These rules allow premature deductions of capital costs, are said to allow deduction of large expense prepayments, and fail to require inventories in many cases where comparable businesses would be forced to use inventories. These benefits are made considerably better if the deducted costs are later returned and reported as long term capital gain. While some legislative action was taken in 1969, we all knew that those provisions would very largely be ineffective. It seems clear that experience has borne out this prognostication.

Also in other places, the kind of farmer that the tax loss would attract has been described. All commentators would, I think, agree that the provisions outlined above are most attractive to taxpayers who have a large source of outside income and who have available to them considerable credit. Also since the tax benefits are proportional to the size of the nonfarm income and the tax loss produced by the farming operation, one would expect that the tax dodge farmer would also desire a large farm. Taking these qualities into consideration, there is no difficulty in concluding that two kinds of investors should be attracted to tax dodge farming. They were corporate conglomerates which have substantial sources of nonfarm income which would, absent the tax loss, be taxed at a 48% tax rate and syndications of high bracket individuals.

If one reviews the last two decades of the farming industry (between 1950 and 1970), one finds a number of astounding phenomena. First, the nominal before tax rate of return on farm investments has declined from about 6% down to less than 4%. This compares with more than 10% for other manufacturing corporations during that period. But the decreasing returns did not prevent the flow of capital into agriculture. During that time, the assets producing farm crops increased by about 2⅔ times although total net farm income rose by less than 25%. This is a most unusual situation: declining returns on increasing investment.

Second, a profile of the farmer in 1950 would have shown that his nonfarm income was about 30% of his total income. By 1970 his nonfarm income was about 50% of his total income.

Third, while the productive assets in farming were increasing 2½ times, farm debt increased five or more times over this two decade span.

Thus, when we look at the last two decades, we find that before tax rates of return on farm investments were declining while investments were increasing. This combination would indicate that the before tax rate of return is not giving us the true picture. Indeed, there must be something more than the before tax rate of return. I speculate that in part the something more is the zero tax rate and the negative tax benefit flowing to certain kinds of farm investors. One also concludes that many of the farm investors in these decades had just the characteristics we would have expected had the tax benefits been the only inducement to farm investment.

Our judgment on this score may be further confirmed by viewing the roster of newly arrived farmers. In the last decade or two we have found that many of our country's largest corporations have entered the farming game: Tenneco, Gulf and Western Industries, Prochemco, Union Carbide, General Foods, and many others. The number of corporations in farming has increased dramatically. Some of these corporations are conglomerates which bring huge amounts of nonfarm income into combination with farm losses.

Also as we would have guessed, syndications among high bracket individuals is the hallmark of some kinds of farm investments. Just how high a tax bracket? Many of the promoters of these syndications suggest that the taxpayer not make the investment unless he has a net worth of from a quarter to a half-million dollars or has a marginal tax bracket of 50%. Neither of these characteristics is likely to be found among the farm population as a whole.

Just how extensive are these syndications? During 1970, there were offerings by cattle breeding and feeding syndicators in excess of $175 million. Many of these offerings exceeded $10 million, and some of them were reported to go as high as $25 million. Incidentally, in many of them the promoter has already made arrangements for financing a large part or all of the investment to be made by the members of the syndicate. There were also numerous syndications in other crops.

There is thus empirical evidence that many of the new farmers are just the kinds of farmers who have the qualities to reap a tax harvest rather than rely on the product of the land. This new farmer may well be a large scale owner with considerable capital and financing at his fingertips. In almost all cases he is an absentee farmer who has turned his capital over to a business manager. The business manager does not have the flexibility and the social consciousness that an owner on the scene has.

In closing let me emphasize that certain kinds of farm investments are subsidized by the federal tax laws. These subsidies appear to have induced a large amount of absentee capital into the farm sector. This absentee capital is unfair competition for the farmer who must rely on his land for his income. The absentee owner who has a large source of outside income may combine a meager profit or even a loss with the tax benefits available to him and show a handsome return on his investment.

Since these benefits vary in proportion to the loss and the amount of outside income, there is an encouragement to owners of large amounts of capital who can control large amounts of farm resources. All of this tends toward concentration in the farming industry.

This situation need not be continued. It is unfair to the farmer. It is unfair to the American taxpayer. Solutions abound, but Congress has not been willing to adopt any of them.

I hope you find the foregoing helpful.

Sincerely yours,

CHARLES DAVENPORT.

P.S. For purposes of identification only, I teach income tax law at the University of California at Davis.

STATEMENT SUBMITTED BY MR. JOE BURNIAS, CORCORAN, CALIF.

My name is Joe Burnias. I am a farmworker and have traveled the migrant trail with my father and now with my family. I have worked in the fields throughout California wherever there is work available to support my family. In the last ten (10) years, because of mechanization work is hard to find. I do not have the education nor the skills to even think that I can support my family outside of field work. What I have are my calloused hands, my love for my family, a desire to provide a future for my family, my belief in God, and my love for the land that I work. For the last fifteen years the campesino has been discussed with regard to his family, his skills, his health, his housing, his future. I have not seen results in Kings County. What I have seen is less work for the campesino, and money appropriated to advance mechanization in farm labor. Millones of dollars for tax cuts under the Williamson Act and subsidies for large farm owners who control Kings County. The Williams Act has caused a loss of $200,000 tax revenue for Corcoran.

I feel that you are aware of the present conditions of the campesino, and so in my simple way I ask, that the statements that have been stated here do not go unheard. That land and financing be made available so that the campesino and rural poor can begin to feel pride and dignity in himself and family. FHA was set up for and controlled by growers who have continued to utilize it for their personal gain. The time has come for projects to become available for the thousands of people such as myself. The campesino would benefit greatly from this wealth of knowledge all the research and subsidies too. The campesino cannot do it alone, and I appeal to you to bring justice and action on these matters.

Now we can talk all afternoon on the merits of different programs, unemployment and welfare plans, the migrant and seasonal campesinos, displacement by machinery, rural poverty, and I still won't know what the consequence of all these things will be and nobody else seems to know. What I am sure is that in our experience we have learned one simple thing—regardless of what the situation is, people will not be able to do anything constructive, anything to free them from the shackles of poverty, unless they have the power to cope with the situation, wherever it may be and whoever it may be. For the campesino such as myself, this age, this image, that power will come through financial and availability of land that will allow me to provide a future for my children, self esteem and pride in myself as a man, then we can hope to break the cycle and destiny of the campesino and his family that has starved him for decades.

Thank you.

SENATE—*Thursday, May 18, 1972*

The Senate met at 12 noon 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:

O Thou Eternal God, who can neither be fathomed nor dismissed, be very real to us in this reverent moment. Amid the turbulence of the world without, bring peace to our troubled hearts that all who serve Thee here may think wisely, speak convincingly, and act bravely. Out of diversity and conflict bring the unity that enables this Nation, delivered from failure, sin, and unrighteousness, to go forward to the new day of justice, truth, compassion, and brotherhood. Lift all efforts for peace into the higher order of Thy kingdom and may the spirit of the Prince of Peace rule in the hearts of all the people.

In the Redeemer's name. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 18, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 17, 1972, be dispensed with.

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on May 16, 1972, the President had approved and signed the act (S. 2676) to amend the Public Health Service Act to provide for the control of sickle cell anemia.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) 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 Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 14734) to authorize appropriations for the Department of State and for the U.S. Information Agency, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 14734) to authorize appropriations for the Department of State and for the U.S. Information Agency, was read twice by its title and referred to the Committee on Foreign Relations.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 14655) to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes.

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ELIMINATION OF CERTAIN SURETY BONDS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 757, H.R. 13150, which has been cleared on both sides of the aisle.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

H.R. 13150, to provide that the Federal Government shall assume the risks of its fidelity losses, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–790), explaining the purposes of the measure.

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

PURPOSE

The purpose of H.R. 13150 is to provide that the Federal Government shall assume the risks of fidelity loss. It thus establishes the policy that no agency of any branch of the Federal Government shall obtain surety bonds for its civilian or military personnel who have the responsibility for substantial sums of money in connection with their official duties. The bill repeals or amends existing law requiring Federal agencies to obtain surety bonds for these civilian and military personnel. It provides that the amount of any loss due to the fault or negligence of a Federal employee shall be charged to the agency's appropriation or other available appropriate fund.

BACKGROUND

The bill grew out of a proposal by the Secretary of the Treasury. Its provisions are based upon extensive studies conducted by the House Committee on Post Office and Civil Service as described in detail in House Report No. 92–932. The Secretary of the Treasury's legislative proposal was made in order to carry out a recommendation by the Director of the Office of Management and Budget, the Chairman of the U.S. Civil Service Commission, and the Comptroller General. The recommendation was made under the joint financial management improvement program.

The House committee studies resulted from consultations with officials of the Treasury Department and the General Accounting Office. Favorable reports on the measure were received from the following agencies:

Chairman, Committee on House Administration, House of Representatives.
Clerk, House of Representatives.
Sergeant at Arms, House of Representatives.
U.S. Public Printer.
Administrative Office of the U.S. Courts.
Department of State.
Department of the Army.
Department of the Navy.
Department of Housing and Urban Development.
Department of Agriculture.
U.S. Postal Service.

The American Insurance Association opposed enactment of H.R. 13150.

The rationale behind the abolition of the procedure of acquiring surety bonds for Federal employees is that self-insurance is a financially sound procedure if the self-insurer is able to assume the risk. The Federal Government can well assume such a risk. The House report points out that precedent for assumption of insurable risk exists throughout the Federal Government, which does not contract with insurance companies for coverage of loss from fire, accident, or other casualties, nor does it contract for insurance in the shipment of valuables such as Federal securities, stamps, and currency.

In addition to the ability of the Federal Government to take the risk of loss through the fault or negligence of an employee, statistics show that the cost of the bonding program is greater than the amount of claims filed. For example, the estimated cost of the bonding program from 1956 through fiscal 1971 was $5.1 million. The amount of claims filed during the same period was $3.2 million. The difference of $1.9 million is a rough approximation of the net cost to the Government.

Of the almost $7 million in total losses incurred since 1956, approximately $1.9 million of such losses, or about 28 percent, exceeded the limits of the bond coverage. The reason for this is that most employee bonds offer limited protection, usually in the range of $2,500 to $25,000. For example, the bond for the Director of the Central Disbursing Office of the Treasury Department is $25,000, but annual disbursements and checks signed by the Director total more than $25 billion.

PROVISIONS OF THE BILL

In addition to repealing and amending existing law requiring surety bonds, H.R. 13150 provides that when an agency suffers an uncollectable fidelity loss resulting from the fault or negligence of an employee or officer, the agency would charge its operating appropriation for the full amount. The appropriate charges would be the same as those which now finance the bonding premiums. Agency activity through the proposed legislation would be performed in accordance with regulations of the Comptroller General, and the Secretary of the Treasury would report to the Congress for each of the 5 full fiscal years following enactment on agency experience under the self-insurance program.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Tennessee (Mr. BROCK) for not to exceed 15 minutes.

SOVIET-AMERICAN TRADE

Mr. BROCK. Mr. President, for nearly three decades the United States and the Soviet Union have been locked in a struggle which has led to the polarization and division of much of the world. But the impending detente in Soviet-American relations, as evidenced by the recent Berlin agreements and SALT talks, exchange visits by leading government officials, and President Nixon's forthcoming summit meeting in Moscow may afford us the opportunity of achieving new initiatives. Through the vehicle of trade and economic development be-

tween the world's leading industrial powers, a degree of understanding may at last be within grasp.

Insurmountable barriers have long existed between Cummunist Russia and democratic America. Political obstacles inherent in our vastly conflicting ideologies have prevented either side from allowing more than minimal political and economic relationships.

Russia's motives, her ambitions and her objectives, have never waivered, though her tactics were conducted in deliberate obscurity. The same ideological differences which have long generated adversities between the Communists and ourselves still exist.

Russian dreams of conquest did not fade with Stalin's passing, and it would be a foolish and self-deceiving blunder if we, as Americans, were to disregard Communist political ambitiousness.

Nevertheless, trade and reciprocal economic agreements could be of great benefit to both countries, and might provide a much-needed incentive to an American economy plagued with heavy surpluses of agricultural products, diminishing energy resources, and an acute balance-of-payments deficit. No better area for increased discussion and interaction between the United States and the Soviet Union exists than that of bilateral trade and commercial development.

Progressive, farsighted steps are being taken in an endeavor to solidify cooperative ties between governments and to encourage the increased participation of America's free enterprise system in trade and resource development. The Nixon administration has been striving to secure negotiated accords with the Russians as a means of providing American exporters with future buyers for the country's manufactured and agricultural products. Emissaries of both economies have been jointly exploring areas of possible trade consideration which could lead to substantial increases in commercial reciprocity. Discussions have revealed a new willingness on both sides to speak realistically and to explore even the most basic experiments.

It is in our national interest to continue this process for several significant reasons. First, we are in a position to benefit immensely by expanding our Russian markets receptive to American investments and capital goods. We can no longer afford to squander the potential of nonstrategic trade. Certainly, this Nation is not prepared to assist the Russians in developing weaponry or military capacities, be it through trade or any other means. National security must be paramount when considering any area of cooperation with the Communists. Former Secretary Stans made it very clear to Soviet leaders while in Moscow that the United States will not include in trade agreements items which might jeopardize American security interests.

Conversely, we accomplish nothing by refusing to sell capital manufactured goods to Russia, for they still will be able to obtain competitive products from other sources, Western Europe and Japan in particular. The result, a net economic loss to the United States and the entrenchment of Russia's dependency on other nations. Denial of this important market could mean a resounding setback to America's future competitive position in world trade.

America's ability to compete has been on the decline since the late 1950's when the Nation's industry became lax, ironically because of the lack of competition. The same dangerous pattern spanned the 1960's as costs soared while productivity waned. The result was inflation and the financial crisis of the seventies. Inflation, coupled with a refusal to seek sufficient gains in productivity, has brought us to a situation where the dollar is in dire distress on the world market. Only domestic discipline and a resolute, competitive surge in international trade will be able to curb the collision course faced by American economic viability.

Second, such trade raises our bargaining power in political terms. While in Moscow, both Secretary Butz and Mr. Stans made it apparent that the normalization of trade relations between the two countries will depend a great deal on a parallel improvement in political relations—a pointed reference to Russia's continuing military aid to the North Vietnamese. The Russians need what America is prepared to offer in trade. A result of increased trade and economic links must also parallel an increased willingness on the part of the Russians to renounce continuing impediments to peace, to move away from the use of force.

Third, although we must continue our resistance to Communist dogma, if, by negotiating and entering into greater trade with the Soviet Union this Nation's economic, political, and strategic strengths will be improved, then we must weigh these assets and meet the challenge.

Speaking before an export expansion assembly in Cheyenne, Wyo., on February 3 of this year, Mr. Robert Beshar, director of the Bureau of International Commerce, made a statement that merits attention for its emphasis on the opportunity at hand. He said:

> The possibilities now being offered by the Soviet Union of exporting to the United States large quantities of raw materials in exchange for equal values of United States manufactured capital goods represents a unique opportunity for the United States. It is not simply a question of whether the two richest nations in the world should be trading broadly with each other. Rather the focus should be on the unusual complementary characteristics of these two economies, with the Soviets willing to exchange raw materials with little labor content, for sophisticated capital goods, many of which are labor intensive.

This statement reveals several extremely important points concerning America's future economic concerns and may provide answers to some of our most crucial employment problems.

It offers the United States an opportunity to secure vital raw materials which this country will be needing in a few short years. This would mean a slackening in the current overuse of our domestic timber, minerals, and fuel energy resources—all items which the Russians are willing to trade in return for American manufactured and agricultural commodities. An example of such a transaction is the Russian need for American capital and technology to develop their huge petroleum reserves. This would require the involvement of American corporations and a substantial investment in order to tap fuel reserves and process them for energy use. In return, the American business would receive their original investment, a predetermined interest rate, and a long-term contract for buying the gas for use in the United States.

Some concern exists regarding a possible dependence on foreign—and particularly Communist—sources for America's vital energy needs. Recently, the distinguished senior Senator from Alaska (Mr. STEVENS) voiced this question, relating the dangers of overdependence and the great costs that would be incurred in transforming American shipping capabilities to meet the potentially awesome task of importing oil, and gas in liquid form, from abroad.

The Senators' reasoning is legitimate and warrants the careful attention and concern of this Government. America must not—indeed cannot—afford to become overly dependent upon other countries for her basic energy needs. Such reliance has overt political and economic ramifications, and could lead to the paralyzation of American industry.

Nevertheless, the fact remains that America's vital natural resources are being depleted at an ever-increasing rate. Experts are already predicting that the United States will be in a position requiring the importation of energy resources as soon as the late 1970's. To delay action, to close our eyes to the situation, would only mean the future loss of this Nation's bargaining power in the sphere of natural resources. Clearly, trade now is preferable to dependency in the near future. At our present rate of consumption, America risks being thrown at the mercy of foreign sources in the event of a future energy crisis. The same dangerous consequence which would result from over-dependency. We must not allow such a possibility to develop.

Following this logic, we must encourage the maintainance and development of America's strengths, her technological, manpower, capital and natural resource superiority. We need to conserve our depletable resources for future use, while obtaining supplementary but not dependency—creating supplies from other sources.

Noting our current labor needs and unemployment, we can as well sell "sophisticated capital goods, many of which are labor intensive." Given the present potential for trade between the United States and the U.S.S.R., the Department of Commerce has estimated the possibility of moving from $150 million to as much as $2 billion annually in labor-intensive exports to the Soviet Union. According to Bureau of Labor Statistics estimates, this could actually mean the addition of hundreds of thousands of new jobs to the domestic economy. Such a boost in available job opportunities could mean a considerable drop in unemployment, coupled with

higher wages and lower prices on many domestic items.

