you say, but this is the exception. Not at all. In the last 46 years the control of Congress and the White House has been split 16 years, or one-third of the time.

Often you hear it said with smug self-satisfaction, "So what? Divided government is good; one party will watch the other; the sound men of business will be the real rulers; this means less government interference. The fewer laws the better."

Business certainly is powerful. But in the real pinch can government act? You could find no better example than the terrible problem of inflation at the present time. All around the world today the economic warning signs are flashing: "Buckle seat belts, turbulence ahead!" It is the most serious international inflation in history. How badly America needs a leader it can trust!

Last week Herbert Stein, chairman of Mr. Nixon's Council of Economic Advisers, called the American economy "very strong," but also acted like the watchful airline hostess who doesn't want to frighten anybody but wants to be sure everybody is tucked in:

"We have no easy way out of this. I think we have to be prepared to continue for a long time. I think in terms of years, not months—three, four years, and more or less indefinitely, we have to follow a policy of much greater discipline."

In Herbert Hoover's Great Depression there was a Commerce Department economist named Julius Klein. Mr. Hoover would see prosperity just around the corner, and Klein would explain why. The similarities are rather striking:

> Said Julius Klein in '29,
> "I'm confident there's no decline!"
> Said Herbert Stein, "Hew to the line,
> We'll all be fine by '79."

Dr. Stein says the real blame for inflation is with the American public—they rejected "tax increases." It is an astonishing statement for the aide of Mr. Nixon who pledged in 1972: "My goal is not only no tax increase but no tax increase for the next four years."

Tighten your seat belts, turbulence ahead. Who's at the controls?

TRIBUTE TO ERNEST AND ROSE SAMUELS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. LEHMAN. Mr. Speaker, a recent event that took place in the State of Israel was a most appropriate form of recognition for one of our unique men in the 13th District of Florida.

At a time when most see the tranquility of retirement, Ernie Samuels has not sought but has accepted many responsibilities in our community. As

chairman of the Condominium Executive Council of Florida, he was a leader in the legislative battle for the rights of his fellow condominium owners. He has also been a leader in the effort to protect our air and water.

In light of his concern for the environment, it is fit and proper that to honor his successful fundraising effort for Israel in the October fight for survival, there now exists in Israel a Point East Ernest and Rose Forest.

The text of the news items as it appeared in the Jewish Floridian of July 12, 1974, is as follows:

JNF POINT EAST PILGRIMAGE TO ISRAEL

A most impressive pilgrimage, comprised of 47 delegates, traveled to Kfar Hachorshim to dedicate the Point East Ernest and Rose Forest in the Governor Askew Park Forest. This memorable event will linger for a long time as a testimonial of love and respect to the great leader of Point East, Mr. Ernest Samuels, who has become a legend in his own time in this great condominium.

Attending the ceremony from Miami Beach was Judge Zev W. Kogan, President, JNF Southern Region, who came especially to pay tribute on this great occasion to Mr. & Mrs. Samuels, and to share with them and with the pilgrimage the joy of this great day. Representing the Keren Kayemeth was Mr. Tidhar of the American desk.

It is good that Ernie and Rose were accompanied by so many of their supporters and workers from Point East, who have helped him make that condominium development maintain a leadership position in south Florida.

CONGRESSIONAL ACHIEVEMENTS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. WOLFF. Mr. Speaker, I recently received a copy of an editorial which was delivered over WGSM radio on July 20, 1974. The editorial points out several major congressional achievements during the last session and helps to document that we have been diligent and constructive in our work. Editorials like this will help to dispel the post-Watergate myth that Congress is not doing anything positive. I am sure that the following editorial will be of interest to my colleagues:

CONGRESSIONAL ACHIEVEMENTS

Congress never had it so bad. The public seems to have the idea that their Representatives aren't doing anything. Perhaps because the President keeps talking about getting back to the business of the country as though nothing's happening in the Senate and House and because the nation is leaderless at the Executive level.

Worst of all, Watergate, for some unknown reason, seems to have rubbed off more on Congress than on the President where it belongs. A recent poll show 72% of the American people thought Congress was doing a bad job. The truth probably is most people don't know what kind of a job Congress does. During this session the Congress passed a milestone bill, called the Budget Control and Anti-Impoundment Act, which not only has a built in spending limitations and priorities, but provides that each governmental program must be cut a pro rata percentage whenever expenditures exceed revenues.

The President can no longer pick out a program, supported by the Congress that he opposes and withhold funds, arbitrarily, from that one area of concern. Two full Congressional Committees worked an entire year on that legislation also called the Percy/Ervin/Muskie Bill. There were few public hearings or emotional exchanges, little radio and television coverage. Private interests were well represented at the hearings, but no public hearings. This is legislation important to every citizen, to everyone who pays taxes.

Other Congressional accomplishments include the War Powers resolution which provides that no United States troops can be committed to foreign wars, by any President, for more than a short period, without Congressional approval. Additionally, Congress passed a pension reform bill, insuring private pension plans, a Social Security increase of 11%, the 55 mph speed limit, the Alaskan pipeline, unprecedented funds for energy research and a new agriculture bill that is sending farm subsidies down from 4 billion dollars to 2 billion dollars this year and 460 million next year. What it really says to farmers is—Grow as much as you can.

Still on the Congressional agenda, among pressing concerns undone, remain Election Campaign Reform and Internal Congressional Reform, but the Congressional Report Card is not nearly as empty or as poor as the American people seem to think. With 254 sub-committees and 37 standing committees, it's sometimes difficult to separate the legislative wheat from the chaff. Certainly, a limitation of Presidential war powers, budget control and increased food supply are commendable and progressive moves for which Congress should receive credit rather than criticism.

ROY EARL MULLIN—GO-FER FIRST CLASS

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. MILFORD. Mr. Speaker, it is with deep regret that I announce today that I am losing the senior member of the staff team which I have relied upon so strongly during two campaigns and my first term in office.

I am speaking of Roy Mullin, whom few of you know because he works in my district office in Grand Prairie. We are losing Roy through circumstances none of us could have anticipated, knowing him as long and well as we have. Roy has been accepted for enrollment by a major university.

We just sort of acquired Roy. Shortly after I announced as a candidate for Congress in 1972, he wandered into the campaign office and said he wanted to help. For a while, because of the braces on his teeth, his long hair and big glasses, we wondered whether he really was of our world.

But, by virtue of "just being there," Roy ascended to the exalted role of go-fer. He would go for this and go for that or for anything we needed. It took a while for his talent to sink in—you all know how hectic campaigns can be. But we came to realize that Roy had an uncanny ability to solve problems.

One time we needed a television set, for example.

Mature, educated, sophisticated people ranted and raved about this need while Roy stood, nurturing his Prince Valiant hairdo, in the corner.

The campaign leaders never solved the problem of the television set, because suddenly one appeared.

"Where did it come from?" we asked.

An extensive search turned up Roy. When pressed upon just how he solved the momentous problem of the day, Roy said, "Well, I just went down to the Seven/Eleven and rented it."

Roy's simple and direct approach to problem-solving flowered and flourished and we came to appreciate it. All we had to do was tell Roy what we needed, carefully avoid specific questions about how he was going to do it, and whatever it was would get done.