On the agricultural side, disastrous droughts and crop diseases have continuously laid waste much of the Soviet Union's agricultural harvest. The Soviets must import grains to feed their livestock and supplement Russian diets. As a result, the Nixon administration has already cleared the way for exporting $135 million worth of feed grains to the Soviet Union and authorities of both nations are hoping to increase American agricultural exports to the Soviet Union up to $200 million annually. This represents a tremendous new source of relief to the American farmer's old and reoccurring nightmare of overproduction. Russia, with its huge population and growing volume of grain-dependent livestock could conceivably provide America with a new and dependable market for the Nation's agricultural surpluses. Such new initiatives, in order to be productive, would require the reduction of barriers to trade which are the result of many years of commercial division and isolation.

A major obstacle in path of normalized United States-Soviet trade relations concerns the matter of credit. The United States has already offered the Soviet Union the standard 3 years, 6⅛ percent interest credit rate offered to other nations, but the Russians are insisting on a 10-year, 2-percent interest plan. This is where we must stand firm. It is true that the Soviet Union lacks the hard currency needed to meet short-term credit rates. But they do possess nonmonetary goods in the form of raw materials which might be substituted for cash payments. America can extend normal credit, as it does to any buyer.

The Soviet Union should accept this fact as it is; not as some sort of political discrimination, but as a basic economic measure.

In considering credit arrangements the question also arises concerning the Soviet bid for most-favored-nation status. Congress would be wise in scrutinizing every aspect of this question. It would be foolish to give the Soviet Union favorable access to the American domestic marketing system without first settling all questions of credit and areas of trade. The American consumer and the American business community alike must be given fullest protection in considering the extension of most-favored tariff status to any nation, particularly on whose government can manipulate production and price for political rather than economic reasons. Additionally, such favorable tariff reduction must parallel a lessening of Soviet tariffs on American goods, and open the doors further to advanced trade proceedings and markets for American goods.

Russia owes the United States billions of dollars in World War II lend-lease aid; a settlement has never been reached concerning these payments. This country has cancelled all but $800 million of this heavy debt and settlement of the situation would suggest yet another step, psychologically and politically, in building stronger confidence between the two countries.

Recognizing all the problems, and dangers, implicit in the impending change, the steady process of detente has evolved to the point where the world's greatest powers can achieve new agreements in trade, while possibly stabilizing political relations at the same time. Never, in the long bitter history of Soviet-American relations has the desire for new and direct cooperation been so intense.

America must move with both confidence and yet caution toward the goal of trade with Russia. It is easy to become too optimistic about the immediate prospects and benefits which might result and in the process overlook the substantial impediments and differences in our two economies. We must work patiently to reduce these problems and to adjust the requirements of both economies. This will require resolution on each side to study and comply with the marketing methods and trade procedures of the other. The achievement of these necessary steps to understanding and cooperation will provide the groundwork for increased trade and perhaps for expanded interaction in other areas.

The condition and vitality of future Soviet-American relations will be greatly determined by the degree of success of these early initiatives. Trade may prove to be the basis for structuring a more stable relationship, politically, between the two most powerful nations on earth—a relationship which, if properly cultivated, would greatly reduce the chances of armed confrontation throughout the world and provide the basis for a stable, lasting peace.

When founding the European Coal and Steel Community in 1951, the great "Europeanist," Robert Schumann, stated that the motive behind integrating Europe's vast resources of war into a single supra-nationally controlled body was to make future war not only improbable, but virtually impossible.

It is unthinkable that such a formal and conclusive parallel agreement could be made between the United States and the Soviet Union in the foreseeable future, but the principle is credible. The key to future peace and political stability rests with economic interdependency. By developing peaceful but binding trade links with the Soviet Union, the United States could accomplish through economic means that which she cannot accomplish with force at the present, a reduction of tension and an increase in understanding. Even more important, if we have the courage to pursue this process in a manner consistent with the principles and values of America, we can achieve our most fundamental objective—the extension of freedom.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, there will be a period for the transaction of routine morning business, not to exceed 30 minutes, with speeches by Senators limited to 3 minutes. Is there morning business to be transacted at this time?

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, how much time remains to the Senator from Tennessee under the order?

The ACTING PRESIDENT pro tempore. Two minutes remain to the Senator from Tennessee.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be delayed temporarily and that the Senator from Tennessee retain his time and yield it to me.

Mr. BROCK. Mr. President, I would be delighted to do so.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair and I thank the distinguished Senator from Tennessee.

Mr. President, when the 2 minutes expire, if the Chair will announce the period for the transaction of routine morning business, I will then resume my speech.

THE ATTEMPTED ASSASSINATION OF GOVERNOR WALLACE—PROTECTION FOR CANDIDATES

Mr. ROBERT C. BYRD. Mr. President, the assassination attempt against Governor Wallace poses some very serious questions about the safety of political candidates in the future.

There is no way in which a candidate can be completely protected if he exposes himself in a crowd as Governor Wallace did, and as most candidates eventually do. It is part of the American political process that candidates should wish to mingle with the crowds which turn out to hear them. But I believe that the first thing which must be done is for the candidates themselves to restrain themselves and to take all precautions possible.

I know that it is not desirable that campaigning be done from a television studio. TV is a valuable tool in elections; but it is often cold and impersonal, and it can convey impressions which are not accurate. It has always been a part of the American political scene that candidates should meet the voters in person, and that tradition should be continued to the extent that it can be continued consistent with the personal safety of those involved.

But I believe that new means of protecting candidates must be explored, and that all practical protection must be provided. A person who is willing to undertake the rigors of campaigning for public office should not also be expected to put his life on the line every time he appears in public. He should not be expected to restrain his own heartfelt, strong personal views with regard to issues that are emotional and highly controversial.

Every candidate—as long as he acts within the law—should be free to forthrightly and frankly express his viewpoints whether or not they are popular or unpopular. That is the American way and it is the democratic way. And I think every candidate should be defended in

that opportunity and protected in that opportunity.

To this end, then, I think, new measures have to be considered. Not only will the candidates themselves have to exercise added care, but also such things as more stringent controls of certain types of handguns—the Saturday night special, in particular—the possible use of weapon detection devices, the imposition of mandatory death sentences for assassins and would-be assassins, and closely controlled public appearances of candidates—all these possibilities must be considered.

The parallel is not exact, of course, but if airline passengers can be screened for weapons before boarding airplanes, then it might be possible to have Secret Service or FBI agents screen persons entering halls to hear candidates speak. Magnetometers might be used at entrances to detect weapons.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time the Senator's time has expired. He will be recognized in the morning hour for an additional 3 minutes.

Mr. ROBERT C. BYRD. I thank the Presiding Officer.

The ACTING PRESIDENT pro tempore. The Senator may proceed.

THE ATTEMPTED ASSASSINATION OF GOVERNOR WALLACE—PROTECTION FOR CANDIDATES

Mr. ROBERT C. BYRD. Mr. President, detection devices could also be used for the outside events, it seems to me, to screen lines of people who might wish to shake hands with a candidate. There is no reason that I know of why disorder and confusion have to prevail at political rallies. People could be required to line up and pass through a detection area before reaching the candidate. Such a procedure could well speed up political meetings and make them more orderly, in addition to saving lives.

I think all of us have had this experience as we appear at public meetings. Following the program, people always come forward to the head table and shake hands with the speaker. I should think they would be quite willing to pass by some kind of metal detection device in order to do this. This would not inhibit them from coming forward. It would serve to discourage only those individuals who had the evil intention of using a gun or other weapon to conduct an attack upon the candidate.

Moreover, the use of bulletproof lecterns should become standard operating procedure. These lecterns should be on platforms or stages separated from the audience as a matter of routine.

I believe that as a matter of routine the Secret Service should be given veto control over arrangements for the appearance of candidates for the presidency just as they have such veto power over arrangements for the personal appearance of the President. It is better to sacrifice some of the spontaneity and personal contact than to expose candidates needlessly to attack.

At Laurel, security people were right beside Governor Wallace and they could not prevent the tragedy which occurred because of the crush of people surrounding the Governor. This type of situation must be avoided in the future, and I believe the Secret Service, which is now charged with the responsibility for protecting the candidates for President, should have the authority to keep jostling crowds away from candidates in situations where there has been prior advertising of rallies and beforehand public knowledge of a candidate's route or place of appearance.

I am convinced that the general laxity in dealing with criminals and the widespread unwillingness to impose the death penalty, even in instances in which juries and courts have ordered it, has contributed to the boldness with which assassins have attacked candidates and public figures in recent years. They have been virtually assured that they can take life but that their own life will be spared. I believe a Federal law is in order making a death sentence mandatory for a person convicted of murdering or attempting to murder a candidate for President of the United States. If punishment to fit the crime were swift and inescapable, if would-be assassins knew that inevitably they would go to the gallows, the electric chair, or the gas chamber, I am inclined to believe that they might be inclined to think twice before attempting to perpetrate such a crime.

The shooting of Governor Wallace is more than a personal tragedy for Mr. Wallace, as serious as that in itself is. It is a tragedy for our political system. The person who attacks a candidate attacks also our system of government and our way of life. This senseless crime should alert all Americans to the necessity of taking every step possible to prevent such occurrences in the future. If we do not act to meet the threat, the whole character of our public life can and will be changed.

Crimes such as that perpetrated upon Governor Wallace have a way of inciting imitators. Whatever action we can reasonably take should be taken before there is a repetition.

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

The ACTING PRESIDENT pro tempore. The Senator has no time remaining. The Senator from Mississippi is recognized in his own right.

Mr. STENNIS. Mr. President, I wish to highly commend the Senator from West Virginia for the substance of his remarks. I did not get to hear all of his statement by any means, but I think unmistakably he is entirely correct.

An assault of this kind is more than an assault on Governor Wallace or the individual; it is an assault on our system of government. It is an assault on the idea of people being able to freely take part in the campaign by going to the rallies, engagements, and having a chance to get a personal impression of the thought processes, personality, and demeanor of the candidates. It is an assault on the basic right of the American people and, as I said, on the system of Government.

There is no doubt in my mind about this lack of severity of punishment also having a part in generating the general atmosphere whereby a person will go into a matter of this kind or stumble into it. There is no doubt about it; the second thought is not there for him. There are countless thousands of people who can either be encouraged or pushed into or who would voluntarily go into a situation where they are prompted to take action of this kind. I do not know what the punishment is for an unsuccessful assault of this type, but it seems to me it certainly could well be placed in the realm of capital punishment. Under the circumstances, the jury could be in charge of that. Ordinarily, an attempt to murder is not punishable by death.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. ROBERT C. BYRD. It was my suggestion that even the attempt—when clear and unmistakable—to assassinate a candidate, especially a candidate for President, should carry with it a mandatory death penalty because in my judgment a lot of these nuts running around the country are eager to undertake an assassination because of the notoriety they think would attach to their having attempted to shoot a candidate for President. They are only confronted with a few years in prison, and possibly they will not serve long sentences, and even if they spend a few years in prison they will get out eventually and always be a subject of attraction to autograph seekers and to those who will point to them and say, "He is the fellow who shot George."

I think it is time some of these people be put out of commission. Not only should the death penalty be made mandatory for those who are successful in committing an assassination of a President or a presidential candidate, but also those who make an overt, clear, unmistakable attempt to do so. I am convinced that the only way to stop some of these people is to confront them with the absolute assurance that whether or not they are successful in assassinating their target they are going to get the death penalty.

Mr. STENNIS. Mr. President, again I commend the Senator.

Mr. ROBERT C. BYRD. I thank the Senator from Mississippi.

Mr. GURNEY. Mr. President, I listened with interest to the remarks of the distinguished assistant majority leader in connection with the danger posed to the country by the people who are assaulting presidential candidates. I think these remarks are imminently sound and I endorse them wholeheartedly, especially the portion that would invoke the death penalty not only on the successful attempt but on the unsuccessful attempt because surely this kind of continued practice is going to endanger the whole political process of this Nation unless we are able to put a stop to it, and I do not think we are going to put a stop to it unless those who see some opportunity to seek a brief instant of glory are frightened from doing these things by the severe penalty invoked.

I think that the remarks of the distinguished Senator from West Virginia are well made. I think, too, that his sugges-

tions about campaigning and protection of the candidates on the campaign trail are very sensible and sound.

All of us like to be friendly and plunge into a crowd and shake hands and indicate our interest in people who are listening to us on the campaign trail, but it is also quite obvious that this sort of approach is not going to work in the turbulent times that we are now in. Perhaps all the candidates could revise their tactics so indeed they could be protected from the lunatic fringe element running around the country.

I commend the Secretary from West Virginia for bringing this matter to the attention of the Senate. It is very sensible.

Mr. ROBERT C. BYRD. I thank the Senator from Florida.

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR ENDING JUNE 30, 1972

Mr. HARRY F. BYRD, JR. Mr. President, I notice in the conference report on the supplemental appropriations for the fiscal year ending June 30, 1972, an item appropriating $650,000 for the Joint Committee on Inaugural Ceremonies for 1973. It may be that I should want to comment in some detail on that item. As I recollect, a time limitation was worked out yesterday dealing with the supplemental conference report.

If I may address a question to the acting majority leader, may I ask the able Senator from West Virginia what the time agreement is in regard to the conference report on supplemental appropriations.

Mr. ROBERT C. BYRD. Mr. President, if I may respond to the very distinguished senior Senator from Virginia, the time is limited to 1 hour on the conference report and on the amendments in disagreement. The amendments in disagreement not being a part of the conference report, the hour includes the whole package.

Mr. HARRY F. BYRD, JR. I thank the distinguished Senator. I had not been aware of the item of $650,000 for the Joint Committee on Inaugural Ceremonies for 1973. I noted it just a few moments ago in the conference report. I probably would want to address myself to that item. I am wondering whether, if the time should run a little short, we might be able to adjust that 1-hour limitation.

Mr. ROBERT C. BYRD. Well, Mr. President, it could be done only by unanimous consent, and if we reach that kind of situation the leadership, as far as I am concerned, would do everything possible to bring about an accommodation for the Senator, but it would require unanimous consent.

Mr. HARRY F. BYRD, JR. I thank the Senator.

One other question. At what time does the acting majority leader expect to call up the conference report?

Mr. ROBERT C. BYRD. The conference report is to come before the Senate upon the completion of the routine morning business today.

May I ask the Chair when that would be?

The ACTING PRESIDENT pro tempore. At 12:40.

Mr. ROBERT C. BYRD. I thank the Chair. So around 12:40 the hour will begin.

Mr. HARRY F. BYRD, JR. I thank the distinguished Senator from West Virginia.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Virginia, my namesake, and of whom I am very proud.

The ACTING PRESIDENT pro tempore. Is there further morning business?

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

OCCASIONAL CONFUSION IN PROPERLY IDENTIFYING THE TWO SENATORS BYRD

Mr. ROBERT C. BYRD. Mr. President, I thought my distinguished colleague, the senior Senator from Virginia, Senator HARRY F. BYRD, JR., should know that there continues to be some confusion in the country—I do not know why there should be—as to which Senator BYRD represents Virginia and which Senator BYRD represents West Virginia. I received a letter from a lady in Florida just the other day which enclosed correspondence from a quite outstanding correspondent with the news media. I will not name him or say at this point which city he hails from, but he is a well-known news media correspondent. Apparently the Floridian had taken him to task, for his having said something about a Senator BYRD, of Virginia or of West Virginia, in some way. So, the media representative responded to her correspondence and sought, in a very courteous way, to set the lady straight regarding the matter. His letter went somewhat like this:

DEAR MRS. BLANK: Apparently you are not aware that there are two Byrds in the Senate. Senator Robert Byrd represents the State of Virginia and his father, Senator Harry Byrd, represents West Virginia.

So, Mr. President, I responded and stated to the lady—with a copy to the media correspondent—that Senator ROBERT C. BYRD represents the State of West Virginia and that the distinguished Senator HARRY F. BYRD, JR., is in reality—regretful as I am to say so—of no relation to me, but that he very eminently represents the great State of Virginia, a State which was formerly ably represented by his late illustrious father, Harry F. Byrd, Sr.; and finally that my late foster father, a coal miner in the sovereign State of West Virginia, never held any political office and as far as I know never had any political ambitions.

I am—may I say for the RECORD—always proud to refer to the distinguished Senator from Virginia as my "cousin," because, even though we are not blood cousins, we have a great affinity one with the other, and I suppose that the old saying that "Byrds of a feather flock together" really does have much truth to it.

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

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield at that point?

Mr. ROBERT C. BYRD. I yield to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. I want to say that my admiration, affection, and regard for the able Senator from West Virginia is such that I am glad to have any relationship with him, even that of being his grandfather. So I do not want to correct any news accounts or any misunderstandings that might link me with the able and distinguished Senator from West Virginia with the same name as mine. I am grateful for our close association in the Senate, and whether or not he can prove any blood relationship, I claim him as a close friend and a close relative, and I am always proud to be standing side by side with him in the Senate or anywhere else.

Mr. ROBERT C. BYRD. Mr. President, I thank the able senior Senator from Virginia. May I say I share his expressed feeling to the fullest extent.

I yield now to the distinguished senior Senator from North Carolina.

Mr. ERVIN. Mr. President, since he has been privileged to serve in the Senate with both the BYRDS, the one from Virginia and the one from West Virginia, the Senator from North Carolina would like to affirm without fear of successful contradiction that both the State of Virginia and the State of West Virginia are represented in the U.S. Senate in a most intelligent, a most courageous, and a most glorious manner.

Mr. ROBERT C. BYRD. Mr. President, if the able Senator from North Carolina will yield to me, I thank him for what he has just said.

By the way, carrying this just a little bit further, I would personally appreciate it, and I am sure the Senator from Virginia would, if the press would at least recognize that there is a State of West Virginia as well as a State of Virginia.

Mr. HARRY F. BYRD, JR. (laughing). I think that is a reasonable request.

Mr. ROBERT C. BYRD. I am not complaining about my being associated with the distinguished Senator from Virginia in the newsstories. I am proud to be associated with him, but I do think that the people of the country ought to remember that there are two States carrying the name of Virginia, but that one carries the additional title of "West," and at times there are two words added for emphasis—which I shall not here repeat—when prideful reference is made by West Virginians to their own State of West Virginia.

Mr. President, if I may now be recognized in my own right.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. ROBERT C. BYRD. The other day, in reporting on the outcome of the Byrd amendment, a very eminent newscaster on an evening news program stated that the amendment was offered by the majority whip, Senator BYRD of Virginia. That night I noted that a local newscaster referred to the amendment in the same manner. One of the Washington newspapers, which I shall not name, but it was an afternoon newspaper—I will not get any closer than that—referred to the amendment as having been offered by Senator HARRY BYRD, Democrat of West Virginia.

So, while I realize those mistakes might naturally occur occasionally, I would hope there would be a little greater care taken, not that I personally am complaining about the association with the Senator from Virginia, but I do wish that everyone would at last come to the realization, in this latter half of the 20th century, that there is indeed a West Virginia as well as the great old Dominion State of Virginia, the mother of Presidents.

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

Mr. ROBERT C. BYRD. Yes.

Mr. MATHIAS. Mr. President, I have listened with interest to colloquy between the distinguished Senator from Virginia and the distinguished Senator from West Virginia and I am happy to say that we in Maryland have the really unique distinction of being able to claim them both as neighbors, and we consider them very good neighbors.

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

RETIREMENT OF MARYLAND CHIEF JUDGE HALL HAMMOND

Mr. MATHIAS. Mr. President, today marks the retirement of the chief judge of the Court of Appeals of Maryland, Judge Hall Hammond. I am moved to say a very few words as a tribute to his remarkable career as a public servant and as a jurist.

He grew up in the traditions of Maryland. His family had been active in Maryland since the 17th century. He is the 20th century example of that tradition of long public service, which has gone on for so many generations.

He served as attorney general of Maryland, and was an outstanding attorney general. He really expounded a concept of the law which was intelligible to all people of Maryland, which made the law a living force in our State. Then on appointment by our former Governor, Theodore Roosevelt McKeldin, he was elevated from attorney general to the court of appeals, and later became the chief judge of Maryland.

I think, Mr. President, most Members of the Senate will recognize that good judgment, sound judgment, and wise judgment are always hard to find. Through the operation of our mandatory retirement law, we are losing that kind of a judge. I say losing, because his retirement will be a loss to the people of Maryland, and in a larger sense to the judiciary of the entire country.

While I regret it, his retirement does give us the opportunity to recognize the great contributions he has made to the State of Maryland and to the entire judicial system of the United States.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President——

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair. Plato thanked the gods for having permitted him to live in the age of Socrates. I thank the benign hand of destiny for permitting me to live in a day and time and to serve in this august body at a time when the distinguished Senator from Alabama (Mr. ALLEN) presides over the Senate with a degree of skill, proficiency, and dignity as "rare as a day in June."

EXTENSION OF PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for an additional 10 minutes. I do this at the request of the Senator from Louisiana (Mr. ELLENDER), the manager of the Supplemental Appropriations Conference Report.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON TRANSFER OF CERTAIN MINOR STATUTORY FUNCTIONS OF DEPARTMENT OF DEFENSE

A communication from the President of the United States, transmitting a communication from the Secretary of Defense, reporting, pursuant to law, on the transfer of certain minor statutory functions (with accompanying papers); to the Committee on Armed Services.

REPORT ON CONTRACT AWARD DATES

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report on contract award dates, for the period May 15–August 15, 1972 (with an accompanying report); to the Committee on Armed Services.

PROPOSED AMENDMENT OF FEDERAL AVIATION ACT OF 1958

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend section 1306 (a) of the Federal Aviation Act of 1958, as amended, to authorize the investment of the war risk insurance fund in securities of, or guaranteed by, the United States (with an accompanying paper); 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 "Observations on Financial Inventory Accounting—What It Is and What It Could Be", Department of Defense, dated May 17, 1972 (with an accompanying report); to the Committee on Government Operations.

REPORT OF GOVERNMENT COMPTROLLERS FOR GUAM

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report of the Government Comptroller for Guam, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT ON FOREIGN AGENTS REGISTRATION ACT

A letter from the Acting Attorney General, transmitting, pursuant to law, a report on the administration of the Foreign Agents Registration Act, for the calendar year 1971 (with an accompanying report); to the Committee on the Judiciary.

REPORT AND RECOMMENDATIONS OF NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

A letter from the Chairman, the National Advisory Council on Extension and Continuing Education, transmitting, pursuant to law, a report of that Council (with an accompanying document); to the Committee on Labor and Public Welfare.

REPORT ON FINANCIAL CONDITION OF THE AMERICAN LEGION

A letter from the Director, National Legislative Commission, the American Legion, transmitting, pursuant to law, a report on the financial condition of that organization, as of December 31, 1971 (with an accompanying report); to the Committee on Veterans' Affairs.

PROPOSED ALLIED SERVICES ACT OF 1972

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation cited as the "Allied Services Act of 1972" (with accompanying papers); jointly referred to the Committees on Finance and Labor and Public Welfare, by unanimous consent.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A resolution of the House of Representatives of the General Assembly of the State of Ohio; to the Committee on Foreign Relations:

"RESOLUTION

"Memorializing the Congress of the United States to return to the Republic of Mexico all captured flags of the Mexican Army in return for all captured U.S. flags

"Whereas, it is common knowledge that the current tide of friendly relations enjoyed between the United States and our southern neighbor, the Republic of Mexico, is the product of modern times; and

"Whereas, It is hoped that this friendship will continue in the future as a benefit to both great nations despite past differences; and

"Whereas, The wish of all peace loving men of North America is to cement relations between ourselves and the neighboring democracy to our South; and

"Whereas, This intention would best be served by an overt gesture of our feelings of good will and friendship between ourselves and the Republic of Mexico; therefore be it

"*Resolved*, That we, the members of the House of Representatives of the 109th General Assembly of Ohio, in adopting this Resolution and causing a copy thereof to be spread upon the pages of the Journal do hereby memorialize and fervently encourage Congress to return to the Republic of Mexico all captured flags of the Mexican army in re-

turn for all captured United States flags; and be it further

"*Resolved*, That the Legislative Clerk of the House of Representatives transmit properly authenticated copies of this Resolution to Carl Albert, the Speaker of the House of Representatives; to Spiro T. Agnew, Vice President of the United States; and to each Senator and Representative from Ohio in the Congress of the United States.

"Adopted May 11, 1972."

A letter, in the nature of a petition, from the New England Council, Boston, Mass., praying for the enactment of legislation relating welfare reform; to the Committee on Finance.

A resolution adopted by the Military Order of the World Wars, New Orleans, expressing disapproval of the removal of certain Reserve Officer Training Corps units; to the Committee on Armed Services.

A resolution adopted by the Military Order of the World Wars, New Orleans, La., in opposition to any modification or revision of the Panama Treaty; to the Committee on Foreign Relations.

A resolution adopted by the Military Order of the World Wars, New Orleans, La., in opposition to the granting of amnesty to draft evaders and deserters from the Armed Services; to the Committee on the Judiciary.

A resolution adopted by the Military Order of the World Wars, New Orleans, La., commending the President for his action in Vietnam; ordered to lie on the table.

A telegram, in the nature of a petition, from Rose Rainer, Chicago, Ill., in opposition to recent actions in Vietnam; ordered to lie on the table.

A resolution adopted by the Society of Colonial Wars in the State of Louisiana, New Orleans, La., expressing approval of the actions of the President in Vietnam; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERT C. BYRD (for Mr. SPARKMAN) from the Committee on Banking, Housing and Urban Affairs, without amendment:

S.J. Res. 211. A joint resolution to amend title IV of the Consumer Credit Protection Act establishing the National Commission on Consumer Finance (Rept. No. 92-795).

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

S. 2454. A bill to amend the Youth Conservation Corps Act of 1970 (Public Law 91-378; 84 Stat. 794) to expand the Youth Conservation Corps pilot program, and for other purposes (Rept. No. 92-796).

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, with an amendment:

H.R. 6957. An act to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the United States mining laws, and for other purposes (Rept. No. 92-797).

EXECUTIVE REPORTS OF COMMITTEES

Mr. FULBRIGHT. Mr. President, as in executive session, from the Committee on Foreign Relations, I report favorably sundry nominations in the diplomatic and foreign service which have previously appeared in the RECORD and I ask unanimous consent, to save the expense of printing them on the Executive Calendar, that they may lie on the Secretary's desk for the information of Senators.

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

The nominations are as follows:

Philip W. Arnold, of New York, and sundry other persons, for promotion in the diplomatic and foreign service.

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. BELLMON (for himself and Mr. HARRIS):

S. 3624. A bill to provide for the conveyance of certain real property to the State of Oklahoma for National Guard purposes. Referred to the Committee on Armed Services.

By Mr. COTTON:

S. 3625. A bill to redesignate the additional Senate Office Building as the "Styles Bridges Office Building." Referred to the Committee on Public Works.

By Mr. ERVIN:

S. 3626. A bill for the relief of certain persons. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 3627. A bill to authorize the Secretary of the Interior to sell certain mineral rights in certain lands located in Utah to C. R. Jensen of Sandy, Utah, the record owner thereof. Referred to the Committee on Interior and Insular Affairs.

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

S. 3628. A bill authorizing and directing the Secretary of Commerce to make a report to Congress on environmental monitoring systems, both national and international. Referred to the Committee on Commerce.

By Mr. MATHIAS:

S. 3629. A bill to amend the Internal Revenue Code of 1954 to provide that a married individual who files a separate return shall be taxed on his or her earned income at the same rate as an unmarried individual. Referred to the Committee on Finance.

By Mr. TOWER (for himself, Mr. SPARKMAN, Mr. ALLOTT, Mr. CURTIS, Mr. DOLE, Mr. HANSEN, and Mr. HRUSKA):

S. 3630. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry. Referred to the Committee on Labor and Public Welfare.

By Mr. HART:

S. 3631. A bill to promote commerce and assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 3628. A bill authorizing and directing the Secretary of Commerce to make a report to Congress on environmental monitoring systems, both national and international. Referred to the Committee on Commerce.

ENVIRONMENTAL MONITORING REPORT ACT

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference a bill authorizing and directing the Secretary of Commerce to make a report to Congress on national and international environmental monitoring systems. We now recognize that every new technological development can be expected to have some impact on the environment. Human health and well-being depend to a large extent upon our being able to minimize the adverse environmental effects of commerce and commercial technology. Knowledge of the environmental consequences of commerce comes in part from monitoring programs, a number of which are already in operation. In order that the Department of Commerce, especially the National Oceanographic and Atmospheric Agency—NOAA—and the Congress may be fully informed of existing and proposed systems, I believe it imperative that there be a comprehensive report dealing with these environmental monitoring systems. This bill provides for such a report by the Secretary of Commerce with the assistance of the president of the National Academy of Sciences.

Both national and international monitoring systems must be considered because the problem of environmental contamination is global. Pollution of the Yangtze is no less important to us in the long run than the pollution of the Potomac. Existing national and international systems will thus be categorized and evaluated with the objective of arriving at recommendations for significantly improved worldwide monitoring.

Clearly gaps in our knowledge must be eliminated with all possible dispatch. Institutions such as those envisioned in my world environmental institute resolution will serve to house and distribute all available environmental information. New institutions will also be needed, however, to increase the volume of information available.

The focus of the bill I introduce today is on this latter function of information collection. It is my hope that when we have a clear picture of what is now being done in this area, we will be able to plan future environmental monitoring more wisely, avoiding both gaps and overlaps in the protection of mankind from environmental hazards. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3628

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 "Environmental Monitoring Report Act".

STATEMENT OF PURPOSE

SEC. 2. The purpose of this Act shall be to require the Secretary of Commerce to prepare and transmit to the Congress a report on various aspects of environmental monitoring, with recommendations for the improvement of existing national and international environmental monitoring systems.

FINDINGS OF FACT

SEC. 3. The Congress hereby finds that—

(a) human health and well-being depends upon man's ability to minimize the adverse impact of commerce and commercial technology upon the environment;

(b) reconciling commerce and commercial technology with environmental quality requires a knowledge of the environmental consequences of commerce and its growth;

(c) such knowledge may be developed in

part through proper environmental monitoring systems, a number of which are already in operation or under consideration;

(d) the Department of Commerce, through the National Oceanic and Atmospheric Administration (NOAA), will have responsibility for certain of these environmental monitoring systems and participate in or be affiliated with numerous other such systems;

(e) the Congress should be informed of the status, utility, and necessary improvements in existing and proposed monitoring systems, both national and international; and

(f) the Secretary of Commerce should therefore be authorized and directed to make a report to the Congress on environmental monitoring, and should seek the cooperation of the Departments of Defense, Transportation and Interior; the Environmental Protection Agency; the Atomic Energy Commission; the National Aeronautics & Space Administration; the National Science Foundation; and President of the National Academy of Sciences in order to make a report as comprehensive as possible.

REPORT

SEC. 4. Not later than one hundred and eighty days following the effective date of this Act and annually thereafter the Secretary of Commerce shall transmit to the Congress a comprehensive report on environmental monitoring systems. The report shall deal with various aspects of environmental monitoring, including but not limited to:

(a) Existing environmental monitoring systems, classified both by the medium in which the monitoring is performed and the phenomena that are monitored to include—

(1) a description of each system and a list of all nations and organizations participating in each monitoring system;

(2) a description of the research facilities associated with each monitoring system, including such information as number of stations, frequency of sampling, time delay, and such other matters as the Secretary shall determine to be relevant;

(3) the costs of maintaining and operating each system, insofar as available, and the sources of funding for each system;

(4) an evaluation of the suitability of each system for the performance of its mission;

(5) an evaluation of the adaptability of each system for incorporation in a broader and more comprehensive network of environmental monitoring; and

(6) such other information with respect to particular systems as the Secretary may see fit to report.

(b) A plan with respect to major systems proposed or not yet in operation;

(c) An evaluation of environmental monitoring generally, including its significance, utility, methodology, and role in the solution of environmental problems;

"SEC. 4. (d) Recommendations for the improvement of environmental monitoring systems in the United States as well as those international systems in which the U.S. is a participant such as the World Weather Program of the World Meteorological Organization and the Integrated Global Ocean Station System of the Intergovernmental Oceanographic Commission; with special attention to such proposals as may emerge from the International Biological Program, the International Hydrological Decade and the U.N. Conference on the Human Environment and other such scientific studies and recommendations; and with reference to the feasibility of coordinating U.S. environmental monitoring programs with international programs, and"

(e) Such other information and material with respect to environmental monitoring as the Secretary of Commerce may feel warrants attention by the Congress.

REQUEST FOR ASSISTANCE FROM THE PRESIDENT OF THE NATIONAL ACADEMY OF SCIENCES

SEC. 5. The Secretary of Commerce is authorized and directed to request the assistance, advice, suggestions, and recommendations of the President of the National Academy of Sciences in preparing the report required by section 4. The Secretary is authorized to accept in whole or in part, such drafts of the report as the President or his designees may provide.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 6. (a) There are hereby authorized to be appropriated to the Secretary of Commerce such sums as may be required to carry out the purpose of this Act.

(b) The Secretary of Commerce is authorized to utilize such portion of funds so appropriated as he shall determine to be required to defray expenses incurred by the President of the National Academy of Sciences in complying with the Secretary's request for assistance, as authorized by section 5.

By Mr MATHIAS:

S. 3629. A bill to amend the Internal Revenue Code of 1954 to provide that a married individual who files a separate return shall be taxed on his or her earned income at the same rate as an unmarried individual. Referred to the Committee on Finance.

ENDING THE TAX ON MARRIAGE

Mr. MATHIAS. Mr. President, 3 years ago, as today, the attention of the Congress and the Nation was focused on the need for tax reform. It was, and is, our desire to further equalize our growing tax burden, thereby creating a more equitable system in which each individual will pay his fair share.

The culmination of this widespread concern over tax equity was the Tax Reform Act of 1969, legislation which proved to be a big step forward in providing much-needed relief for overburdened American workers. One of the objectives of the Reform Act was the reduction of tax rates applied to single wage earners, a burden considered too heavy when compared to that imposed on married couples earning similar incomes who enjoy the tax benefits of income splitting.

An unfortunate by-product of these efforts to lessen the tax load of single individuals was, in effect, the creation of a "tax on marriage." As a result of the Reform Act, married couples in which both parties earn similar incomes are taxed at a rate substantially higher than are two single individuals earning comparable incomes.

The "marriage tax" falls most heavily on couples of middle- or upper-middle income. The tax can be quite significant. According to Prof. Oscar S. Gray of the University of Maryland School of Law, married individuals earning salaries in the $12,000 to $26,000 range are taxed at a rate that is 7½ to 19 percent higher than that applied to single individuals. Two persons, each whom earns $12,000 a year, would owe $1,000 less tax if they were single than if they were married.

Part of the original rationale for lowering the tax rate for single individuals was that single persons have higher living costs than married couples. If this were true at some time in the past, it does not seem to be necessarily true today.

Moreover, Mr. President, the "marriage tax" may be interpreted as a symbolic, or even real, policy declaration by Congress that marriage is to be discouraged.

As Professor Gray has written:

A new phenomenon has become very prevalent in recent years, particularly since 1969: Couples, each of whom works, frequently at comparable salary levels, establish housekeeping together without getting married. We may or may not approve of this, but there is no reason for Congress to subsidize it.

Under the present tax rates Congress tells such a couple, who may be, for instance, young lawyers or economists in the Government, "We will charge you two or three thousand dollars less a year if you stay single, living together as you are, than if you get married". Their other expenses stay the same either way—only the taxes go up if they marry. (Should they have a baby, they can realize yet further tax savings by staying single, if one files as head-of-household.)

Mr. President, in light of this information, I feel that the need for tax reform is clearly evidenced.