All this talent, and Roy didn't cost anything! All we had to do was feed him. Now that, Mr. Speaker, was something else again. Roy is stringbean thin, but he has the greatest capacity I have ever seen for hamburgers, peanut butter, balogna, pie, cake, beans—food, any kind of food!

All over the 24th District, they looked forward to my appearance at bake sales—not for me, or a chance to visit with a candidate, but because Roy would buy them out! If they were serving free food, we would get kicked out.

When the campaign was over and done—and successful—Roy received his reward. He was assigned to temporary duty in Washington for familiarization and to attend the swearing in ceremony as I became a Member of this body.

When Roy returned to Texas, it developed that our office could not function without him and his special abilities. Since he continued to haunt our office each day after school and on Saturdays, I gave him a part-time position on the staff. The position paid very little money but carried an elevated title as "congressional go-fer, first class."

There has never been any doubt that he has fulfilled all his responsibilities in an outstanding way—despite the fact that his memos sometimes are a little sticky with peanut butter.

Roy has made another important contribution to my operation. My administrative assistant, executive secretary, district coordinator, legislative assistant, field assistants, case workers, and secretaries, have all at one time or another been humbled when Roy invoked his privilege of seniority. He even wrote me a memorandum once, reminding me of his senior status on staff.

I hope you can tell how much we all love and respect Roy Mullin from the light nature of these remarks. One has to respect a man to kid him.

To me, Roy is an outstanding example of the kind of young people we have so many of, and hear so little about. These are quiet young people who look at the world they live in and decide to get involved, to do what they can, and to make an opportunity to learn more about the system which governs, and how it operates.

Roy was in high school when he decided to get involved in a political campaign. I am eternally grateful that he

picked mine. I probably learned more from Roy than, he has from me.

Mr. Speaker, we now have a vacancy in our Grand Prairie district office for one "congressional go-fer." Starting salary will be low and the working standards will be high—Roy Mullin established them. I do not really think that it will stay vacant long because there are many other young deserving youngsters that are also seeking to become involved within the system. After proving himself, he too will be eligible for inservice promotion to "Congressional Go-Fer—First Class."

HELP FOR TENANTS AT LONG LAST

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. PODELL. Mr. Speaker, a major problem facing the urban dweller has been the inability of municipalities to maintain quality housing. In New York Ctiy, by the end of 1968, 18 percent of the total stock and 29 percent of the rent controlled stock was classified as substandard. This was unacceptable in 1968 and intolerable today. Many structurally sound buildings are in disrepair, and more are on their way to this unfortunate state. New housing cannot meet all the needs of housing and is not a solution in itself.

One need only drive through the city to find former beautiful neighborhoods decaying merely because owners of property have failed to maintain them. Apartment houses are becoming slums because landlords have refused to keep them in a state of repair and because the cities have insufficient funds to enforce housing codes.

As a result, neighborhoods are being torn down and in their place, erector-set type projects are being built, which are slowly becoming the slums of the future. If we are to preserve the middle class neighborhoods of our cities, we must prevent landlords from milking the property and force them to keep them modern, attractive, and in keeping with the needs of the neighborhood.

Unless we do this, the Boroughs of Brooklyn and Queens will soon look like the war torn areas of the Bronx, and this must not happen.

To this end, I, together with every New York City member of the congressional delegation, from both parties, have introduced a bill which will once and for all afford the tenants of our city a place to bring their complaints, provide them with a code of uniformity, and laws that will strictly enforce the preservation of existing housing.

More specifically, the major provisions of this legislation are as follows:

First. The training, employment and compensation of housing inspectors and personnel;

Second. The establishment of housing courts for dealing with building violations, other controversies and criminal penalties; and

Third. The development and improvement of housing codes and related code enforcement programs.

The allocation of the distribution of funds will be 90 percent Federal and 10 percent State, city, or municipality. The appropriation for this legislation is $400 million.

This legislation is desperately needed by cities and municipalities throughout the country, more particularly by New York City, more particularly by the Borough of Brooklyn. If we are to preserve the neighborhood, we must once and for all prevent its decay. This legistion will be the first giant step in that direction and I urge my colleagues to join with me in its support.

ALL IS SILENT

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. PEPPER. Mr. Speaker, our country has recently seen the end of our involvement in the longest war in the history of this country. The cost in lives of young and brave men, as well as in the money which was so desperately needed for programs to improve the lives of our citizens here at home, is incalculable. Our country has been involved in other bloody conflicts, the memories of which are deeply etched in the minds and hearts of all of us, especially our brave men who were on the fields of battle. One such individual is now a member of our Capitol Hill Police Force and while he keeps watch at his appointed post here in the Cannon Building, his thoughts sometimes take him back to those scenes of horror that he witnessed during World War II. He has put some of these memories into poems which enable us all to feel as if we are walking with him across the battlefield. I include, Mr. Speaker, one of the poems of this Capitol Hill policeman, who prefers to remain anonymous, in the RECORD following these remarks. It is entitled "All Is Silent." I believe that reading this poem will make each of us more thankful for the peace our country now enjoys:

ALL IS SILENT

All is silent. All is silent.
As I walk over the battlefield after a battle,
I see death all over the field on its last rattle.
They lay in slumber in their Death Mask of deep sleep
Looking around at the bodies I wonder why death is so cheap.
Some are lying on their backs, others kneeling in their Death Mask of sleep.
I wonder aloud and ask have they died in vain.
On some of the faces, a tortured mask of pain.
There are tanks and guns and bodies everywhere in sight.
I look and ponder, why does my heart feel feel so tight.
All is silent, all is silent in this desolate place.
They sleep in peace with a Death Mask etched on their face.
There are some gruesome sights; others look like they dropped to rest.
But in this fight they undertook they met death in its sternest test.
In the hot blistering sun, the stench of death is everywhere.
I stand in stunned silence praying to drive this out forever.
All is silent. All is silent. What is there to say.
On the field of death, I shiver in this hot summer day.
I stumble and tumble along like an animal in a trance.
All is silent. All is silent. Please God give them a chance.
They say death is like a thief in the night.
But these comrades of mine died in the broad daylight.
The wounded have long been taken off the field of battle.
The cries of agony I hear like a faint distant rattle.
I walk off the field watching them put the dead in their sacks.
Away from the field under tarpaulins in a triangle the dead are stacked
My heart grieves, I cannot cry, I cannot stay, I must go on to live another day.
I stumble onto another day; I thank the Lord for saving me today.
All is silent. All is silent.

CONGRESSMAN KEMP PRAISES AN INNOVATIVE NEW YORK STATE EDUCATION PROGRAM

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. KEMP. Mr. Speaker, I would like to bring to the attention of my colleagues a new education program, initiated by the State of New York on May 24, 1974.

This program is called the Regents Credit Bank. For a small fee, an individual can have this computer system store all college courses, military education programs, and special tests. This service is especially beneficial to those who interrupt their education programs to enter the military or for other reasons. The Regents Credit Bank will make it much easier for these people when they decide to return to school. The information contained in the bank will be made available to the school or employer only at the request of the individual, thus guaranteeing the individual's right to privacy. The bank's primary use will be in the educational systems, but this service can be used for job applications as well.