With the assistance of Professor Gray and individuals at Georgetown Law School, I have prepared a bill which will eliminate this "marriage tax." My bill will not increase the taxes paid by single persons, but will assure that married couples who file as a couple need never pay a greater tax than they would pay were they to file separately as single individuals.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point the remarks of Professor Gray, prepared for delivery before the House Ways and Means Committee, and a copy of the bill which I am introducing today.

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

OSCAR S. GRAY ON "TAX ON MARRIAGE" BEFORE COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, MAY 1, 1972

Mr. Chairman and Members of the Committee:

I am Oscar S. Gray, a lawyer in Washington and Baltimore, and an Associate Professor of Law at the University of Maryland School of Law in Baltimore.

I appreciate the opportunity to appear before you to discuss an unintended marriage penalty—or sin subsidy—which has arisen under the Tax Reform Act of 1969, to propose possible solutions.

As you know, one of the objectives of the 1969 act was to cure an inequity which had previously applied to single individuals. It was thought that the pre-1969 tax differential between single and married people was too great because married people had the benefit of income splitting and single people did not. It was also assumed that the expenses of single people were greater per capita than those of comparable married people. Accordingly new, lower rates were provided for single individuals in the 1969 act.

Such an adjustment was fair in principle, if the single person living alone were to be compared with the traditional family situation involving a working, income-splitting husband and a housewife with no outside income.

A big problem was overlooked, however. If the family income is generated by both husband and wife, the income-splitting advantages of marriage diminish depending on the ratio of the respective incomes. If both spouses have approximately the same income—which we frequently see among professional people, particularly younger couples—there is no income splitting advantage whatever. Such couples will now pay more taxes under the current rates if they are married than if they had stayed single, since the new rates for single individuals would provide a lower total tax than is available for any such married couples.

I have attached a table indicating this tax penalty of marriage at various income levels. It is very substantial—a penalty of between 7½% and 19% for instance, for couples earning approximately the same, at moderate salary levels yielding taxable incomes of between $12,000 and $26,000. In actual dollars, the couple each of whom is employed at approximately a $12,000 taxable level pays $1,000 extra taxes each year over the amount they would have paid had they remained single. At the $26,000 taxable income level the tax penalty for the couple approaches $3,000 cash each year over and above what the same people would have paid were they single—a $3,000 annual cash penalty just for being married.

This burden unfortunately falls hardest at the lower and middle professional rates. At all salary levels over $10,000 the penalty is at least hundreds of ill-affordable dollars each year. The very rich, however, are much less prejudiced. The moderate level professional couple each of whom is in the $26,000 taxable income range pays almost as much marriage penalty as the couple each of whom earns $100,000 annually—the difference is only $600 a year more for almost $150 thousand extra taxable income.

The penalty, furthermore, for the moderate level couple is especially resented because of the fallacy in the other assumption which underlay the 1969 rates for single individuals, namely, the thought that single people have higher living expenses than comparable people who are married. Apart from a number of debatable elements in that premise which would apply even in the single breadwinner household—and I have never met a married man who did not think that he had had more cash in his pocket when he was a bachelor—the assumption overlooks two special situations which are pertinent to a number of married professional people.

One such situation arises in the case of the couple who work in different cities and must accordingly maintain separate residences. This is much less rare than may be thought. We have recently seen the distinguished example of a couple each of whom was an American ambassador and who accordingly were required to work and live in different countries. I myself worked in Pittsburgh for the first year of my marriage while my wife worked in the Washington area. We find this situation increasingly where academic and governmental appointments—and elective positions as well—are involved.

More seriously, a new phenomenon has become very prevalent in recent years, particularly since 1969: Couples, each of whom works, frequently at comparable salary levels, establish housekeeping together without getting married.

I can attest from my professional contacts with young people, both as teacher and as counsel, that this has definitely become a very familiar occurrence. We may or may not approve of this, but there is no reason for Congress to subsidize it.

Under the present tax rates Congress tells such a couple, who may be, for instance, young lawyers or economists in the Government, "We will charge you two or three thousand dollars less a year if you stay single, living together as you are, than if you get married". Their other expenses stay the same either way—only the taxes go up if they marry. (Should they have a baby, they can realise yet further tax savings by staying single, if one files as head-of-household.)

Imagine the deterrence this presents to matrimony. What, may I ask, would an extra $3,000 a year—in cash—tax-free dollars—mean to you, in your household, Mr. or Madam Committee member? Would this amount not be enough to make you think twice about tying the knot, if you were living happily, but un-wed, with a fiance?

Imagine further the feelings of the working housewife—or husband—at paying this penalty, knowing that the sinners down the street, holding the same jobs, making the same income, incurring the same expenses, are entitled to pocket $2,000 or $3,000 extra every April because of this tax rate anomaly.

A number of solutions are conceivable. To be acceptable an alternative must deal with certain technical problems with which you are familiar. Among them is the characteristic of the 1969 provision, referred to above, that the extent of the inequity depends directly on the extent to which income splitting is in fact nonavailable to a married couple, that is, on the similarity of or disparity between their respective incomes. In cases where an income splitting advantage does remain under current law, because of a large disparity between the income of the spouses, it should be retained in order to avoid reviving the inequities as between community-property and non-community property states which prevailed before the Revenue Act of 1948.

This problem could be solved by providing simply that married couples filing as at present need never pay a greater tax than the total which they would have paid had they been able to file separately as single individuals. I respectfully recommend this approach to the Committee.

I am also aware, however, of some sentiment—which I do not necessarily share, but which I would be prepared to accommodate for purposes of compromise—that any reform at this stage should be limited to the tax on the working couple's *earned* income alone, and should not be extended to unearned income. In principle I do not see a controlling difference; as a practical matter this partial solution would be far preferable to no solution, and would probably cure most of the inequity for most affected families.

I accordingly attach for your consideration a proposal which has been circulated among some of us who are interested in this problem. The drafting is not mine, but I am glad to have the opportunity to associate myself with it and to bring it to your attention. This proposal would provide for a new section to be entitled "Equalization Rate for Working Spouses". Under this approach married couples would compute their tax as at present, but with a ceiling. The total tax they would pay in respect of their *earned* income would not exceed the total of the taxes each would have paid on his and her individual earned incomes had they been able to file separate returns as single individuals. This would be accomplished by subtracting from the total tax on all taxable income, calculated at current rates for married taxpayers, the difference between the tax, calculated on *earned* income alone, at current rates applicable to married persons and the tax which would have been payable on the same earned income had the taxpayers been able to file separately as single individuals.

Such an approach would steer a middle course which would preserve both the benefits of the Revenue Act of 1948, which eliminated the inequities as between community property and non-community property states, and those of the Tax Reform Act of 1969, which rectified the tax position of single individuals as compared with the typical, single breadwinner family. It would permit those reforms to stand without generating the new inequity which we have discussed against married couples where both spouses work at substantially similar income levels.

It would, furthermore, recognize to some extent the economic disparities between the conventional single breadwinner family unit and the very different entity which has the same aggregate income but where both spouses work to produce that income. In the latter case the wife is not available for household work to the extent that she is engaged in other work. Such a family therefore necessarily spends more on goods and services for the household than the typical single-breadwinner family with the same taxable income, and should accordingly not have to bear the same tax burden as the family where the wife is home and available all day for housekeeping, cooking, sewing clothes, gardening, etc.

In providing these realistic adjustments, the proposed amendment would also save us from the unseemly spectacle of a great nation subsidizing sin, discouraging matrimony, possible encouraging divorce, and in general impeaching its commitment to social rectitude and stability through the imposition of an unnecessary, unprincipled—probably unintended—but certainly seriously burdensome tax on the institution of marriage.

Thank you.

THE TAX COST OF MARRIAGE[1]

Man and Woman each earning taxable income of—	Tax if both are single and file separate returns		Tax if married filing either jointly or separately		Additional tax burden because of marriage		Relation of additional burden to tax imposed if single (percent)
	Each	Total	Each	Total	Each	Total	
$4,000	$690	$1,380	$690	$1,380	0	0	0
$5,000	900	1,800	910	1,820	$10	$20	1.1
$10,000	2,090	4,180	2,190	4,380	100	200	4.8
$12,000	2,630	5,260	2,830	5,660	200	400	7.6
$14,000	3,210	6,420	3,550	7,100	340	680	10.6
$16,000	3,830	7,660	4,330	8,660	500	1,000	13.1
$18,000	4,510	9,020	5,170	10,340	660	1,320	14.6
$20,000	5,230	10,460	6,070	12,140	840	1,680	16.1
$22,000	5,990	11,980	7,030	14,060	1,040	2,080	17.4
$24,000	6,790	13,580	8,030	16,060	1,240	2,480	18.3
$26,000	7,590	15,180	9,030	18,060	1,440	2,880	19.0
$32,000	10,290	20,580	12,030	24,060	1,740	3,480	16.9
$38,000	13,290	26,580	15,030	30,060	1,740	3,480	13.1
$44,000	16,290	32,580	18,030	36,060	1,740	3,480	10.7
$50,000	19,290	38,580	21,030	42,060	1,740	3,480	9.0
$60,000	24,290	48,580	26,030	52,060	1,740	5,480	7.2
$70,000	29,290	58,580	31,030	62,060	1,740	3,480	5.9
$80,000	34,290	68,580	36,030	72,060	1,740	3,480	5.1
$90,000	39,290	78,580	41,030	82,060	1,740	3,480	4.4
$100,000	44,290	88,580	46,030	92,060	1,740	3,480	3.9

[1] For the sake of simplicity, the computations begin with taxable income, and ignore whatever additional tax difference is created by the fact that the standard deduction allowable to a married person filing separately or jointly is ½ that allowable to a single person.

S. 3629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Section 1: Section 1 of the Internal Revenue Code of 1954 (relating to tax imposed) is amended by adding at the end the following new subsection:

"(e) EQUALIZATION RATE FOR WORKING SPOUSES.—If for any taxable year two taxpayers are married to each other and each has earned income, and the total tax payable by the two without regard to this section is greater than the total of the taxes that each would pay if each filed as a single individual, then (unless the taxpayers have chosen the benefits of part I, subchapter Q, relating to income averaging) there shall be subtracted from the total tax otherwise payable by such taxpayers an amount computed as follows—

(1) There shall first be computed the lower of the total tax payable by such taxpayers without regard to this section on the basis of either a joint return or separate returns, excluding all income other than earned income;

(2) There shall then be computed the total tax payable by such taxpayers if each had been entitled to file a return as a single individual, but excluding all income other than earned income. In making such computation, either itemized deductions must be claimed on both returns or the standard deduction shall be subject to the restrictions imposed under Section 141 in the case of a separate return by a married individual;

(3) The result of the computation provided in (2) shall be subtracted from the result of the computation provided in (1), and the difference shall reduce the total tax otherwise payable under this chapter.

In any case where earned income is community income under community property laws applicable to such income, the amount of such income which is considered the earned income of a taxpayer for purposes of the computations under this subsection shall be the amount of such income which would be the earned income of that taxpayer if such income did not constitute community property."

SEC. 2. The amendment made by Section 1 of this Act shall apply to taxable years ending after the date of the enactment of this Act.

By Mr. TOWER:

S. 3630. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry. Referred to the Committee on Labor and Public Welfare.

Mr. TOWER. Mr. President, today, I am introducing a bill which directs the Secretary of Labor, in formulating and promulgating safety standards under the Occupational Safety and Health Act of 1970, to recognize the differences between the light residential construction industry and the heavy construction industry. I am pleased to be joined in this effort by my distinguished colleagues, Mr. SPARKMAN, Mr. ALLOTT, Mr. CURTIS, Mr. DOLE, Mr. HANSEN, and Mr. HRUSKA.

The Occupational Safety and Health Act, Public Law 91–596, was enacted into law in the waning days of the 91st Congress. During the 15 months which have passed since its enactment, regulations have been promulgated which have made compliance with the act most difficult for many Americans. In an attempt to eliminate many of the problems which have surfaced, Senator CURTIS introduced, and I cosponsored, the Occupational Safety and Health Amendments of 1972, S. 3262, on February 29 of this year. The proposed amendments embodied in S. 3262 are quite extensive and their enactment should be a major step toward correction of the many inequities which have arisen under interpretation of the act.

The legislation we introduce today is quite narrow in scope in contrast to the aforementioned S. 3262, but its importance is in no way lessened thereby.

During recent years, the Federal Government's commitment to the goal of providing decent, safe housing for families of low and moderate income has grown considerably. As ranking minority member of the Senate's Housing and Urban Affairs Subcommittee, I have actively sought new and innovative means for the construction of federally assisted housing which would reduce the burgeoning expense attributable to current housing programs. I am now concerned that those cost-saving gains realized through new technologies and advanced construction techniques perfected in recent years will be more than offset by an interpretation of the Occupational Safety and Health Act which fails to distinguish between light residential construction and heavy construction.

Mr. President, every attempt should be made to insure that the working environment of our national labor force is as accident and hazard free as possible, yet in seeking this goal, unnecessary and superfluous requirements should not be imposed. The conditions and job hazards that are normally encountered in light construction have long been recognized to be different and considerably less serious than those encountered in heavy construction. Thus, I am at a loss to comprehend why identical requirements which, in many instances, necessitate expenditure of considerable amounts, are imposed on these two dissimilar arms of the construction industry. Obviously, the increased expense is passed directly to the homebuyer through an increase in the purchase price of the residence.

Mr. President, we are reaching the closing days of the 92d Congress. As time grows short, it will become increasingly more difficult to secure hearings and favorable committee consideration for legislation as broad in scope as is S. 3262. The bill we propose today will narrow the issue to that of the immediate need for some distinction being drawn between light residential and heavy construction regulations under the act. In addition, Representative CHARLES THONE has introduced identical legislation in the House of Representatives, H.R. 12296, and its list of cosponsors currently numbers more than 130 Members of that House. This legislation may now boast of bipartisan support from both Houses of Congress, support which underscores its importance and the need for immediate consideration.

Mr. President, I ask unanimous consent that a memorandum entitled "Rationale for Separate Construction Safety Regulations for Light Residential Construction" and the text of this bill be printed in the RECORD at this point.

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

RATIONALE FOR SEPARATE CONSTRUCTION SAFETY REGULATIONS FOR LIGHT RESIDENTIAL CONSTRUCTION

Activities in light residential construction, which include remodeling and decorating activities, are different from those activities which are associated with heavy construction. The work is different in that it is smaller in scope, in the number of employees on a given job, and the scale of activities necessary to complete the construction. By definition, light residential construction is limited to structures no more than three stories high without elevators. Working on a structure of this size must be viewed as being different from working on a structure thirty stories high.

The exposure to possible injury differs also. To start with, the excavations are different. Large structures often have need for big excavations in which to place massive footings and below grade building floor levels. Light residential excavations are almost always limited to one story basement excavation or to slab-on-grade. In heavy construction, the movement of large quantities of earth from reasonably confined areas requires more massive equipment, trucks and personnel than does the simple excavation of home basement. Both the length of time and number of persons exposed to more hazardous conditions are greater in excavations for heavy construction.

The same rationale applies to the building height. The difference between a two-story house and a twenty-story office building is visually obvious. But is also different from a safety standpoint. Because the individual living unit is smaller, there are less craftsmen working on it and there are fewer activities at one time. On the other hand, it is common to observe a number of floors of a multi-story building under some phase of construction at one time. At the topmost floor being worked on, the crews may be forming and tying in steel, below that they may be pouring concrete for some purpose, elsewhere, workers may be removing formwork, on the lower levels they may be installing heavy electrical conduit, the plumbing crews might be running up the plumbing, sheet metal crews may be making up or fitting ducts, etc. The number of people and diverse activities in which they are engaged tends to create situations in which individuals are not aware of structural changes, changes in material placement, changes in crew locations, etc., all of which can lead to potentially dangerous conditions.

These conditions do not exist in light residential construction. The excavation is completed before the masons lay up the basement walls. When that is done, the carpenter crews do the rough framing. With the partitions up, the plumber roughs in the plumbing and then the electrician runs his services. The drywall crew covers the interior walls and then the finish carpenters come in to hang doors and install trim. The point is that rarely do more than a few people work on a house at one time and they know the condition of the work site while they are there. They normally do not have other crews working above, below and around them creating hazards for which they are not prepared.

The claim has been made that separate sets of standards for light residential construction and for heavy construction would cause confusion to the worker where he may be working on a heavy construction job one day and a light construction job the next day. This claim is not well founded, due to the fact that work practices such as this do not exist. Typically, workers are not only trained but prefer to stay with work on which they are most familiar and accustomed to. Therefore, crews who work on residential construction typically do not work on heavy

construction jobs and vice versa, those crews who work on heavy construction jobs do not work on residential construction jobs. This fact is further borne out by the recognition in wage rates and working conditions. Wage rate differential for heavy construction workers and light residential construction workers are not at all uncommon.

There is another very decided advantage in establishing separate standards for light residential vs. heavy construction. As the OSHA regulations are now published, there is a great deal of confusion as to which regulations apply in a particular instance. This confusion exists not only in the minds of builders, subcontractors and other associates in the residential construction industry, but also among the OSHA compliance inspectors who must understand and interpret the regulations in order to enforce them. It is necessary that in order to eliminate this confusion and to obtain fair, equitable and uniform application of the regulations that these standards be separated. There are numerous OSHA regulations which, by admission of OSHA personnel, are not intended to apply to light residential construction, but still there is no way of positively determining this from the regulations themselves.

An example of the regulations which work a hardship on the homebuilder is one which requires that when dropping waste materials more than 20 feet to any point lying outside the exterior walls of the building an enclosed chute must be used. This excludes the third story in many light residential units by several feet. In a large structure with numerous crews are working on and around it, chuting waste material to lower levels makes good sense from a safety standpoint, since it is difficult to control the movement of large numbers of workers and large amounts of discarded material. On the other hand, in home building, clean up is done by a few laborers who can gather up the relatively few pieces of cut ends of boards, etc., and discard them under very controlled conditions. Since more emphases is to be placed on housekeeping under the safety regulations, clean-up will take place at more frequent intervals and collected material will be even less in volume for a given period. As there are few craftsmen working on a given house at a given time, and these are usually of one trade, disposal of this waste material can take place without endangering them and a chute is not needed.

Another requirement within the safety regulations that is overstated as concerns home building is the need to provide a fire extinguisher for each 3,000 sq. feet or major fraction thereof being protected. In multistory buildings, an extinguisher must be provided on each floor located adjacent to the stairway. A 35 gallon drum of water with 2 fire pails, or a ½ inch hose on a reel may be substituted for the extinguisher. The hose affords little relief, since water service is not available for much of the construction period and there is no hose bib to which it may be fastened on the second floor. The 55 gallon drum is subject to freezing, is too heavy to move about, would interfere with work activities as it would take up too much room in the typical two-story house, and would surely create a mess on the wooden floors.

The fire extinguishers themselves would require a considerable investment in the typical subdivision and would be difficult to protect from theft and vandalism.

There is no clearly stated point of construction at which the extinguishers must be put in place, nor is it clear just when they are no longer required. It is interesting to note here that this requirement to protect a home under construction is far in excess of building code or occupancy requirements once a family moves in and sleeps in the house.

Fire protection in a high rise structure provides a degree of control until the top floors of the building can be evacuated, which may take a considerable length of time. Evacuation of a light residential structure would take only seconds because of the design and the fact that few people are at work in it at one time. Providing fire fighting equipment for employees protection in light residential construction is not necessary.

There is a requirement in the safety regulations that all floor openings shall be guarded by a standard railing and toe boards. A floor opening is defined as an opening dimension in any floor, roof or platform through which persons might fall. This requirement should not apply to home building activities.

Typically, floor openings in light residential construction are those for stairs and ductwork. Such openings are created by framing carpenters and remain open only until interior partitions can be put in place. This might take several days. No other crews are in the structure at this point. Since the personnel of the crew which created the opening, and which is working to enclose it with stud walls, are really the only persons exposed to the possible hazard, the need for the standard railing is eliminated. The same is true as concerns the edge of the floor before the exterior walls are in place. The only workers exposed to danger of falling from the edge of that floor are the workers erecting the exterior walls.

In construction of a high rise office building, the requirement remains valid because many stories remain open for a long period of time. Stairwells are formed, floors are poured, the forming removed and the hole left without surrounding partitions for a considerable period. And, as typical in heavy construction, there are many crews exposed to the hazards which they had nothing to do with creating and these persons are thus not aware that the hazard exists.

A similar requirement exists as concerns wall openings. A wall opening is an opening at least 30 inches high and 18 inches wide from which there is a drop of more than 4 feet and the bottom of the opening is less than 3 feet above the working surface. It is required that when such an opening exists, it be guarded by a standard rail, intermediate rail, toeboard, enclosing screen, or all of these. This in effect would mean that many window openings of a light residential structure would have to be barred. To do so is unnecessary, because of the relatively few craftsmen working on the house while the openings exist. There is no need to bar the opening to protect the carpenters who created it. The plumber, the electrician, and the sheetmetal installer would be working in the building in small crews with no likelihood that they would be unaware of the existence of the window openings and with no real need to be in a position such that they would fall through them. Installing electrical outlets below picture windows, for example, would require kneeling work positions, thus placing the bulk of the worker below the bottom edge of the opening.

These are typical examples of rules in construction safety which are excessive in their application to home building. There is indeed a need for safe working conditions, but such conditions should be tempered to provide reasonable requirements for the industry involved.

S. 3630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Occupational Safety and Health Act of 1970 is amended by adding at the end thereof the following new subsection:

"(h) In promulgating standards under this section (and in connection with carrying out his other functions under this Act), the Secretary shall take into consideration and give appropriate recognition to the distinct differences between the light residential construction industry and the heavy construction industry. And such standards which are made applicable to the light residential construction industry shall be separate and distinct from those applicable to the heavy construction industry, and shall reflect the less hazardous working conditions and smaller size of most employers in the light residential construction industry. For purposes of this subsection, 'light residential construction' refers to all construction activities carried on with respect to residential structures of three stories or less which do not have an elevator."

Mr. ALLOTT. Mr. President, I am pleased to join with the honorable senior Senator from Texas in introducing today a bill directing the Secretary of Labor to formulate and promulgate safety standards under the Occupational Safety and Health Act of 1970, which recognizes the differences between the light residential construction industry and the heavy construction industry.

The safety regulations which have been issued covering the construction industry were those designed for heavy construction and do not take into account the differences between the two industries; a difference which this bill will recognize. The Department of Labor has ample authority under the act at the present time to recognize and make this distinction, however, to date it has refused to do this.

The Nation—Congress, the administration, State and local governments, and the public—is committed to the goal of safety for our national labor force. Everything should be done to make the working environment as accident and hazard free as possible. However, it is important in working toward this goal that needless unnecessary, and superfluous requirements not be imposed. Work hazards differ from industry to industry. Obviously, they are much greater in some than others. This is an important consideration to be taken into account in formulating safety standards.

Generally, working conditions are less hazardous in the light residential construction industry than in the heavy construction industry. This difference between the industries has been reflected historically not only in terms of previous Federal legislation, wage rates, safety codes and regulations, and type of equipment, but also in workman's compensation rates. It should be obvious that different regulations should apply to an industry concerned with the building and remodeling of homes and garden apartments and one involving construction of high-rise office buildings, commercial transportation facilities, roads and bridges. It is essential that industrial safety regulations offer the maximum possible protection for workers. It is equally important that unnecessary and needless regulations not be imposed since the cost of all regulations is ultimately borne by the consumer—in this case the home buying and renting public. The home buyer should not be required to pay for anything more than is necessary to protect the health and safety of the workers involved in the construction of his home.

I urge all Senators to join with me in

the sponsorship of the bill, which seeks reasonable and realistic safeguards for the light residential construction industry.

By Mr. HART:

S. 3631. A bill to promote commerce and assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes. Referred to the Committee on Commerce.

POWERPLANT SITING ACT OF 1972

Mr. HART. Mr. President, I introduce for appropriate reference a bill to promote commerce and insure protection of environmental values while facilitating construction of needed electric power facilities.

One of the most urgent problems facing the Nation today is providing the necessary electric power in a way that is compatible with a sound program of environmental protection. The Nation's enormous demand for more electricity is matched only by the determination of many citizens to not have a powerplant in their back yard. In scores of communities across the Nation, residents have banded together to block the construction of generating facilities. The utilities, increasingly frustrated in their efforts to overcome such opposition, are now grimly awaiting the day when the lights do go out, confident that such an event will eventually demolish all further opposition. This collision course must be avoided.

Presently, many Federal, State, and local agencies require a utility to secure permits before the construction of a powerplant can commence. In many cases dozens of reviews are required. Various interest groups can take advantage of the utilities vulnerability by engaging in harassing and delaying actions before each of the agencies that require a permit. The result of this process too often creates emergency situations resulting in short-term actions that make little economic or environmental sense. All sides lose under this decisionmaking climate.

This problem has received extensive study by an interagency powerplant siting group composed of interested Federal agencies. This group produced in December 1968, a report entitled "Considerations Affecting Steam Powerplant Site Selections" and August 1970, it issued a second report called, "Electric Power and the Environment" which forms the basis for the administration's powerplant siting bill. Many scholarly articles have been written and distinguished groups including the National Academy of Engineering and the Association of the Bar of the City of New York have examined the problem.

Both the Senate and the House Commerce Committee have held extensive hearings on the subject of powerplant siting. But after examining the record I have concluded that the existing proposals before the Senate are not sufficiently comprehensive to adequately balance power and environmental needs.

The legislation which I propose today would give the public a greater voice in the siting of powerplants and improve upon the administration's proposal. It is designed to insure public confidence in the site selection process and establish procedures for long-range planning, timely siting decisions, and smooth construction schedules.

This legislation requires open long-range planning. Not by existing voluntary regional reliability councils which are controlled exclusively by the utilities, but by officially constituted regional councils with representation from the Federal Power Commission, the Environmental Protection Agency, and one person designated by the Governor of each of the States in that power region. At Commerce Committee hearings on May 15, 1972, Mr. Alex Radin, general manager of the American Public Power Association, pointed out:

> The real question . . . is whether the long range planners, the real decision makers, the initiators, are going to be persons responsible primarily to stockholders, or whether they're going to be persons responsible to the electorate.

I believe this question should be answered by making these planners responsible to the public. Under my bill they would review plans submitted by utilities to coordinate and develop a long-term power plan for meeting the electric needs for the entire region while assuring minimum environmental impact.

In addition, this proposal would encourage a State or group of States to establish certifying agencies for bringing about an integrated and prompt resolution of all issues pertaining to the siting of major non-Federal power facilities. These certifying agencies would be composed of representatives from all State agencies that are currently required to review or approve powerplants under existing State laws. Agencies represented would include air and water pollution control boards, fish and game departments, planning agencies, utility commissions, and natural resource agencies. In addition the certifying agency may include members from the utilities and an equal number of persons representing citizens environmental protection and resource planning groups. These siting agencies would centralize and unify the decisionmaking process while still insuring that persons with expertise in all relevant areas would be charged with evaluating utility proposals. All interests would be assured a voice as well as a vote in the siting process. This balanced agency is designed to merit the confidence of the public and assure that needed powerplants are located in optimum sites.

This certifying agency would, with opportunity for public participation, review and comment upon the long-range plans prepared by the regional councils. After public hearings it would establish an inventory of sites 5 years in advance of need. It would evaluate, on the record, specific power facility construction plans 3 years prior to construction. If it issues a certificate to the applicant, that determination is binding upon all other State or local agencies. However, the certifying agency is required to insist that the applicant comply with all Federal, State, and local regulations and standards that apply to powerplants or transmission facilities.

I propose to establish a one-stop certification procedure at the State and local level and a procedural consolidation at the Federal level. Duplicative applications and reviews by dozens of agencies would be eliminated. But it would also establish a fair stop with adequate public input and full consideration of all relevant factors. Provision is made for the appointment of a counsel for the environment to represent the public interest in protection of the environment without precluding the appearance of other interested persons. In addition the certifying agency is directed to undertake independent studies to measure and evaluate the impacts of a given powerplant and determine those areas within its jurisdiction that are suitable or unsuitable for the construction and operation of power facilities.

In addition this proposal would require periodic review of all powerplants in operation. Since these facilities may last 40 years or longer, a single review prior to construction is not sufficient to insure its operation in the public interest over its entire lifetime. Therefore I have proposed that every 5 years all certified facilities be reviewed to determine whether or not it is practical and feasible to retrofit them with the latest technological development in order to improve their safety or reduce their environmental impact.

Similar functions would be performed by a Federal certifying agency in the case of federally owned electric facilities. This agency would be composed of representatives from the Atomic Energy Commission, the Council on Environmental Quality, the Environmental Protection Agency, the Federal Power Commission, and the Department of the Interior. It would also promulgate guidelines for State certifying agencies and certify non-Federal power facilities if the State did not establish a qualifying agency.

In addition I have included provisions to guarantee that all utilities have access to transmission lines and power generating facilities on reasonable terms. Provision is made to insure that the antitrust laws continue to apply to the power industry. These provisions are designed to strengthen regional or national power pools so that generating and transmission facilities would be more likely to be constructed in the best locations.

Finally this proposal would not weaken or alter the authority of the Council on Environmental Quality and major Federal actions regarding powerplant siting would continue to be subject to the requirement of filing a section 102 statement under the National Environmental Policy Act to insure that there is adequate consideration of environmental values in the process.

In summary I propose this legislation to achieve a proper balance between national environmental and power supply needs. This bill would establish a rational mechanism to avoid the collision course between the utilities and the environmentalists and thereby insure that the public is adequately protected in this vital area.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3631

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

SECTION 1. This Act may be cited as the "Powerplant Siting Act of 1972".

SEC. 2. The Congress, in furtherance of the national environmental policy (as exemplified in the National Environmental Policy Act of 1969 (83 Stat. 852), and the national electric energy policy as set forth in section 202(a) of the Federal Power Act (16 U.S.C. 824(a)), finds it to be in the public interest to provide that bulk power supply facilities be opportunely constructed in a manner consonant with the preservation of environmental values.

It is the ultimate purpose of this Act to assure for the Nation an adequate and reliable supply of electric power through a balanced and comprehensive use of the Nation's air, land, and water resources, taking into account all beneficial uses. Pursuant thereto, it is a purpose of this Act to authorize and encourage Federal, regional, and State governmental authorities to act expeditiously to assure protection of environmental values in the location, construction, and operation of bulk power supply facilities.

For the purpose of protecting the public interest and the interests of all persons concerned with the environment, it is deemed desirable to provide for planning and certification of location, construction, and operation of bulk power supply facilities and to provide Federal guidelines for the functioning of these certification procedures by State, regional, and Federal certifying agencies.

It is further deemed desirable to inaugurate a Federal program to assist in the development of new power generation technology and methods of locating or grouping bulk power supply facilities designed to promote the conservation of power and reduction of the environmental damage associated with power generation.

SEC. 3. As used in this Act—

(a) "Regional council" means a body established in the power regions designated by the Federal Power Commission, and composed of one representative from each of the following: the Federal Power Commission, the Environmental Protection Agency, and one person appointed by the respective State Governor from each of the States within the designated power region; these regional councils shall have the responsibility and authority to fulfill the requirements of section 4;

(b) "electric entity" means any person (as defined in section 551 of title 5 of the United States Code) which owns or operates bulk power supply facilities, or plans to own or operate such facilities, however organized or owned, whether investor owned, publicly owned, or cooperatively owned, including a "State" or a "municipality" as defined in sections 3(6) and 3(7) of the Federal Power Act (16 U.S.C. 796), but not the United States or an agency, authority, or instrumentality thereof, or any corporation which directly or indirectly is wholly owned by the United States, its agencies, authorities, or instrumentalities;

(c) "Federal electric entity" means the United States, an agency, authority, or instrumentality thereof, or any corporation which directly or indirectly is wholly owned by the United States, its agencies, authorities, or instrumentalities, which owns or operates bulk power supply facilities or plans to own or operate such facilities.

(d) "bulk power supply facilities" means electric generating equipment and associated facilities designed for, or capable of, operation at a capacity of two hundred thousand kilowatts or more, or any sizable additions thereto as defined by the appropriate certifying body or agency, or electric transmission lines and associated facilities designed for, or capable of, operation at a nominal voltage of two hundred and thirty kilowatts or more, between phase conductors for alternating current or between poles for direct current, or any sizable additions thereto as defined by the appropriate certifying body or agency, except that any facilities subject to licensing pursuant to part I of the Federal Power Act (16 U.S.C. 792–823) shall not be subject to the provisions of sections 6 and 8(c) of this Act;

(e) "Federal certifying agency" means the Federal agency, authority, or other entity authorized and empowered to carry out the responsibilities provided for in this Act and constituted according to section 9 of this Act;

(f) "State or regional certifying body" means the State or regional agency, authority, or other entity authorized and empowered to carry out the responsibilities provided for in this Act within the State or States affected;

(g) "regional" means the governments of two or more States; and

(h) "commencement of construction" means any clearing of the land, excavation, or other substantial action that would adversely affect the natural environment of the site or route but does not include changes desirable for the contemporary use of the land for public recreational uses, necessary borings to determine foundation conditions or other preconstruction monitoring to establish background information related to the suitability of the site or to the protection of environmental values.

SEC. 4. (a) Each electric entity shall submit its long-range plans to the appropriate regional councils. Each regional council shall consider these plans, and prepare annually its long-range plans for bulk power supply facilities pursuant to guidelines established by the Federal certifying agency within ninety days after enactment of this Act, upon the advice of interested State and Federal agencies and citizens environmental protection and resource planning groups. This regional plan shall—

(1) describe the general location, size, and type of all bulk power supply facilities to be owned or operated by each entity and whose construction is projected to commence during the ensuing fifteen years or during such longer period as the Federal certifying agency may determine to be necessary, together with an identification of all existing facilities to be removed from utility service during such period or upon completion of construction of such bulk power supply facilities;

(2) identify the location of tentative sites for the construction of future bulk power supply facilities, including an inventory of sites and a tentative application for all plants on which construction is to be commenced in the succeeding five years, including the location of the routes of any transmission lines described in section 3(d), and indicate the relationship of the planned sites, routes, and facilities thereon to environmental values and describe how potential adverse effects on such values will be avoided or minimized;

(3) reflect and describe the regional council's efforts to identify and promote new power generation technologies which will reduce the environmental damage associated with bulk power generation;

(4) identify the general location, size, and type of alternative bulk power supply facilities considered in the course of the development of regional plans and rejected as not then suitable or appropriate;

(5) reflect and describe the regional council's efforts to coordinate the bulk power supply facility plans identified therein with those of the other entities so as to provide a coordinated regional plan for meeting the specific electric power needs of the region;

(6) reflect and describe the regional council's efforts to identify and minimize environmental problems at the earliest possible stage in the planning process; and

(7) supply such additional information as the Federal and State certifying agencies may from time to time prescribe to carry out the purposes of this Act.

(b) Each regional council shall give initial public notice of its plans referred to in subsection (a), by filing annually a copy of such plans together with its projections of the specific demand for electricity that the facilities would meet with the appropriate Federal, regional, or State certifying agency or body, with the Federal Power Commission, the Environmental Protection Agency, the Department of the Interior, and the Council on Environmental Quality, and with such other affected Federal, State, regional, and local governmental authorities, and citizens' environmental protection and resource planning groups requesting such plans and with affected electric entities.

(c) The Federal certifying agency shall review annually, in cooperation with other interested Federal and State departments and agencies, the long-range plans for bulk power supply facilities prepared in accordance with subsection (a) of this section, and shall on the basis of such plans prepare and publish a proposed national plan for bulk power supply facilities. The notice of publication shall provide not less than ninety days for comments by any person or agency on such proposed national plan. The Federal certifying agency may consult with any other persons or agencies, and may hold public hearings on all or part of the proposed national plan and shall make such revisions therein as he deems necessary to make it meet the objectives set forth in section 2(a) of this Act, adopt and publish such plan, and make copies of it available to each State, regional, and Federal certifying agency. Thereafter, such agency in discharging its functions under section 7 of this Act shall comply with such plan.