I bring this program to the attention of my colleagues, as it is the first program of its kind in this country. For many years now New York State has been a national leader in the advancement of new and innovative aids to students and educators, and I want to take the opportunity to commend the New York State Department of Education for this its newest effort on behalf of our educational system and its beneficiaries.

At this point, Mr. Speaker, I insert the text of the statement made by the department of education:

THE REGENTS CREDIT BANK

In our society where a college degree opens countless occupational doors, the Board of Regents of the University of the State of New York has recognized the need for certifying the accomplishments of those who have obtained knowledge and skills outside the formal classroom. In September 1972, therefore, the Board of Regents established the External Degree Program, which so far has enrolled over 5,000 students from all over the country. Emphasizing that what a person knows is more important than how he learned it, the program allows qualified persons to earn a college degree without attending classes. Students earn credit toward an external degree in various ways, including college equivalency examinations, courses at accredited colleges, military education programs, and special tests.

To date over 1,200 individuals have received external degrees in liberal arts, business administration, and nursing. Many graduates of the associate in arts program have continued their education in 4-year colleges, while others are using their degrees to satisfy job requirements. A large percent are on active duty in the military, most of them career service personnel.

With the success of its External Degree Program already acknowledged, the Board of Regents has recently expanded services to independent learners by initiating a new evaluation and transcript system known as a "Credit Bank." This unique service is designed to evaluate an individual's educational achievements in terms of college credit, and record them on a single transcript from the University of the State of New York, the comprehensive educational system over which the Regents preside. Originally available only to enrollees in the External Degree Program, the Credit Bank is now open to all interested persons, including members of the armed forces and their dependents, regardless of age, state of residence, or previous educational experience.

The Credit Bank will evaluate scores earned on proficiency examinations such as those offered by the College Level Examination Program (CLEP) and the College Proficiency Examination Program (CPEP), and the United States Armed Forces Institute. The Credit Bank will also consider military service school courses and courses taken in residence or by correspondence from accredited colleges and universities. All evaluations will be conducted according to the academic policies and standards established by the faculty of the Regents External Degree Program.

In operation since late May, the Credit Bank will open a record for any individual for a small fee. It will then provide an unlimited number of evaluations and transcripts for two years. At the request of the Credit Bank member, transcripts will be forwarded to any agency, person, or educational institution.

The Regents expect the Credit Bank to meet the need of employers, agencies, and institutions of higher learning for a formal comprehensive, and academically consistent transcript. Hopefully it will function like the External Degree in aiding job advancement and academic placement.

The Credit Bank should especially help those people who use their local libraries for independent study. These persons, who are interested in preparing for proficiency examinations such as CLEP and CPEP, will now be able to earn college credit directly and keep a record of their achievement until they wish to apply it toward a degree program, external or campus-based. If widely used, the Credit Bank could significantly increase the number of independent learners wh. devise a program of study centered in the library. The Regents Credit Bank could thus have important implcations for libraries as they plan their policies and programs with independent learners in mind.

ALCOHOLISM: A GROWING PROBLEM

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. ROGERS. Mr. Speaker, for many years now there has been a growing realization of the direct and indirect effects which alcoholism has had on this Nation. We in the Congress have tried to do our part in fighting this growing problem, but obviously, it takes more than Federal participation to do the job.

That is why I was pleased to meet with the new and expanded Labor-Management Committee of the National Council on Alcoholism, an organization which operates in the private sector to supplement what the Government is doing.

I think the prestige of the men who head this program indicates the concern of the private sector. The cochairmen of the NCA Labor-Management Committee are Mr. George Meany, president of the AFL–CIO, and Mr. James M. Roche, chairman of the board of General Motors. The expanded committee comprises some of the top labor and corporate presidents in the United States.

The National Council on Alcoholism was founded in 1944 and during the 1950's and 1960's made the fight against alcoholism in industry one of its top priorities. However, in those days the stigma of alcoholism still prevailed, and while there were limited successes in some industries, there had to be a major attitudinal change on the part of the American public before real progress could be made.

At the luncheon both Mr. Meany and Mr. Roche pledged their full cooperation to developing in the voluntary sector a massive program to detect and treat alcoholism in industry. We in the Federal Government must do our share, because the rising consumption of alcohol is reaching epidemic proportions in the United States. We passed the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act in 1970 and renewed it again in 1974. But passing the law is one thing—getting it implemented is another. That is why I was so delighted that these leaders from both labor and industry have joined hands on their own initiative to see that alcoholism treatment and prevention programs eventually reach into every assembly line and into every corporate executive suite.

The very same day this luncheon was held, Secretary Caspar W. Weinberger, of the U.S. Department of Health, Education, and Welfare, sent to Congress the second special report on developments since the first report was released in February of 1972. The 219-page report was prepared by a 38-member task force of distinguished alcoholism authorities from all over the country.

Interestingly enough, the massive report singled out alcoholism programs in business and industry as one of the most effective segments of the work of the National Institute on Alcohol Abuse and Alcoholism and stated that such programs report the highest rates of recovery. However, the report in its entirety makes for some unhappy reading. In its first report to the Congress in 1972, HEW estimated the cost to the country from alcoholism at $15 billion. At the press conference on July 10, 1974, Secretary Weinberger, referring to alcohol misuse and alcoholism as "an epidemic health and social problem," announced that the report of the 38 experts made a conservative estimate of the cost of alcoholism of $25 billilon annually to our country.

The largest single area of cost—amounting to $9.35 billion—was the lost production of the goods and services which could be attributed to the reduced production of alcohol-troubled male workers. The cost of the lost production of women and of alcoholic persons who are institutionalized or living on Skid Row is not included in the $9.35 billion estimate. Other highlights of the HEW report to the Congress can only be briefly summarized:

First. A Gallup poll of June 9, 1974, reported that "the proportion of adults who drink is at the highest point recorded in 35 years of regular Gallup poll audits of America's drinking habits." It reported that 18 percent of those 18 years and older—some 25 million Americans—sometimes drink to excess and more than they think they should.

Second. Excessive use of alcohol, as reported in studies from all parts of the world, is related to certain cancers, particularly those of the mouth, pharynx, larynx, esophagus, and primary cancer of the liver. A heavy drinker who does not smoke has approximately the same increased risk of developing cancer of the mouth and throat as a heavy smoker who does not drink. When heavy drinking and heavy smoking are combined, the risk jumps enormously—to 15 times greater than among people who neither drink nor smoke.

Third. The increase in juvenile drinkers is staggering. The study reports that one out of every seven high school seniors admitted to getting drunk at least once a week. At the press conference, Dr. Morris Chafetz, Director of the National Institute on Alcohol Abuse and Alcoholism, said the increase in heavy teen-age drinking "just blows my mind. It worries me greatly."

Fourth. Dr. Charles C. Edwards, the Assistant Secretary for Health, emphasizing the report's conclusions that alcoholism is an illness that can engender other serious diseases, said:

> The time has come to bring the treatment of alcoholism into the mainstream of our Nation's health care system.

A DAY IN COURT FOR VETERANS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. RANGEL. Mr. Speaker, the issue of the reassimilation of veterans has been a concern of American governments

after each of our major wars. For over a half of a million Vietnam-era veterans efforts toward this reassimilation have been severely hampered by use of behavioral stigmas by the U.S. Department of Defense. These stigmas can cost the veteran vital educational and medical benefits as well as preclude the veteran from employment in a position with a secure future.

I, like a number of my colleagues, find it very disturbing that ex-servicemen should be haunted by their past "less than honorable" records. Unquestionably employers should be informed as to whether or not a veteran who is applying for a job with their firm received a dishonorable discharge. Perhaps, too, certain "less than honorable discharges" should be recorded on a veterans discharge papers.

However, the necessity for recording all such "less than honorable" discharges should be reviewed. Why should a veteran's bedwetting problem preclude him from a job with a secure future? It seems to me that employers' hiring processes should be sophisticated enough to determine the qualifications of their prospective employees without requiring such irrelevant behavioral stigmas.

As a product of the efforts of our colleagues, Mr. KOCH and Mr. ASPIN, ex-servicemen and women can now request new discharge papers without the Defense Department's code which connotes the reason for discharge. Representative STOKES has introduced a measure which would prohibit the code from being printed on a veteran's discharge papers. This bill would also limit the number of "less than honorable discharges," as well as improve the discharge and dismissal review process.

For the benefit of my colleagues I would like to present the following article by Robert S. Stokes, a reporter for the Asbury Park Press. Mr. Stokes speaks to this issue and informs veterans that there is a Discharge Review Board before which hearings on upgrading an assigned discharge are conducted.

The article follows:

A DAY IN COURT FOR VETERANS

(By Robert S. Stokes)

In the past decade, more than a half million servicemen and women have left the armed forces stigmatized by official records that give them a sort of social leprosy. Some of these are veterans with "other than honorable" discharges from the service—"undesirables," "bad conduct," or "dishonorable." Some even have "general" discharges that state they are for service "under honorable conditions."

A discharge certificate is given to each discharged serviceman with a title that characterizes the moral rectitude of his service. No such certificate shows special merit. The serviceman who keeps his nose clean merely gets a certificate that can't hurt him. Only those whose records were thought by the military to be special in a negative way are distinguished by this system.

Major employers, at least those with personnel departments, usually ask to see the discharge certificate. They don't have to look far for such records; all they have to do is. ask the applicant to show it. For most veterans with "less than honorable" discharges, and even for some with "general" discharges, it's generally difficult to secure a decent job with a secure future.

For these people, many of them drafted to serve in Vietnam, re-entry into American society is tough enough without this kind of handicap. It can cost them important benefits like a Veterans Administration educational loan or grant, a VA-approved mortgage, or sorely needed medical care in a veterans hospital.

Furthermore, the administrative discharge system—which determines the original discharge status—was characterized as a "chamber of horrors" by Douglass L. Custis in a 1971 article in the ABA *Journal*. In citing what he called "kangaroo court proceedings," Mr. Custis (who served in the Judge Advocate General's Corps) decried a procedure "in which the person accused is denied the right to subpoena witnesses on his own behalf, confront and cross-examine the witnesses against him, require the prosecution to adhere to the rules of evidence, or expect the prosecution to shoulder the burden of proving him guilty beyond a reasonable doubt."

What makes the situation of these veterans with "other than honorable" discharges doubly unfortunate is that an established, if not always successful avenue of appeal does exist—a little-known recourse to have these tainted discharges upgraded or modified. The so-called courts of last resort for veterans, located in the Pentagon, are Discharge Review Boards or Boards for Correction of Military Records, one for each branch of the armed services. (Some of those with "general" or "undesirable" discharges are further stigmatized by an "SPN" number on Defense Department Form 214, which all ex-servicemen are given and which major employers and government agencies know enough to ask for.

These members, giving the reason for discharge, are keyed to a widely circulated Defense Department list; they may show that the serviceman was discharged for "homosexual tendencies," bedwetting, use of drugs, or mere lassitude, among other reasons. As of May 1, the Defense Department, at the prodding of Congressman Edward Koch of New York and Les Aspin of Wisconsin, administratively changed the system to allow veterans to request new discharge papers without the SPN code. Those discharged after May 1 will not have SPN numbers on their discharge papers.

On May 15, Congressman Louis Stokes of Ohio introduced H.R. 14827 "to require that discharge certificates issued to members of the armed forces not indicate the conditions or reasons for discharge, to limit the separation of enlisted members under conditions other than honorable, and to improve the procedures for the review of discharges and dismissals." The bill is now in the House Armed Services Committee.

Few lawyers know about this narrow aspect of military law, but those who have handled appeals for upgrading bad discharges for ex-GIs say it represents a rapidly growing field of legal services. Elliott H. Vernon, who returned to private practice in Monmouth County, New Jersey two years ago after serving for more than four years with the U.S. Army's Judge Advocate General's Corps, has represented several servicemen before discharge review boards and has succeeded in having their discharge status modified. "I've found the boards I've appeared before to be eminently fair," says Vernon, "and to have the best interests of the veteran at heart."

Vernon recently appealed the discharge of a former Army enlisted man who spent 18 months in military hospitals for a service-connected injury and was subsequently released from active duty without any consideration of disability compensation. When the Army Board for Correction of Military Records ordered another physical examination of the veteran, doctors found the man physically unfit at the time of his discharge. The Army Discharge Review Board subsequently ruled that the veteran was entitled to compensation for his injuries.

In cases where veterans have been discharged from military service as a direct result of conviction of offenses under the Uniform Code of Military Justice, it's more difficult to get a discharge modified or upgraded. The need for a route of appeal is particularly great today because the "other than honorable" discharge may be capricously given; grounds for such a discharge range from nonpayment of debts to alleged drug abuse.

The main stumbling blocks to veterans seeking changes in their discharge status seem to lie in the location of the boards, the extensive preparation required by the lawyer representing the veteran, and the long wait for a hearing. "Dealing with the military in legal matters," said one lawyer familiar with these appeals, "frankly scares a lot of lawyers off a case like this even if they know the procedure."

Nevertheless, the Air Force Board for Correction of Military Records recently reported that 16 percent of "punitive" discharges ("bad conduct" or "dishonorable") have been upgraded as a result of veteran appeals. David Addlestone, director of the American Civil Liberties Union's Military Rights Project in Washington (address given below), says more GIs could have their bad discharges upgraded if there were regional review boards.

"It is very important for veterans to appear in person at these hearings," says Addlestone, "and since they must pay their own traveling expenses to Washington, many of them simply don't apply due to lack of funds."

To give interested lawyers the knowledge necessary to file discharge appeals, the ACLU's Military Rights Project, which has legal advisers with the various state ACLU chapters, is planning to hold seminars in major cities around the country.

"There is definitely a growing need for legal service for GIs with bad discharges," says Addlestone. "These veterans deserve their day in court just as much as anyone else who feels they've suffered an injustice."