SEC. 5. (a)(1) Each State shall establish a decisionmaking body at the State or regional level for the certification of sites and related bulk power supply facilities of any electric entity. These State or regional certifying bodies shall be established and administered in accordance with the requirements of this Act. A State or regional certifying body shall include representatives of—

(A) each State agency which is required under State law to review and certify bulk power supply facilities and each principal State agency dealing with air pollution, water pollution, land use planning, public health, and fish and game; and

(B) electric entities and in equal numbers representatives of citizens' environmental protection and resource planning groups. protecton and resource planning groups.

(2) The State or regional certifying body shall also include a representative of the local governmental unit or units in which proposed bulk power facilities are to be located. This representative is to be appointed by the chief executive of the local government unit involved. The member(s) so appointed shall sit with the certifying agency only at such times as the certifying agency considers the proposed site in the local government unit which he represents and such member shall serve until there has been a final determination on the proposed site.

(3) A regional certifying body shall be constituted in accordance with guidelines under section 9, which guidelines shall preserve the balance of representation as between groups designated in (B) of paragraph (1) above.

(4) Representatives of the electric entities and citizens groups referred to in paragraph

(1) above shall be selected by the Governor of each State for staggered terms of four years.

(5) Each member of a State or regional certifying body shall have an equal voice and vote.

(b) Upon notification of the establishment of the State certifying agency, the Federal certifying agency, if it finds the State certifying agency and procedures to be in accord with the requirements of this Act, including the guidelines published pursuant to section 9 hereof, shall issue a certification of qualification of procedure with respect to each such State, which certificate shall be revoked by the Federal certifying agency if the State or regional certifying body fails to abide by said requirements and guidelines, but unless revoked, shall constitute conclusive evidence of its authority to exercise the provisions of section 6 of this Act, for such time period as the certificate remains effective.

(c) If, at any time after the date of enactment of this Act a decisionmaking body and procedures are not designated or established for the certification of sites and related bulk power supply facilities within one or more of the several States, and qualified in the manner as set forth in subsection (b), or if such certificate of qualification of procedure is later revoked, the Federal certifying agency shall have exclusive authority to issue a certificate of site and facility with respect to any bulk power supply facility of any electric entity within any said State or States applying both State and Federal standards. With respect to each such State the authority of the Federal certifying agency shall continue until such State or States have qualified pursuant to subsection (b) of this section. Any proceedings for the certification of sites and bulk power facilities which are pending before the Federal certifying agency on the date of issuance of any certificate of qualification or procedure by the Federal certifying agency shall continue to be proceedings subject to the authority of the Federal certifying agency and shall require a Federal certificate before construction may commence. Should a State not designate a certifying body and procedures as set forth in subsection (b), the Federal certification agency is required to consult with the appropriate regional council in making its certification decisions.

(d) The Federal certifying agency, prior to denying or revoking a certificate of qualification of procedure in respect to matters arising under subsection (b), shall consult with the Governor or Governors of the State or States involved, informing each of the particular respects in which the State or regional certifying body's authorities or procedures fail to comply with the requirements of this Act, including the guidelines published pursuant to section 9 hereof, and shall afford each State affected a reasonable time to respond and to make appropriate changes.

(e) Any State dissatisfied with the action of the Federal certifying agency denying or revoking a certificate of qualification of procedure as referred to in subsection (b) may appeal to the United States court of appeals for the circuit in which such State is located, with service of the summons and notice of appeal at any place within the United States, and the court shall have jurisdiction to affirm the action of the agency, to set it aside in whole or in part, and for good cause shown, to remand the case to the agency for further deliberation: *Provided,* That any findings of fact of the Federal certifying agency supported by substantial evidence shall be conclusive: *And Provided further,* That any judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. Upon the filing of an appeal, the clerk of the court of appeals shall forthwith transmit a copy of the notice to the Federal certifying agency, which agency thereupon shall file with the court the record upon which the appealed action was entered, as provided in section 2112 of title 28, United States Code. Upon the filing by the agency of the record, the jurisdiction of the court shall be exclusive.

SEC. 6. (a) (1) Effective twelve months from the date of the enactment hereof, no electric entity shall commence to construct or begin operation of bulk power supply facilities within a State or States, unless it has obtained from each such State or States a certificate of site and facility with respect to those facilities, issued by each qualified State or regional certifying body (or from the Federal certifying agency as provided in paragraph (2)) and no Federal electric entity shall commence to construct or begin operation of bulk power supply facilities unless it has obtained from the Federal certifying agency a certificate of site and facility with respect to those facilities. In issuing certification for a Federal electric entity, the Federal certifying agency shall consult continuously throughout its decisionmaking process with such State or regional certifying bodies and regional councils within whose geographical area of jurisdiction said Federal electric entity lies or will lie, in order that ensuing certification will be consistent in promoting the sound environmental, power supply and public interest objectives established at the State or regional level. If, at the time of application under subsection (b) for a certificate of site and facility, there is no qualified State or regional certifying body in one or more of the several States within which the electric entity proposes to construct a bulk power supply facility, then the electric entity may obtain from the Federal certifying agency a certificate of site and facility with respect to such bulk power supply facilities to be constructed or operated within said State or States by any such electric entity. Such facilities shall be constructed, operated, and maintained in accordance with the terms and conditions of the certificate. Applications for certificates for bulk power facilities already under construction on the effective date of this subsection shall be filed promptly with the appropriate certifying body, and certificates shall be granted for any application showing a sizable investment applicable only to the site which is the subject of the application on the effective date of this subsection, as defined by the appropriate certifying body, solely on a showing that all permits or licenses required when construction in fact commenced had been obtained. Operation of any bulk power facilities whose construction had commenced on or before the effective date of this subsection may commence prior to certification if a timely decision has not been made, subject, to any reasonable actions or conditions that may be later required by the appropriate certifying body. No certificate is required for bulk power facilities already in operation on said effective date, but such certificates are required for sizable additions thereto as defined by the appropriate certifying body.

(b) All applications by any electric entity for a certificate of site and facility from a State or regional certifying body or Federal certifying agency or by a Federal electric entity from a Federal certifying agency shall be filed three years prior to the planned date of commencement of construction of the affected bulk power supply facilities and such plans may be subject to necessary modification during the period of review; except that in the case of a bulk power supply facility the construction of which is planned to commence before three years after the date of enactment of this Act, such application shall be made as soon as practicable after such dated enactment. As a prerequisite to such filing, except for good cause shown, the electric entity or Federal electric entity shall have complied with the provisions of section 4 of this Act and the requirement that the site selected is from among those sites in the five-year inventory of approved sites and that it will utilize the general transmission line routes identified in the regional council's long-range plans.

SEC. 7. (a) The State, regional, and Federal certifying bodies or agencies are hereby empowered and authorized, pursuant to section 6 hereof, to issue certificates of site and facility for bulk power supply facilities, if such bodies find, after having considered available alternatives, that the use of the site or route will not unduly impair important environmental values and will be reasonably necessary to meet electric power needs, or otherwise to deny such certificates if the applicant fails to conform with the requirements of this Act. The issuance of the certificate by the Federal, State, or regional certifying body shall be a binding determination that all applicable State or local standards and requirements concerning siting, land use, air and water quality standards, public convenience and necessity, esthetics, and any other applicable State or local requirements have been or will be complied with, but shall not preclude judicial review pursuant to section 15 of this Act. Determinations of compliance with applicable Federal air and water quality standards shall be made by the duly authorized State, interstate, or Federal air and water pollution control agencies. Prior to issuance of a certificate of site and facility by the Federal, State, or regional certifying body, the State, interstate, or Federal agency having jurisdiction with respect to applicable water quality standards may furnish the certificate required under section 21(b) of the Federal Water Pollution Control Act.

(b) In the consideration of applications for certificates of site and facility, the certifying agency shall assure full public review and adequate consideration of all environmental values, including the impact on adjacent States, and other relevant factors bearing on whether the objectives of this Act would be best served by the issuance of the certificate. In the issuance of such certificates the certifying agency may impose such reasonable terms and conditions as it deems necessary. Such certificates, when issued, shall be final and subject only to judicial review.

(c) In issuing such certificates, the certifying agency shall comply with the national policy stated in section 138 of title 23, United States Code, and section 4(f) of the Department of Transportation Act, that special efforts should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. No certificate shall be issued which requires the use of—

(A) any publicly owned land from a public park, recreation area, or wildlife or waterfowl refuge, or

(B) any land from a historic site,

if such park, recreation area, refuge, or historic site is of National, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, unless (i) there is no feasible and prudent alternative to the use of such land, and (ii) all possible planning is done to minimize harm to such park, recreational area, wildlife or waterfowl refuge, or historic site resulting from the use of such land for purposes of a bulk power facility.

SEC. 8. Each State, regional, and Federal certifying agency is hereby empowered, authorized, and directed—

(a) to review and comment on the long-range plans prepared and filed pursuant to section 4 of this Act and make the information contained therein readily available to

the general public and interested governmental agencies;

(b) after public hearings, to designate areas within its jurisdiction that are suitable or unsuitable for use as sites for bulk power supply facilities;

(c) to compile and publish each year a description of the proposed powerplant sites and locations of transmission line routes within its respective jurisdiction as identified in the long-range plans of the regional councils pursuant to section 4(a)(2), identifying the location of such sites and the approximate year when construction is expected to commence, and to make such information readily available to the general public, to each newspaper of daily or weekly circulation within the area affected by the proposed site, and to other interested Federal, State, and local agencies;

(d) to conduct mandatory public hearings with respect to any proposed powerplant sites identified five years in advance of construction and to decide whether or not any such sites should be approved for inclusion in the regional council's five-year inventory of sites. The basis for such decision shall be whether or not construction of any plant at the proposed site would unduly impair important environmental values. It is contemplated that any such hearings on the site itself will be held promptly after the site is identified;

(e) upon the receipt of an application for a certification of site and facility pursuant to section 6 hereof to publish a notice in each newspaper of daily or weekly circulation serving the affected area which describes the location of the facilities (powerplant and transmission lines) and other pertinent details concerning the facilities, and which provides the date of the public hearing thereon which shall be held prior to the issuance of the certificates of site and facility applied for;

(f) to require such information from the regional councils, the electric entities, and Federal electric entities as it deems necessary to accompany applications for certificates of site and facility and to assist in the conduct of hearings and any investigations or studies it may undertake;

(g) after receiving an application for a certificate of site and facility pursuant to section 6 hereof, to commission an independent consultant study to measure the consequences of proposed bulk power supply facilities on the environment for each application, and to conduct any other studies and investigations which it deems necessary or appropriate to carry out the purposes of this Act;

(h) after receiving an application for a certificate of site and facility pursuant to section 6 hereof, to notify the appropriate state or federal attorney general who shall appoint an assistant attorney general or a special assistant attorney general as counsel for the environment who shall be a member of the bar of the State where the bulk power supply facilities are proposed to be located; the counsel for the environment shall represent the public and its interest in protecting the quality of the environment for the duration of the certification proceedings: *Provided, however,* That this subsection shall not prevent any person from being heard or represented by counsel in accordance with other provisions of this Act.

(i) to monitor the operation of each certified bulk power supply facility and perform data-gathering functions necessary to determine whether the certified facility is operating in compliance with the issued certificate. This section does not relieve the Environmental Protection Agency or State environmental agencies of any responsibilities.

(j) to review the operation of each bulk power facility that it certified at five year intervals to determine if it is feasible and practical to amend the terms of the certificate of site and facility to require the retro-fitting of the latest practical technological devices to improve performance, reduce adverse environmental impacts or improve the health or safety aspects of these facilities.

(k) to issue such rules and regulations in accordance with title 5, section 553, of the United States Code or, in the case of State or regional bodies, in accordance with like provisions required by the Federal certifying agency under section 9(d) as a condition of certification under section 5(d), as may be required to carry out the provisions of this Act.

SEC. 9. The Federal certifying agency shall consist of the Chairman, Administrator, Secretary or his designate of the Atomic Energy Commission, Council on Environmental Quality, Environmental Protection Agency, Federal Power Commission, and the Department of the Interior. The representative of the Department of the Interior shall be chairman. The Federal certifying agency is authorized to appoint such officers and employees as may be necessary. This agency shall, upon the advice of all interested Federal and State agencies, and after public notice and opportunity for comment, publish guidelines for Federal, regional, and State certifying bodies, which guidelines may be revised periodically as needed and shall include—

(a) criteria for evaluating effects of proposed sites and facilities on environmental values;

(b) criteria for use in evaluating the relative environmental impacts of alternative sites and technologies;

(c) criteria for evaluating the projected needs for electric power and its most efficient production;

(d) procedures to insure full participation in the certification procedures, including participation by the public, through public notice and opportunity for public hearings, consultation with appropriate citizens' groups, rights of intervention and appeal from decisions of the certifying body and other safeguards; such procedures shall include hearing and judicial review substantially equivalent to those provided under chapters 5 and 7, of title 5, United States Code;

(e) procedures with respect to the formation of regional certifying bodies;

(f) procedures to assure proper consideration of multistate impacts in certification proceedings; and

(g) requirements with respect to staffing and technical and professional competence of State and regional certifying bodies.

SEC. 10. An electric entity holding a certificate of site and facility as referred to in section 6, and which cannot acquire by contract, or is unable to agree with the individual, corporation, or other owner (other than the United States Government), of property as to compensation to be paid for the necessary rights-of-way or other property to construct, operate, and maintain the certified bulk power supply facilities, may acquire the same by the exercise of the right of eminent domain in the district of the United States for the district in which such property may be located, or in the State courts. In any proceeding brought in the district court of the United States, the petitioner may file with the petition or at any time before judgment a declaration of taking in the manner and with the consequences provided by sections 258a, 258b, and 258d of title 40, United States Code, and the petitioner shall be subject to all of the provisions of said section which are applicable to the United States when it files a declaration of taking hereunder.

SEC. 11. (a) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts not in conflict with any law or treaty of the United States for cooperative effort and mutual assistance in certificating sites and related bulk power supply facilities of electric entities, for the enforcement of their respective laws thereof, and for the establishment of such authorities or agencies, joint or otherwise, as they may deem desirable for implementing such agreements or compacts. The right to alter, amend, or repeal this section is expressly reserved.

(b) It is the intent of Congress to encourage cooperation among the various State and regional agencies in the planning of bulk power facilities and in their review of applications for certificates of site and facility including the establishment of cooperative procedures and joint actions by the several States, and also to encourage compacts between the States to coordinate and resolve environmental considerations which effect bulk power supply facilities.

SEC. 12. Each State or regional certifying body qualified pursuant to a certificate of qualification of procedure and the Federal certifying agency are authorized to assess and collect reasonable fees, including filing fees, in a just and equitable manner from every electric entity and Federal electric entity operating within the jurisdiction of the legal authorities and procedures of said body, said assessment and collection to be in an amount not in excess of the reasonable cost of administration of the qualified body's certfication program.

SEC. 13. (a) The Federal certifying agency, in cooperation with other interested Federal agencies, citizens' environmental protection and resource planning groups, and the electric power industry, is authorized to develop a coordinated program of studies of new and evolving siting concepts relative to bulk power supply facilities in consultation with interested State, regional, and local governmental authorities, the interested public, and the electric entities. The Federal agencies shall make public their studies.

(b) Each electric entity which owns or operates a bulk power facility shall make capacity available to all other electric entities on fair, reasonable, and nondiscriminatory terms. Capacity shall be made available on the basis of ownership in the facility, stock ownership, sales of power at cost from the facility, or any other basis which the Federal certifying agency determines to be fair, reasonable, and nondiscriminatory. Each electric entity proposing to construct, modify, or build a generation facility shall permit any other electric entity to enlarge the facility at its own expense, upon fair, reasonable, and nondiscriminatory terms. Upon application by any interested electric entity and after notice and opportunity for hearing the Federal certifying agency shall order compliance with this section.

(c) Each electric entity which owns or operates a transmission facility shall make capacity available to all other entities on fair, reasonable, and nondiscriminatory terms, including access by means of wheeling, displacement transactions or other exchanges. Each electric entity shall permit any other electric entity to enlarge and utilize transmission facilities, at its own expense and insofar as enlargement may be made consistent with adequacy of bulk power supply to meet local utility, regional and interregional needs, upon fair, reasonable, and nondiscriminatory terms. Upon application by any interested electric entity and after notice and opportunity for hearing the Federal certifying agency shall order compliance with this section.

(d) No action of any person, electric entity, State, regional, or Federal agency or body, pursuant to the provisions of this Act, shall relieve, exempt, or immunize any person or electric entity from the operation of the antitrust laws, including enforcement or intervention by the Attorney General of the United States or private actions brought before any court or regulatory agency.

SEC. 14. All departments and agencies of the Federal Government are authorized to cooperate with the State, regional, and Federal certifying bodies so as to foster and fully effectuate the purposes of this Act. Those departments and agencies are authorized to make available to the various certifying bodies staff experts, information, and technical assistance upon request. Upon the request of one or more States for a study of the environmental considerations affecting bulk power supply in its or their region, or the regional impact of any specific proposed bulk power supply facility, appropriately directed to a Federal department or agency, said department or agency is authorized to undertake such study in cooperation with other interested Federal, State, and local agencies and make its findings available to all concerned.

SEC. 15. The orders or decisions of both the Federal and State certifying agencies pursuant to this Act shall be subject to review pursuant to the provisions of section 701–706 of title 5, United States Code, or in the case of a State or regional body, in accordance with like provisions required by the Federal certifying agency under section 9(d) as a condition of certification of qualification under section 5(d): *Provided*, That an appeal is filed within sixty days of the date of the date of the certifying agency's order or decision.