The review board procedure basically involves a written request for a hearing, a statement indicating what the veteran wants corrected in his or her record, and the reasons for the correction or modification. Attorneys also submit other documents to support the veteran's claim.

Members of the review boards are either active duty officers or civilian government officials with expert knowledge of military discharge classification procedures. A board examiner presents the case to the review board and the veteran's attorney is usually required to be present to answer questions.

The Vietnam War is over for most veterans, but those who came home with less than honorable discharges wage a never ending battle for economic and psychological survival, a battle perpetuated by the blotch on their military records. For veterans who feel that they received an unjust discharge, the legal profession should attempt to satisfy the right to legal counsel by having the knowledge necessary to represent them. A veteran needs and deserves his day in court.

GLENN HALSEY, MEMBER OF GRAYSON COUNTY, VA., BOARD OF SUPERVISORS, ENDORSES LEGISLATION TO SAVE THE NEW RIVER

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. MIZELL. Mr. Speaker, one of the main reasons that I have worked to see that the New River be studied for possible inclusion in the Wild and Scenic Rivers System is that through this legislation the people that are affected will be directly heard. The Department of Interior's regulations provide that public hearings be conducted in the area, and

not just in Washington, D.C., or an area which is inaccessible to most of the citizens.

A major complaint on the Federal Power Commission when it considered the proposed Blue Ridge power project was that it had not made itself available to hear testimony in the affected area. Just one public hearing in the area was held, and it was in Beckley, W. Va., some 144 miles from the project area. This made it nearly impossible for local citizen participation due to the difficulty in travel and location.

Mr. Glenn Halsey, a member of the Grayson County, Va., Board of Supervisors, made an eloquent plea for such public hearings in his testimony before the House Interior and Insular Affairs Subcommittee on National Parks and Recreation. For the benefit of my colleagues, I submit the text of his testimony:

TESTIMONY OF MR. GLENN HALSEY

My name is Glenn Halsey. I am a member of the Grayson County Board of Supervisors serving as Chairman of that Board from 1959 to 1971. The major flow of New River is through my district and the most devastating destruction of farm lands and dislocation of schools, churches and roads will be in my district.

Throughout the years I have had the full support of my constituents in opposing the impounding of New River for the purposes of flushing out the Kanawha River for the relief of the chemical companies around Charleston. Now that has been swept under the rug and we are asked to believe that the project is needed to meet peak demands for electric power. All the time, even now, the Power Company says there is no shortage in their system, no brown-outs and they continue to advertise to solicite more use of power.

We have appealed to our State and Federal officials to help us and are told over and over again that the responsibility for the project lies in the Federal Power Commission and before the Administrative Law Judge. We beg our State and Federal officials to convene hearings at Wilkesboro Federal Courthouse or Abingdon Federal Courthouse in order that the people may be heard rather than the lawyers. One hearing was held at Beckley, West Virginia, a long, hard days travel from Grayson and Ashe. I attended.

My district joins Ashe and Alleghany; my problems are the same as theirs. We are thankful that we have voices strong and courageous enough to speak for us in Washington—even if we are not your constituents, we are one people trying to save an eternal river.

Mr. Chairman, we urge support of this bill to include the New River in the Wild and Scenic Rivers System for study. Maybe while that is being done we can get the support of our representatives in the Congress.

Mr. Chairman, I ask for leave to file, prior to June 13, 1974, certain supplemental data and documents relating to the statements I have made.

Thank you.

HARRINGTON AMENDMENT TO CLARIFY POLICE TRAINING PROHIBITION

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. HARRINGTON. Mr. Speaker, tomorrow, as the Foreign Affairs Committee continues markup on the Foreign Assistance Act, I intend to offer an amendment to clarify the prohibition on police training contained in section 112 of the Foreign Assistance Act. This amendment would resolve the ambiguities now in the statute, while preserving and strengthening the intent of Congress as expressed in 1973.

Currently, section 112 states that no part of the appropriations made available to carry out the act, including Agency for International Development and military assitsance program funds, shall be used to "conduct any police training or related program in a foreign country." However, the term "police training or related program" is not defined in the section. The imprecision of this term has left the act open to differing interpretations, and has allowed for the continuation of programs which appear to circumvent the intent of Congress.

It seems clear that in section 112 Congress intended to end the American subsidization of all training programs in foreign countries which involve instruction of policemen in the skills and tactics normally associated with police operations. The committee report accompanying the Senate version of the Foreign Assistance Act of 1973 states plainly of this section:

United States participation in the highly sensitive area of public safety and police training unavoidably invites criticism from persons who seek to identify the United States with every act of police brutality or oppression in any country in which this program operates. It matters little whether the charges can be substantiated, they inevitably stigmatize the total United States foreign aid effort.

In its approval of section 112, Congress appears to have expressed the philosophy that interference with the domestic law enforcement policies of foreign nations is not a proper aim for American assistance programs. Although it seems obvious that Congress intended to halt police training programs in foreign countries, the lack of precision in the wording of section 112 has allowed for the continuation of programs which circumvent this intent. Currently, at the Army School of the Americas, a Defense Department training school in the Panama Canal Zone, 1,340 military troops from 16 Latin American nations, partially supported by MAP funds, are being instructed in areas such as "urban counterinsurgency," "urban counterinsurgency operations," "internal development civic action," and "internal security operations." These courses seem to be providing the kind of knowledge and skills that can be used for police-type operations.

The Department of Defense has issued a memorandum (unclas 8226) containing its interpretation of section 112, which indicates how the intent of Congress has been misconstrued to allow for the continuation of these programs:

Assistance in foreign countries under the Foreign Assistance Act for all phases of civilian law enforcement (other than narcotics control) is prohibited. "Law enforcement" includes apprehension and control of political offenders and opponents of government in power (other than prisoners of war) as well as persons suspected of commission of so-called common crimes. Section 112 FAA does not prohibit assistance, pursuant to Sec 502 FAA to units whose sole function is that aspect of internal security which may involve combat operations against insurgents or legitimate self-defense of national territory against foreign invasion, whether or not such units are called police. "Assistance is, however, prohibited to units which have an on-going civilian law enforcement function as well as a combat function. . . . The prohibition does not apply to units which have a contingency function of supporting the police but which do not have any on-going civilian law enforcement functions.

Thus, according to DOD's interpretation of the law, military forces which serve an unofficial, non-ongoing civilian law enforcement function, are not prohibited from receiving U.S. aid or assistance for police training purposes.

In many Latin American nations the military plays a large role in civilian law enforcement practices. Although these duties may not be an official ongoing part of the military's responsibilities, these civilian police activities are, in fact, often performed by the military forces.

In May 1970 the Foreign Affairs Committee issued the "Report of the Special Study Mission on Military Assistance Training (Latin America)," which contains information on the civilian law enforcement functions of the military in the four countries they visited. Excerpts from the report, which follow, indicate the extent to which the military is, indeed, involved in civilian law enforcement:

Brazil: "Internal security is considered a prime mission for nearly all armed forces units, particularly the Army. While civilian police forces have the primary responsibility for responding to threats of public disorder, they are backed up by military forces as required. . . ."