SEC. 16. (a) The provisions of this Act shall in no way alter or affect the jurisdiction of the Council on Environmental Quality of the requirements of the National Environmental Policy Act of 1969 (83 Stat. 852).

(b) Nothing herein contained shall be construed to relieve any present or future requirement arising from any Federal law, which may be applicable to any natural person, artificial person, or interest of government, Federal or State, or to affect in any way the authority or requirements of the Atomic Energy Act of 1954, as amended, the Federal Power Commission under the Federal Power Act of 1935, as amended, or the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935.

SEC. 17. (a) Whoever—

(1) without first obtaining a certificate of site and facility, commences to construct a bulk power supply facility after twelve months after the date of enactment of this Act; or

(2) having first obtained a certificate of site and facility, constructs, operates, or maintains a bulk power supply facility other than in compliance with the certificate; or

(3) causes any of the aforementioned acts to occur;

shall be liable to a civil penalty of not more than $10,000 for each violation or for each day of continuing violation. The penalty shall be recoverable in a civil suit brought by the Attorney General on behalf of the United States in the United States district court for the district in which the defendant is located or for the District of Columbia.

(b) Whoever knowingly and willfully violates subsection (a) shall be fined not more than $1,000 for each violation for each day of a continuing violation, or imprisoned for not more than one year, or both.

(c) In addition to any penalty provided in subsections (a) or (b), whenever the Federal certifying agency determines that a person is violating or is about to violate any of the provisions of this section, the agency shall refer the matter to the Attorney General who may bring a civil action on behalf of the United States in the United States district court for the district in which the defendant is located or for the District of Columbia to enjoin the violation and to enforce the Act or an order or certificate issued hereunder, and upon a proper showing a permanent or preliminary injunction or temporary restraining order shall be granted without bond.

(d) Any person may commerce a civil action on his own behalf—

(1) against any electric entity or Federal electric entity that is alleged to be in violation of any terms or conditions of the applicable certificate of site and facility, or

(2) against the State, regional, or Federal certifying agency where there is an alleged failure of the appropriate certifying agency to perform any act or duty under this Act which is not discretionary.

The district courts shall have jurisdiction without regard to the amount of the controversy or the citizenship of the parties to enforce such a certificate of site or facility, or to order the appropriate State, regional, or Federal certifying agency to perform such act or duty, as the case may be: *Provided, however*, That no action may be commenced under this subsection prior to sixty days after the plaintiff has given notice of the violation to the appropriate certifying agency and to the appropriate electric or Federal electric entity. Nothing in this section shall restrict any right which any person or class of persons may have under any statute or common law.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 856

At the request of Mr. GURNEY, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 856, a bill to encourage States to establish junked motor vehicle disposal programs, and for other purposes.

S. 1969

At the request of Mr. HART, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 1969, the Death Penalty Suspension Act.

S. 2581

At the request of Mr. ERVIN, the Senator from Georgia (Mr. GAMBRELL) was added as a cosponsor of S. 2581, a bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the Senate and House of Representatives may approve the President's action or require the President to cease such action.

S. 3070

At the request of Mr. THURMOND, the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 3070, a bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations, to provide for such veterans a certain priority in entitlement to hospitalization, and medical care.

S. 3121

At the request of Mr. HART, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 3121, a bill to extend for 5 years the Civil Rights Commission, and for other purposes.

S. 3338

At the request of Mr. TALMADGE, the Senator from Arkansas (Mr. MCCLELLAN) was added as a cosponsor of S. 3338, a bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes.

S. 3475

At the request of Mr. ERVIN, the Senator from North Dakota (Mr. BURDICK), the Senator from Missouri (Mr. EAGLETON), the Senator from California (Mr. CRANSTON), the Senator from Oklahoma (Mr. HARRIS), and the Senator from North Carolina (Mr. JORDAN) were added as cosponsors of S. 3475, a bill to help preserve the separation of powers and to further the constitutional prerogatives of Congress by providing for congressional review of executive agreements.

SENATE JOINT RESOLUTION 225

At the request of Mr. GURNEY (for Mr. SCHWEIKER) the Senator from Kentucky (Mr. COOPER) was added as a cosponsor of Senate Joint Resolution 225, to prevent abandonment of railroad lines.

SENATE CONCURRENT RESOLUTION 82—SUBMISSION OF A CONCURRENT RESOLUTION URGING THE ESTABLISHMENT OF A UNITED NATIONS VOLUNTARY FUND FOR THE ENVIRONMENT

(Referred to the Committee on Foreign Relations.)

Mr. BAKER. Mr. President, in less than a month the United Nations Conference on the Human Environment will convene in Stockholm marking the beginning of a new era of environmental concern—an era highlighted by the universal realization that there is "only one earth." To focus the attention of the world upon the fact that despite vast political and economic differences which divide the world, we all must share one common environment, this is the goal of the Stockholm Conference. Immense preparation has gone into making this first international conference on the human environment more than just general discussion of the problems we share. Instead, specific proposals have been made by this country and many others which will be debated at Stockholm and acted upon.

Among these proposals is a recommendation that we establish a global system of monitoring and surveillance stations which would accurately assess the state of the earth's air and water and project trends so that the world might anticipate problems of the international environment before they exceed critical proportions. Another proposal to be acted upon at Stockholm is a convention on ocean dumping, but the success of the U.N. Conference will not be judged solely by the various proposals aimed at curbing one type of environmental degradation or another, but rather by the institutional arrangements agreed upon to deal with all international environmental problems of the future. There must be an office or a mechanism that can effectively deal with the governments of the world on environmental questions which transcend national boundaries and jurisdictions and it has been proposed that that mechanism be established within the United Nations. I support that proposal, because despite questionable successes and failures of the United Nations in the past to keep peace in the world, the role of the United Nations as the international environmental

forum is one which has not been tested and should be in the years to come. It is of paramount importance that the mechanism established not only act as the key environmental administrator in the United Nations, but also oversee environmental projects initiated by the various U.N. specialized agencies.

To adequately perform all of these functions, the mechanism agreed upon must be adequately financed. Accordingly, the President in his 1972 environmental message to the Congress introduced the concept of a United Nations Voluntary Fund for the Environment. He further proposed that the Fund consist of $100 million over a 5-year period to which the United States would contribute its fair share. Acceptance of this proposal abroad has been good, but not half as good as it might be if the Congress were to go on record in support of the Voluntary Fund.

Now I must emphasize that I do not recommend a specific contribution for the United States to such a fund, because I feel that that will be better decided after the conference has taken place, but I am recommending a fund that would consist of considerably more money than the President's proposal. It is my belief after discussing the question of funding with the U.N. Conference Secretariat that $100 million would be grossly inadequate for a 5-year period. Consequently, I have recommended the establishment of a voluntary fund that would begin at $50 million for the first year, increase to $100 million for the second year, and increase further to $150 million for the third year. This amount, I believe, would more accurately reflect the demands that will be made upon the Fund and would vastly increase its effectiveness in dealing with the developed and developing nations of the world.

Moreover, if the Congress signifies their support for such a concept before the conference convenes in June, it would immeasurably increase the Fund's chances for acceptance at the conference.

Mr. President, I submit the following concurrent resolution:

S. CON. RES. 82

Whereas the peoples of the world have from time immemorial sought to improve their general well-being to the common detriment of the environment;

Whereas this degradation of the environment has resulted in deteriorating air and water and depleted natural resources;

Whereas the lack of collective action on behalf of the environment has resulted in a challenge to all nations for human survival;

Whereas nations of the world have accepted that challenge and agreed to meet in Stockholm, Sweden, June 5–16, 1972, for the first United Nations Conference on the Human Environment;

Whereas the success of this historic Conference will be determined primarily by the institutions agreed upon to deal effectively with the problems of the environment which transcend national jurisdictions;

Whereas an international environmental institution within the United Nations, created to deal with all problems of the international environment will require adequate funding for its first year and additional funding for subsequent years; and

Whereas the United States' share of such a fund should reflect this Nation's commitment to global environmental quality as a leading consumer of resources: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the United States delegation to the United Nations Conference on the Human Environment, June 5–16, 1972, should urge the establishment of a United Nations Voluntary Fund for the Environment to consist of a first year budget of the amount of $50,000,000 and to increase the annual budget for the Fund by the same amount each year for the next two years, and the United States Government should agree to pay its fair share of such annual budget.

SENATE CONCURRENT RESOLUTION 83—SUBMISSION OF A CONCURRENT RESOLUTION PROCLAIMING NATIONAL HALIBUT WEEK

(Referred to the Committee on the Judiciary.)

Mr. MAGNUSON. Mr. President, I submit, for appropriate reference, a concurrent authorizing and requesting the President of the United States to proclaim the week beginning May 21, 1972, and ending May 27, 1972, as "National Halibut Week." In addition, the resolution calls upon the people of the United States to observe such week with appropriate ceremonies and activities.

I have regularly presented this proposal upon request of the Halibut Fishermen's Wives' Association, based at Seattle, Wash., so that all interested may pay honor to this natural marine wealth from the sea and also pay proper and due respect to those who harvest and process this excellent protein from the North Pacific Ocean.

Strong leadership for this celebration has been given by the Wives Association as well as the other organizations concerned, including crewmen, vessel owners, and the Halibut Association of North America.

Few segments of our fisheries have been beset with more difficulties—from conflict with foreign fleets on the fishing grounds to unfair competition in the marketplace—but these fishermen and those who market their products have continued to produce good qualities of high protein, low fat resources from the sea. In addition, the good efforts of the International Pacific Halibut Commission in returning this resource to its maximum sustainable yield is a world-recognized accomplishment in the realm of ocean conservation.

I take pleasure in submitting the following concurrent resolution and in saluting all of those who participate in the harvest and celebration:

S. CON. RES. 83

Resolved by the Senate (the House of Representatives concurring), That the President is authorized and requested to issue a proclamation designating the seven-day period beginning May 21, 1972, and ending May 27, 1972, as "National Halibut Week" and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

FOREIGN RELATIONS AUTHORIZATION ACT—AMENDMENT

AMENDMENT NO. 1202

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

Mr. ROTH. Mr. President, for myself and Senator BOGGS, I am introducing an amendment to the Foreign Relations Authorization Act which requires the Arms Control and Disarmament Agency to prepare a report to the Congress on the problems and possibilities of international agreements that would regulate and limit the transfer of conventional arms to smaller countries. I will say more about this amendment at the appropriate time. For now, I ask unanimous consent that the text of the amendment and the letter I am sending to other Members of this body concerning this amendment be printed in the RECORD.

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

AMENDMENT NO. 1202

On page 27, after line 24, insert the following:

REPORT TO CONGRESS

SEC. 303. (a) The Arms Control and Disarmament Agency, with the cooperation and assistance of other relevant government agencies including the Department of State and the Department of Defense, shall prepare and submit to the Congress a comprehensive report on the international transfer of conventional arms based upon existing and new work in this area. The report shall include (but not be limited to) the following subjects:

(1) the quantity and nature of the international transfer of conventional arms, including the identification of the major supplying and recipient countries;

(2) the policies of the major exporters of conventional arms toward transfer, including the terms on which conventional arms are made available for transfer, whether by credit, grant, or cash-and-carry basis;

(3) the effects of conventional arms transfer on international stability and regional balances of power;

(4) the impact of conventional arms transfer on the economies of supplying and recipient countries;

(5) the history of any negotiations on conventional arms transfer, including past policies adopted by the United States and other suppliers of conventional arms;

(6) the major obstacles to negotiations on conventional arms transfer;

(7) the possibilities for limiting conventional arms transfer, including potentialities for international agreements, step-by-step approaches on particular weapons systems, and regional arms limitations; and

(8) recommendations for future United States policy on conventional arms transfer.

(b) The report required by subsection (a) shall be submitted to the Congress not later than one year after the date of the enactment of this Act, and an interim report shall be submitted to the Congress not later than six months after such date.

DEAR COLLEAGUE: I have introduced an amendment to the Foreign Relations Authorization Act which would require the Arms Control and Disarmament Agency (ACDA) to present a comprehensive report to the Congress on the possibilities for controlling the transfer of conventional arms from the major supplier countries to developing recipient countries. It is my understanding that such a report could be handled by ACDA's present staff and within the budget authorization contemplated by the present act.

I hope this amendment will provide the stimulus for a thorough exploration of ways and means of reducing and regulating the massive flow of weapons into the developing world. Although all the wars occurring among developing countries since World War II have

been largely fought with foreign supplied weapons, little national and international attention has been given to the possibilities of negotiating arms control agreements regulating conventional arms transfer. Congressional interest would help draw attention to this problem. Moreover, it could provide a useful basis for future U.S. policy initiatives on conventional arms control by identifying the areas most susceptible to negotiation as well as the appropriate policy vehicles through which negotiations might be pursued. Finally, I believe that preparation of the report would encourage greater interagency interaction and cooperation in this sensitive and vital area of arms control.

I would appreciate your cosponsorship or other support for this amendment. If you have any questions, please contact me directly or have a member of your staff call Charles E. Morrison at 52441.

Sincerely,

WILLIAM V. ROTH, Jr.,
U.S. Senate.

ADDITIONAL STATEMENTS

PRESIDENT TRUMAN AND 1948

Mr. SYMINGTON. Mr. President, Harry S Truman ranks today among the great Presidents in the history of the United States. One of President Truman's outstanding abilities was his capacity to work and fight for those programs in which he believed.

The ability was never more clearly demonstrated than in his uphill and successful campaign for election in 1948.

In that connection, an interesting article written by Mr. Harold Slater, city editor of the St. Joseph, Mo. News-Press, was published in that newspaper on May 4. Mr. Slater gives his personal observations, not only of the 1948 campaign, but also of the convention in Philadelphia the previous July.

I ask unanimous consent that this article by one of Missouri's most experienced political writers be printed in the RECORD.

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

TIME HAS ADDED TO STATURE OF HARRY TRUMAN

In the big white Victorian-style house on Delaware street in Independence, Mo., former President Harry S Truman next Monday will quietly observe his 88th birthday, honored and respected as have been few men in the history of the United States. At his side will be as fine and gracious a helpmate as any man ever has known, Bess, his wife for more than 52 years. Time has mellowed many of those who once fought his policies and action. Time, too, has added to his stature as a statesman and a patriot. He stands now at the peak of public affection—a wise patriarch of his Democratic party, a treasured citizen for the entire nation.

Harry Truman had his rough days in the White House and he had his glorious ones. His was the knack to rise to the heights when the time was crucial in his career. He could put on that extra spurt to come out ahead when all seemed stacked against him. Frank honesty, determination, sincerity and loyalty have ever distinguished the man who succeeded Franklin D. Roosevelt as President. His life has been a lesson to all on the importance of those characteristics.

Twenty-four years ago this summer his political fortunes were low on the eve of the Democratic National Convention. Many in his own party were saying he didn't have a chance of being elected. They were striving to secure the nomination for President for other candidates. The 80th Congress was doing its best to clip his wings. Henry Wallace was about to put his third party movement in flight. And, in protest to civil rights matters, delegations of some Southern states were to walk out of the convention hall.

That 1948 Democratic convention at Philadelphia was gloomy indeed. One correspondent wrote he had seen public hangings that were more enthusiastic. Thomas Dewey had been nominated by the GOP and seemed unbeatable. The Democrats were finding it difficult to raise enough funds for even a relatively modest campaign.

That was the situation at 2 on a hot July morning when President Truman, nominated only a few hours before, strode into the convention hall after a train trip from Washington to accept the nomination. He was dressed in a white suit, sharp and suave. The delegates, worn out by a long tedious day, were restless and laconic. But not for long. President Truman delivered to them one of the greatest fighting speeches ever presented to any national convention.

He lashed into the 80th Congress, calling that Republican-controlled body one of the two worst Congresses in the history of the United States. Then he astounded everyone by calling the Congress back for a special session to enact a legislative program he said was vital to the nation. He put the Congress squarely on the spot, and his Democratic audience loved it. The audience that had been so lethargic only moments before whooped it up. The President said he was calling the Congress back on a very special day in Missouri, "turnip day." The crowd roared.

Certainly that dramatic speech, given at an unlikely hour for oratory, was a great turning point in the 1948 Presidential drive. The rest is history. The pollsters and pundits were confounded when President Truman, with betting odds 20 to one against him in places, pulled through to the most amazing election upset victory in history. Those who had regarded Tom Dewey as a sure thing were shaking their heads for days afterwards.

What a host of memories former President Truman has to enjoy in this autumn of his life! His mother once said of him, "Harry always plowed the straightest furrow one ever saw." That indeed has been true of his entire life, his full public career. So Happy Birthday, Mr. President, from your neighbors to the north who think of you not only as a great Missourian and a great President, but also as a great fellow.

THE JACKSONVILLE SYMPHONY

Mr. GURNEY. Mr. President, tonight, the Kennedy Center for the Performing Arts plays host to one of Florida's greatest symphony orchestras, the Jacksonville Symphony.

In its previous life the symphony died at the age of 21. The cause of death was listed as an overdose of good intentions and even the national news media carried the obituary.

But the reincarnation was an even bigger story. It told how a group of determined Floridians put the symphony back together again when some said that it could not be done. Now, under the disciplined and talented baton of Conductor Willis Page, the New Jacksonville Symphony is preparing for its most important season. Fittingly, it takes place during the sequicentennial celebration of the bold new city of the South.

At the Kennedy Center tonight, this well-known symphony will perform a world premiere of two musical compositions of nationally known artists Duke Ellington and Carlisle Floyd. I take this opportunity to personally urge all of my esteemed colleagues in the Senate to join me at the Kennedy Center for such a command performance—and I take pride in welcoming to our Nation's Capital the Jacksonville Symphony and wish them great success in the opening of their spring tour.

UTAH'S "DEAD SEA"

Mr. MOSS. Mr. President, as Senators well know, I have long been interested in developing the scientific, geological, and recreational values of Utah's famed inland sea—Great Salt Lake. My proposal to establish Great Salt Lake National Monument on and around Antelope Island is now before the Senate.