. . . "traditional role of the Brazilian military in frontier and interior areas where it has engaged a significant part of its manpower and other resources on projects from which civic benefits result."

". . . the Brazilian military's concept of professionalism does not include staying out of politics."

Peru: "As for internal security, the Peruvian armed forces have proved their capabilities by crushing swiftly and effectively a Castroite uprising. Most officers have received some American training in doctrines of counterinsurgency. The emphasis which the United States military missions have given to civic action has been readily acceptable to the Peruvian military. Their own service schools have constantly stressed the importance of the military role in the 'social and economic progress' of the country."

Colombia: "U.S. civic action doctrine also has been generally accepted by the Colombian military. Top generals are convinced that if the insurgents are to be kept within manageable bounds, the populace must know and trust the army as a friend and protecter. Called "a civic action army" by members of the milgroup, the Colombian Armed Forces are engaged in a number of projects aimed at benefiting rural citizens."

Panama: "The internal security capabilities of the National Guard (which includes all the services) have been adequate to cope with the small insurgency organized by supporters of deposed President Arias which periodically surfaces near the Costa Rican border. Our milgroup has promoted increased involvement of the Panamanian forces in civic action. . . ."

Just this week, events in Chile demonstrated the continuing law enforcement role often played by the military in

Latin American countries. A military tribunal convicted 60 persons of essentially political crimes—sentencing four of them to death by firing squad—a stark example of how the military can easily become heavily involved in domestic criminal justice affairs.

All five of the countries mentioned above, whose military forces were involved in civilian law enforcement functions, are currently having troops trained at DOD's military training schools in the Canal Zone. The troops are being instructed in tactics which are easily adaptable, if not identical, to police functions, and which are of questionable relevance to legitimate military defense training. It is clear to me that the Department of Defense has taken advantage of the vague and imprecise wording of section 112 to instruct these military personnel in what are essentially police tactics.

Action needs to be taken to insure that the intent of Congress, with respect to police training, is fully carried out. Accordingly, section 112 of the Foreign Assistance Act should be refined to ban explicitly the kinds of police training activities which are being carried out by the Army School of the Americas in the Canal Zone. My amendment would add the following paragraph to section 112, offering a more specific definition of police training programs:

AMENDMENT TO H.R. —, OFFERED BY MR. HARRINGTON

Page 4, after line 22, insert the following new section:

SEC. 6. Section 112 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151j) is amended by adding at the end thereof the following new subsection:

"(c) For the purposes of this section, the term 'police training or related program' shall include any training or instruction of any individual relating (1) to that individual's performance of any law enforcement function in a governmental, unofficial, part-time, or full-time capacity, or (2) to that individual's participation in any operation of a police, civilian militia, or intelligence nature in support of a government against any insurgent forces operating against such government. Notwithstanding the preceding sentence, this section shall not apply to any program which trains the military police of any of the armed forces of a foreign country solely for law enforcement activities within those armed forces."

This paragraph defines police training to include any training or instruction relating to an individual's participation in domestic law enforcement operations or domestic insurgency operations. It would deny police-related training to any individual who participates in such activities in any capacity—officially or unofficially, full time or part time. Adoption of this amendment would insure that the intent of Congress can no longer be circumvented by an interpretation of the law which excludes part-time police officers from the ban on police training in foreign countries.

My amendment makes no substantive changes in section 112. Rather, it defines the terms contained therein more precisely in order to avoid further misinterpretation and circumvention of congressional intent.

CARPOOLING FOR MINORITY SUBURBAN WORKERS URGED

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. TIERNAN. Mr. Speaker, I would like to commend the Planning Division of the Rhode Island Department of Transportation for their "Plan for the Conservation of Transportation Energy." The program is composed of a much heralded employer-based carpool program, plans for fringe parking construction and improvements to mass transit. It is financed by a $400,000 grant from the Federal Highway Administration.

It must be pointed out that regardless of oil company efforts to convince us otherwise, there is still a compelling need to conserve fuel; and there will always be a need to improve air quality in urban areas. The plan delineated by the Rhode Island DOT is a necessary and important step towards that end. I would recommend that anyone interested in this program contact either Lee Taylor or Francis Dutra of the Department of Transportation, Planning Division, State Office Building, Providence, Rhode Island 02903.

I include the following articles:

CAR POOLING FOR MINORITY SUBURBAN WORKERS URGED

A state-backed car pooling program could assist large suburban employers in meeting their quotas for hiring minorities, a spokesman for BIF Industries said yesterday.

Those comments were among the words of support given the program yesterday by the two employers who are already committed participants in the effort, BIF and Rhode Island Hospital Trust National Bank.

The car pooling plan, called a Transportation Assistance Program for Employers, was discussed during a meeting in the state house.

According to Gene Kopl, BIF spokesman, most minority persons live in Providence and have difficulty getting to plants in the suburbs. Car pooling and public transportation improvements, he said should make it easier to work outside the city.

He said the company's commuter trends reversed when it recently moved its plant from Providence to East Greenwich. Most BIF employees live in the city and commute. He said a trend of that sort will continue to grow even further when former Navy property at Quonset is turned over to industry.

Ronald Andsager, the Hospital Trust spokesman, said his company has taken the position that it cannot close its eyes to the real possibility of another energy crisis affecting the commuting habits of its employers coming into Providence.

The new state-backed program, he said, will provide Hospital Trust with a complete profile of its employes' transportation habits, the kind of transportation they use, public transit opportunities and other pertinent information. He said the car pool-transit effort could provide "an emergency backup transportation system in time of gasoline shortages similar to last winter's crisis."

Facing both companies in trying to solve their own commuter problems are what Andsager called "urban traffic and parking congestion and other transit problems well beyond our control."

GROWTH PATTERNS SEEN AFFECTING CAR POOLS

(By Paul A. Kelly)

The two committed employer participants in a big state-backed car pooling effort are facing the problem from opposite directions. One wants to get its city employes out to his plant in the suburbs while the other is concerned about bringing its workers into the city from their homes outside.

The two test participants are BIF Industries, which moved its plant from Providence to East Greenwich and Rhode Island Hospital Trust, which has most of its employes working in metropolitan Providence.

Their viewpoints on what has been labeled a Transportation Assistance Program for employers were explained by company spokesmen at a state house meeting on the car pooling effort yesterday.

Gene Kopf, BIF spokesman, said the commuting problems of that firm were turned around when it moved to East Greenwich. Many of its employes still live in the Providence area and find themselves commuting out to the suburbs to work while the general run of commuters are going the other way.

Kopf said this is a trend that has been growing as more industries have located in the suburbs. It will grow still more when new industries develop at former Navy property at Quonset Point, he said.

The BIF spokesman said the new employer transportation assistance program, emphasizing car pooling should help employers with equal employment opportunity goals. He said a problem with most minority groups is that they live in Providence and have difficulty getting to jobs in plants in the suburbs. Carpooling and public transit improvements should help them, he said, since it is tailored to improve transportation for those leaving their homes in the city to work outside as well as those commuting to city jobs.

Ronald Andsager, the Hospital Trust spokesman, said his company has taken the position that it cannot close its eyes to the real possibility of another energy crisis that could affect the commuting habits of its employes. He said the car pool-transit program can at least provide "an emergency back-up transportation system in time of gasoline shortages similar to last winter's crisis."

The new program, he said, will provide Hospital Trust with a complete profile of its employes' transportation habits, the kind of transportation they use, public transit opportunities and other pertinent information. He said that while his company has been looking for improved transportation services for its employes "it becomes a terribly complicated problem when you are contending with urban traffic and parking congestion and other transit problems well beyond our control."

TRANSIT PLAN

Commuters who drive back and forth to work—and their employers—should be introduced to the Rhode Island Action Plan developed by the state planning division. Its purposes are to conserve fuel, and to improve air quality in urban areas. These are familiar goals, true, but their importance has grown sharply because of the energy crisis and keener awareness of the importance of clean air.

The serious intent of the plan is underlined by substantial financial support—up to $400,000 from the Federal Highway Administration. The sum is probably the largest ever spent in Rhode Island on a transportation energy conservation project.

The plan's first phase—the Transportation

Assistance Program—begins this week. Participating with the state will be BIF Industries and Rhode Island Hospital Trust Corp., whose employe commuting "characteristics" will be analyzed by computers on the basis of questionnaires. Locations for car-pooling, bus pick-ups, fringe parking facilities, commuter rail service and bus routes also will be studied. Again, most of these transit study areas are familiar. But there should be some surprise when findings about transit service are related to in-depth analysis of commuter attitudes. Many commuters would perhaps leave cars at home, if express service minibuses were available.

Some Rhode Island firms do urge that employes ride buses. Textron workers received a modest subsidy for bus fare—one firm's attempt to reduce expressway congestion. Possibly BIF and Hospital Trust will add to knowledge about the auto use habit that has such an obvious grip on the commuter.

Expressway appearances during rush hours suggest that the scene never will change, that transit programs are destined to fail. Fortunately, in this state, the legislative outlook is not bleak. The sense of responsibility for reliable bus service is keener probably than in the past: witness the purchase of a private bus line with state funds. Also, taxpayers are awakening to their growing support of Transit Authority operations. The state administration refuses to give up a foot of rail trackage without a fight. And there is the specter of further gasoline shortages, and perhaps higher prices.

These concerns, with their significance for the environment and transportation, do relate to the Rhode Island Action Plan, and the employer transit assistance program. The need is to convince employers and workers to participate in transportation programs that are designed for more efficient energy use and for improving air quality.

NEWS RELEASE

BOSTON.— The Regional Administrator of of the U.S. Environmental Protection Agency today commended the State of Rhode Island for its initiation of a statewide Carpool-Public Transit Program and urged the cooperation of industry.

In a letter to Governor Philip Noel, John A. S. McGlennon praised the Rhode Island Department of Transportation for establishing the computer carpooling system which is designed to reduce gasoline consumption, improve air quality through a decrease in vehicular traffic, ease traffic congestion, and provide dollar savings to those participating in the program.

Initially, the Carpool Program will be geared to the 4 largest employers throughout the state, or businesses employing at least 250 persons. Eventually the program may be broadened to smaller employers and individuals.

The Rhode Island Department of Transportation at present is testing the program at BIF Industries in East Greenwich and Rhode Island Hospital Trust Corporation in Providence. In August, the Department will open up the program to the 84 designated employers.

The funds for the Carpool Program were provided by a U.S. Department of Transportation, Federal Highway Administration grant of $400,000. While the Carpool Program uses less than one-fourth of this amount, the remainder of the grant will be used for construction of fringe parking facilities and improvements to mass transit.

"I am particularly encouraged to see Rhode Island approaching a computer carpooling system through an employer-based incentive program. Experience from other cities attempting similar projects has shown this program to be both efficient and manageable with the greatest record for success. The success, of course, depends to a large extent on business leaders promoting the program at their facilities," Mr. McGlennon said.

"We can expect that development of an effective carpool program can be of such significant value in reducing automobile associated air pollution that the necessity for strict transportation controls may be minimized for the Providence area. I urge the full cooperation of Rhode Island industry in this program," he concluded.

HOODWINKING—COAST TO COAST

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. BAUMAN. Mr. Speaker, many of us are being besieged by organized group pressure to vote in favor of the use of taxpayers funds to finance the election campaigns of candidates for Federal office. Last week one of the most respected newspapers in Maryland, the Aegis, of Bel Air, published an editorial published. "Hoodwinking—Coast to Coast" pointing out the fiscal impact of such proposals. A poll conducted by me in my congressional district earlier this year showed that response to the question "Do you think that tax dollars should be used by the Government to finance the campaigns of candidates for public office?" showed the following results; yes, 26 percent; no, 63 percent; undecided, 9 percent.

I think it is well for us in the House to consider this aspect of Federal financing of elections as we come to the consideration of reform of our election laws.

The article follows:

HOODWINKING—COAST TO COAST

Millions of Americans put a mark inside of a box on their income tax report this year, signifying their intent to place one dollar of their tax payment for the past year into the campaign treasury for future candidates for national office. Many more millions did not choose to do this, meaning that they had to pay a higher income tax than the others.

The idea to raise funds with such a small sum from many people to help prevent obvious abuses which have occurred in past elections when large contributors received wholesale favoritism, is praiseworthy, but we still have doubts if the check-off on an income tax return is fair.

We certainly cannot believe that if, as the result of ten million individual returns signifying a desire to make a contribution to a political party, there has not been created a ten million dollar deficit in the federal budget. And who makes this up—the taxpayer who didn't wish to make the contribution, of course.

A far better way, it would seem, would have been for the political parties to spread the word about the importance of wholesale contributions by individuals and for the parties themselves to do the collecting, rather than Uncle Sam. Obviously, this method has long been available but it has not worked too well. It has usually been easier for a candidate to line up a few generous supporters, rather than scores of small ones.

And so, people in national office have decreed that this new opportunity be extended so that campaigners for national office will have heavier and wider backing. You and I pay and we're told it's a discount off our tax bill. But it really is an extra dollar for a contribution, just like the other guy's extra dollar for the national budget.

If there has to be a fair way to utilize the income tax return system, why not spell it out as an added dollar, over and above the income tax payment? Tell it like it is!

PUBLIC FINANCING'S LAST STAND

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. HANRAHAN. Mr. Speaker, there is a definite need for campaign reform in our political system. I have introduced two pieces of legislation which would reduce unnecessary campaign spending by linking the ceiling on campaign expenditures to the salary of the office for which the candidate is running. My bill would also propose that all contributions and the names of all contributors be disclosed to the public. The maximum allowable single contribution to a candidate for Federal office would be $5,000, and all cash contributions and in kind services would be prohibited. For my colleagues' interest, I wish to insert the following campaign reform article from the Chicago Tribune:

[From the Chicago Tribune, July 28, 1974]

PUBLIC FINANCING'S LAST STAND

The public campaign financing bill that went sailing thru the Senate has hit a brick wall in the form of Rep. Wayne Hays' House Administration Committee. As a substitute, Mr. Hays has produced a "compromise" measure that pleases no one and, as he may have calculated, stands little chance of passage.

It will be subject to amendment on the House floor, however, and the public financers, led by John Gardner's Common Cause, are preparing to restore most of the public financing provisions that passed the Senate.

The expected floor fight will undoubtedly be the last battle over public financing for some time to come.

The evils of public financing have been spelled out time and again.

It would encourage a multiplicity of candidates, cripple party organizations, and weaken a two-party system already in trouble because of Watergate-induced voter hostility toward all politicians.

It would force the taxpayers to subsidize the waste and extravagance of political campaigns and give them no voice in the allocation of their money. It would hand gobs of money to candidates who don't need it and intrude the federal burocracy into the entire election process.

According to the polls, American public opinion is turning against public financing.

To spark this last-ditch effort, Mr. Gardner has produced a voluminous report telling of the millions spent by special interest groups in the 1972 elections and the millions they have available for use this fall.

We don't dispute this. What we do reject is Mr. Gardner's apparent contention that public financing is the only alternative to election year influence purchasing and peddling and other forms of abuse.

The Senate Watergate Committee, which spent 17 months studying the problem firmly rejects the idea of public financing. In its final report, it said there are other more workable and less dangerous alternatives.

Among them are limitations on campaign spending, limits on the amount and sources of contributions, tighter reporting requirements, and increased tax credits to encourage small contributions.

It is far more sensible to try to correct the abuses in the present system, while preserving its advantages, than to scrap it in favor of a dubious alternative. In the meantime, we look to the House members, who in the past have listened more to their constituents than to reformers like Mr. Gardner, to show the same good sense and defeat this proposition.

CONFERENCE REPORT ON THE ELEMENTARY AND SECONDARY EDUCATION ACT

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. SARASIN. Mr. Speaker, today, in considering the conference report on the Elementary and Secondary Education Act, our primary responsibility lies in enacting legislation that will effectively expand the availability and quality of education for our Nation's youth.

The House Education and Labor Committee, on which I serve, worked diligently, in order to report legislation which would effectively improve as many near and far-reaching aspects of our educational system as possible. I could not, and did not, support certain specifics of H.R. 69 because of the disadvantages to my State of Connecticut. I did, however, support the general thrust of the legislation because of my interest in continuing our efforts to improve education. I also supported the effort in the House to insure the protection of the neighborhood school concept, to end the busing which has so badly divided our country.

The House antibusing version was strong; the Senate version lacked any such provision. Recognizing their responsibility to expedite the passage of sorely needed educational reform, the conferees from each body agreed to compromise toward a milder antibusing measure. I was extremely disappointed that the House efforts had been minimized, and I gave much thought toward voting against the conference report.

However, as I have felt in the past on other significant measures, to cast a vote against a major reform bill because of opposition to a single provision would do far more to harm than to benefit the entire situation.

Therefore, I am putting aside my personal feelings toward the busing issue in the context of this legislation. I am instead considering both the immediate and long-range educational needs of our schoolchildren and the fact that a vote against the conference report could be a profound setback for the improvement that has already occurred in our education system. In voting for the conference report on the Elementary and Secondary Education Act, I am not condoning the compromise of the neighborhood school concept, but I am strongly supporting the basic provisions of the measure we are considering, ones that will continue the constant improvement of our education and will bring us nearer our educational goals.

U.N. BODY MOVES TO TIGHTEN SANCTIONS AGAINST SOUTHERN RHODESIA

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 31, 1974

Mr. ECKHARDT. Mr. Speaker, throughout the long debate on the Rhodesian sanctions, it has been charged that sanctions have not been effective, with no one taking them seriously. This, it is said, is an argument for why the United States should not reimpose its sanctions against Rhodesia.

We now know that this is not true. In recent months, nations have taken steps, both individually and collectively, to tighten loopholes in the sanctions.

This has not been the only activity, however. Since the Security Council adopted resolutions 232—1966—and 253—1968—the United Nations has continued to study the problem of strengthening sanctions. In its resolution 333 passed on May 22, 1973, the Security Council called—

For the institution of "effective procedures at the point of importation to insure that such goods arriving for importation from South Africa, Mozambique and Angola are not cleared through customs until they are satisfied that the documentation is adequate and complete and to ensure that such procedures provide for the recall of cleared goods to customs custody if subsequently established to be of Southern Rhodesian origin;"

On governments to "encourage individuals and non-governmental organizations to report to the concerned bodies reliable information regarding sanctions breaking operations;"

On "states with legislation permitting importation of minerals and other products from Southern Rhodesia to repeal it immediately;"

Upon "states to enact and enforce immediately legislation providing for imposition of severe penalties on persons natural or juridicial that evade or commit breach of sanctions by:

"1. Importing any goods from Southern Rhodesia.

"2. Exporting any goods to Southern Rhodesia.

"3. Providing any facilities for transport of goods to and from Southern Rhodesia.

"4. Conducting or facilitating any transaction or trade that may enable Southern Rhodesia to obtain from or send to any country any goods or services.

"5. Continuing to deal with clients in South Africa, Angola, Mozambique, Guinea (Bissau) and Namibia after it has become known that the clients are re-exporting the goods in components thereof to Southern Rhodesia, or that goods received from such clients are of Southern Rhodesian origin."

On "states in the event of their trading with South Africa and Portugal, to provide that purchase contracts with these countries should clearly stipulate, in a manner legally enforceable, prohibition of dealing in goods of Southern Rhodesian origin; likewise, sales contracts with these countries should include a prohibition of resale or re-export of goods to Southern Rhodesia;"

Upon "States to pass legislation forbidding insurance companies under their jurisdiction from covering air flights into and out of Southern Rhodesia and individuals or air cargo carried on them;"

Upon "states to undertake appropriate legislative measures to ensure that all valid marine insurance contracts contain specific provisions that no goods of Southern Rhodesia shall be covered;"

Upon "states to inform the committee of the Security Council on their present sources of supply and quantities of chrome, asbestos, nickel, pig iron, tobacco, meat, and sugar, together with the quantities of these goods they obtained from Southern Rhodesia before the application of sanctions."

Thus, Mr. Speaker, since the above resolutions steadily tighten the sanctions, and as more and more countries pay stricter attention to enforcement, the end of the illegal Smith regime is in sight. Therefore, unless my colleagues wish to back a clearly lost cause and risk the alienation of black African countries—upon which we are dependent for many raw materials—I would urge that they vote in favor of S. 1868—a bill to restore full U.S. compliance with the U.N. sanctions against Southern Rhodesia.

SENATE—*Thursday, August 1, 1974*

The Senate met at 9:30 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

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

Our Father, God, we thank Thee for the night of rest and the opportunities of this new day. In this hallowed moment may Thy Holy Spirit invade our hearts to empower us for our labors. In the crucial days of soul searching, conscience testing, and scrutiny of character help us to be true to truth, true to self, true to those we love, and true to Thee. May the stains upon the few never blemish the virtues of the many. With thanksgiving for all that is good in the past, and with forgiveness for all that is wrong in the present, lead our Nation to a new commitment to Thy law and give us grace to press forward, whatever the cost, to the moral and spiritual renewal of the Republic.

We pray in His name whose law is love. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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