I was therefore pleased to read in the May issue of Reclamation Era an article entitled "Utah's 'Dead Sea' Is Still Alive," which tells some of the history of the lake, discusses past and present industrial and recreational use, and takes a look at its potential for the future in both fields.

Although, some recreational opportunity exists on the lake at present, the article states that:

The lake continually stirs up hopes of Utahans that someday it may become a major recreation area.

I ask unanimous consent that this most interesting article be printed in the RECORD.

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

UTAH'S "DEAD SEA" IS STILL ALIVE

Half a world and a mile of elevation lie between Palestine's Dead Sea and Utah's Great Salt Lake, yet there are striking similarities between the two.

Both are fed by a nearby fresh-water lake, and by a river named Jordan. Nature has denied each an outlet, resulting in an unusually heavy salt content in their waters.

Because each is a unique natural phenomenon, located near other attractions of both scenic and historic nature, tourists throng to these briny seas, drawn in great measure by the enthralling prospect of bobbing like corks atop water in which it is difficult—if not downright impossible—to sink.

Mineral salts abound in the waters of both and, because they are both known as "dead" seas, a store of legend and myth has grown up concerning them.

But there are also significant differences between the mountain-fringed lake in Utah and its desert-bound Middle Eastern cousin.

For one thing, Utah's "Dead Sea" is very much alive!

Short miles to the east, guarded by the towering ramparts of the snow-mantled Wasatch Mountain range, lies Utah's capital city, a thriving, modern metropolis which derives its name from the lake with which it shares a valley.

On the western shore of the lake, where the salt desert spreads its flat terrain toward Nevada, a $70 million plant is under construction to extract magnesium salts from the briny waters for use in manufacture of magnesium.

RECLAMATION'S WILLARD BAY

Midway along the east shore of the lake, Bureau of Reclamation engineers have erected a 14-mile dike to impound fresh water flowing down through mountain

canyons to form the Willard fresh water bay which is providing new recreational possibilities as well as meeting irrigation needs.

And planners from government and private industry are mapping new blueprints to make Utah's inland sea a more viable part of the State's economy.

An air of mystery and legend has always surrounded the natural lake, largest in the United States west of the Mississippi. Long before mountain man Jim Bridger explored the lake in 1824, rumors of this body of water had mushroomed into fantastic stories that became part of early American folklore.

The largest remnant of a great fresh water lake which once covered the Salt Lake Valley and much of western Utah, the Great Salt Lake now is 75 miles in length, 50 miles wide and covers 1,500 square miles. Its waters are roughly 25 percent salt, nearly 8 times the saline content of ocean water.

Western explorers John C. Freemont and Jim Bridger explored much of this lake in a rubber boat in 1843, in the process laying to rest Bridger's original idea that he had "discovered an inland arm of the Pacific Ocean."

CANNOT SINK

Since Brigham Young and some of the early Mormon pioneers first swam in the lake in 1847, discovering to their delight that one could float freely on its waters without the slightest fear of sinking, the lake has become famous for swimming. Many visitors to the Salt Lake Valley still take advantage of the several south shore beaches to bob buoyantly on its surface.

Despite this great natural attraction, however, the fluctuating levels of the lake have made it difficult to establish permanent bathing facilities on the lake shores. Over the years, numerous such resorts have been founded, enjoyed various periods of prosperity, then faded when the receding waters left the resorts high and dry. In a few rare instances, the resorts have even been flooded when heavy precipitation caused an unusual rise in the water level.

THE GREAT SALTAIR

Most famous of the Great Salt Lake resorts was Saltair, built in 1893 when the lake was reasonably high and water splashed against the pilings which supported the resort pavilions. In its heydey, Saltair provided visitors a variety of entertainment and its dance pavilion and roller coaster were famous throughout the Mountain West and much of the country.

From the turn of the century until 1930, with the exception of a few years between 1900 and 1910, reasonably high water levels kept the resort in profitable operation. But between 1930 and 1940, hard times fell upon the famed resort. During this decade, the lake dropped to its lowest recorded levels and the water receded to several hundred yards from the pavilion.

With the rise of the lake during the 1940's Saltair again enjoyed a brief resurgence as a resort, but then the waters again receded and the once-proud resort fell into disuse. Repeated fires scorched this grand "lady of the lake" and last summer a violent blaze completely gutted the structure. Despite efforts of private groups to have her, the majestic Saltair Pavilion never again will reign over the Great Salt Lake.

Particularly in recent years, as Utah came into her own as an industrial state, attracting new population and business ventures, plans have been broached and blueprints prepared to build new and modern developments on the shore of the lake—mainly on the Salt Lake City end—but they proved to be more a dream than a reality.

Still, the lake continually stirs hopes of Utahans that someday it may become a major recreation area, although, considerable recreational opportunities exist now.

The high salt content of the water makes the lake unusable for such aquatic sports as water skiing, but winds which sweep out of the mountain canyons to the east and sometimes blow north or south along the valley floor provide adequate breeze-power for a good many sailboats.

If and when plans for developing new beaches on Antelope Island, which lies in the lake northwest of Salt Lake City, are brought to fruition by either Government or private developers, boating may become far more popular.

A State park now exists on the northern tip of Antelope Island and a rough causeway supports a road which links the island to the valley land. But lack of funds has stymied efforts to build a modern, all-weather causeway, and violent storms which often whip the lake pose a constant threat and often wash away sections of the road and dike.

PROPOSED NATIONAL MONUMENT

Some State leaders and members of the State's Congressional delegation have proposed national monument status for Antelope Island, complete with the development of bathing beaches and construction of dikes which would turn the southeastern portion of the lake into a fresh-water pond.

Man has already proved that such dikes are not only possible but feasible. Some 12 miles northwest of the city of Ogden, which is about 45 miles north of Salt Lake City, a 14½-mile earthfill structure, 36 feet in height, runs in a rough rectangle enclosing a bay of the lake which holds 215,000 acre-feet of fresh water when filled to capacity.

It is here that much of the water activity on the lake takes place. Sailboats dot the surface of Willard Bay on breezy days. Motorboats tow water skiers in graceful patterns and, at times, speedboats slice the bay's surface in well-attended boat race events.

In recent years, navigability of the lake has been a central question in legal disputes between the State of Utah and the Federal Government over ownership of the lake's shore lands.

At one time, boats of considerable size regularly plied commercial routes on the Great Salt Lake. In 1902, officials of the Southern Pacific Railroad embarked on an ambitious task. Engineers of the firm decided to build a causeway across a 40-mile section of the lake to shorten the rail route between the transportation hub of Ogden and the western shore of the lake. During construction of this famed "Lunch cutoff," barges loaded with construction materials regularly sailed the lake.

But long before this, a variety of vessels used the lake waterway for a number of purposes. In 1848, a group of Mormon pioneers used boats to conduct a major exploration of the entire lake. Boats became the principal method in the 1850's for ferrying livestock to and from ranching operations on Antelope Island.

THE LAKE'S VESSELS

Then, in 1871, the biggest vessel to use the Great Salt Lake hauled ore from the mines at the south end of the lake to a smelter located at Corinne, on the northern shore. Named *City of Corinne*, this vessel was a 240-ton, Mississippi River-type stern-wheeler. When the short-lived commercial venture failed, the *City of Corinne* was converted into a pleasure boat and for many years sailed the lake, making regular stops at various resorts.

On one such cruise, as the story goes, a noted visitor to Utah used a trip on the *City of Corinne* to indicate he might become a candidate for the Presidency of the United States. Whether the tale is true or not, the vessel was renamed in honor of the distinguished passenger and cruised the lake for years under the name of *General James A. Garfield*.

Commercial ventures on or near the Great Salt Lake have been many and varied over the years. One of Utah's earliest industries was extraction of salt from lake brine, and today at least three major salt companies have operations on the south shore. It is estimated that the lake contains 8 billion tons of salt. But, in spite of the vast natural resources here, Utah produces only about 1 percent of the Nation's salt supply.

Potash has been produced near the lake for years, but the industry really took hold in the 1930's and is a significant contributor to the region's economy.

Brightest hope for the future of the lake is its vast store of mineral salts.

POTENTIAL INDUSTRIAL SITE

Industries are looking to the lake as a source of magnesium chloride, sodium sulphate, potassium chloride, and lithium chloride. In the eyes of many, the lake is a mineral storehouse of untold potential which may yet prove of great and lasting economic benefit.

One company which obviously believes this is N.L. Industries. It has under construction along the lake's west shore a $70 million plant to take magnesium salts from the water for commercial and industrial use.

An early industrial development dream involving the lake is extraction of oil from the briny waters.

Way back in 1861, an army battalion camped near Promontory, Utah—the spot where the transcontinental railroad link was first established—found oil at Rozel Point.

This mysterious oil supply has puzzled geologists and frustrated every attempt to extract it from the lake. Some 32 holes have reportedly been sunk into the lake bottom in this area, in what is possibly the only offshore oil drilling operation in water surrounded by an American desert.

Some estimates have it that 21 million barrels of crude oil lie beneath the lake. This oil is very thick, oozes to the surface occasionally in warm weather and often forms a gooey carpet of tar on the lake bottom. It is so thick that it is almost impossible to pump by ordinary means, but this has not discouraged efforts to tap the oil reserve.

Meanwhile, the lake remains a resource of obviously great value, its potential largely as yet unrealized, but waiting for the right circumstances to become an even greater asset.

SUPPORT FOR PRESIDENT NIXON BY DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. HRUSKA. Mr. President, my attention has been called to a telegram sent to the President of the United States by Mrs. Eleanor W. Spicer, president general of the Daughters of the American Revolution. In her message she strongly supported the decision by Mr. Nixon to mine North Vietnamese ports and to take other bold steps aimed at halting the Communist invasion of South Vietnam and bringing peace.

The DAR has been harshly criticized within recent years by some liberal spokesmen. That criticism has stemmed in part from the stand of the organization on the Vietnamese war. The DAR has stated emphatically that we should fight so vigorously in Vietnam that we would convince Hanoi, once and for all that it should cease its persistent attempts to conquer South Vietnam and other portions of Indochina.

In retrospect, there is a great deal of merit in the DAR position. If the type of firmness currently being displayed by President Nixon had been part of our strategy many years ago, we might have

seen peace in Indochina long ago. We might have saved many thousands of American lives.

The DAR has historically been unashamedly patriotic. It has strongly supported virtues and disciplines which many have tended to discard. It has warned repeatedly against the permissiveness and excesses which have made crime such a pervasive threat to our Nation, and demoralized some segments of our society, including many of our schools.

Consequently, I think Mrs. Spicer and the DAR are to be congratulated as a salutary force in our country.

As Mrs. Spicer's telegram to the President states, she was the wife of a marine officer who served in World War II and was a prisoner of war for 45 months, and she is the mother of sons who fought in Korea and Vietnam. She knows at first hand what war is all about.

I ask unanimous consent that the text of Mrs. Spicer's telegram to the President be printed in the RECORD.

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

Hon. RICHARD M. NIXON,
President of the United States of America:

As President General of the National Society Daughters of the American Revolution, I want you to know that we wholeheartedly support your decisive action which seeks an honorable end to the Vietnam War and which aims also at the release of the American Prisoners of War.

The DAR has gone on record for years as advocating steps which would persuade a "group of international outlaws" that their campaign of aggression against other peoples had become so costly that they must seek peace.

I am sending copies of this telegram to our State Regents and am confident that they will let you know their sentiments.

As a life-long member of a Marine family; the widow of a Marine officer who was a Prisoner of War for 45 months in World War II; the mother of Marine officers who saw combat in Korea and Vietnam, I am proud of my President, and, realizing the uncertainties of the future, whatever comes, I am proud to be an American.

ELEANOR W. SPICER,
President General, NSDAR.

UPRIVER DAMS ON MISSOURI DO THEIR JOB

Mr. SYMINGTON. Mr. President, all too often in years past melting snows in the Rocky Mountains combined with spring rains have turned the Missouri River into a raging torrent, bringing tragedy and destruction down the entire basin.

An editorial in the Kansas City Star of May 6, however, emphasizes the change since completion of upstream reservoirs.

As the editorial states:

The Army Engineers' six big main stem reservoirs in the Dakotas and Montana, beginning early this year, swallowed up 5.5 million acre-feet of water—an acre-foot being a foot deep over one acre—including a record 1-day storage gain of 625,000 acre-feet on March 15.

In addition to the prevention of severe and costly floods—$100 million in damages prevented so far this year alone—other benefits have accrued because of these dams.

During 1971, more than 2.8 million tons of goods were transported on the Missouri River, much of it made possible by the even water flows created by the mainstem reservoirs.

Also during 1971, the combined outdoor recreation total for these lakes was a record 8.4 million visitor-days, an average of almost 2½ days for every man, woman and child in the four States—Montana, North and South Dakota and Nebraska—where these lakes are located.

A record 13.2 billion kilowatt-hours of electric power was generated at these dams last year, sufficient hydroelectric power to supply the needs of the State of Nebraska.

Other benefits include water stored for agricultural irrigation, municipal water supplies and as protection for the Missouri Basin from periods of extreme drought.

This editorial also points out that the Missouri River projects are returning the original investment lavishly. I agree, and add that the return on this investment should also include the improvement in the quality of life of the people who live in the Missouri River Basin.

I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the Kansas City Star, May 6, 1972]

UPSTREAM DAMS QUIETLY SWALLOW A MISSOURI RIVER FLOOD

Under conditions prevailing 20 years ago, this would have been another of those anxious, unhappy springs when the Missouri River, swollen by melting winter snows and the breakup of ice in its upper reaches, would have roared destructively down its valley all the way to St. Louis. It never happened.

The Army Engineers' six big main stem reservoirs in the Dakotas and Montana, beginning early in the year, swallowed up 5.5 million acre-feet of water—an acre-foot being a foot deep over one acre—including a record 1-day storage gain of 625,000 acre-feet on March 15.

This volume of runoff meant sure trouble in the old days. But now the dams stopped it and the Reservoir Control Center in Omaha happily predicted another year of full service to all uses of the stored water, including barge tows and hydroelectric power generation. Power output this year is expected to be near the record generation of 13.2 billion kilowatt-hours last year. Barge lines, which the last three years have been able to load their carriers deeper than normal channel capacity because of high-level releases, seem assured of another 10-day extension to the season in December.

Without the big dams in place, the engineers estimated that downstream river stages would have been 15 to 20 feet higher, inflicting $100 million in flood loss. Flows would have been half again as great as the 1943 flood which covered Omaha's airport six feet deep.

But instead this impounded disaster now makes it possible to release 10,000 to 15,000 cubic feet a second more at Gavins Point on the Nebraska-South Dakota state line than in the early 1960s when the huge lakes were still filling. It is difficult now to recall the sharp disputes of those years between the various water interests over priorities. Now there is plenty for all, especially with a mountain snowpack still largely in place at 130 per cent of normal depth.

These big Pick-Sloan lakes cost several hundreds of millions of dollars. But they are returning that investment lavishly—to say nothing of the outdoor recreation they provide for millions of visitors. They will be there to do the flood-stopping job next year or whenever these same conditions develop. As one backer of these much-maligned "pork barrel" river projects asserted, "If this is pork, I'll take another helping."

INAUGURATION OF GENERALISSIMO CHIANG KAI-SHEK FOR FIFTH TERM AS PRESIDENT OF REPUBLIC OF CHINA

Mr. DOMINICK. Mr. President, on May 20, Generalissimo Chiang Kai-shek will be inaugurated to his fifth term as President of the Republic of China. Over the years, Chiang has brought the island of Taiwan tremendous peace, growth, and prosperity—progress rivaled by few in the developing nations of the world.

The past year has been a turbulent and confusing one for the Republic of China. Many changes, including expulsion from the United Nations, have caused some fears and doubts in the minds of the people of Taiwan as to just what the United States commitment to their country will be in years to come.

I have reiterated my strong support and admiration for the people of Taiwan many times in the last few months, and I am sure that all Senators join me in expressing once again our greatest friendship and admiration for the people of the Republic of China and their President on the occasion of his inauguration.

UPPER COLORADO RIVER BASIN AUTHORIZATION

Mr. MOSS. Mr. President, on May 10, the senior Senator from Wisconsin (Mr. PROXMIRE) commented on the passage of H.R. 13435, a bill to increase the authorization for appropriations for continuing work in the Upper Colorado River Basin by the Secretary of the Interior.

The purpose of the bill was to provide sufficient funds to complete the construction of the Upper Colorado River Basin project which was authorized to be constructed by the act of April 11, 1956 (70 Stat. 105). The original authorization provided $760 million for the work, including the major storage reservoirs which now control the widely varying flows of the Colorado River and several water supply projects as well which utilize a part of the water made available by the storage.

The Senator from Wisconsin stated that the Senate Committee on Interior and Insular Affairs held no hearings on this measure. I wish to inform the Senate that while the Senator is correct that the committee held no hearings on H.R. 13435, this bill was not pending before the Senate at that time. But the Subcommittee on Water and Power Resources held a hearing on April 12, on S. 3287 and S. 3283, Senate companion bills which were identical to H.R. 13435 as introduced.

I wish to assure Senators that the implication that insufficient study was given to this legislation is particularly unwarranted. The Interior Committees of both Houses have had close and con-

tinuing associations with the Upper Colorado River Basin project since the exhaustive consideration given to it before it was authorized in 1956. There have since been a number of additional participating projects considered for either study or construction, each involving a review of the financial and economic status of the storage project, and, of course, the whole matter was reviewed in great depth when the Congress was considering the Colorado River Basin Project Act of 1968 (82 Stat. 885).

The authorizing act of 1956 (70 Stat. 105) requires the Secretary of the Interior to report to the Congress annually on the status of the Colorado River storage project and participating projects. The 15th of these annual reports was transmitted to the President of the Senate on December 28, 1917, and is, of course, available to any interested Senator. I am sure my colleagues will find it to be a comprehensive and detailed accounting of the financial aspects of the project as well as a statement of the diverse and impressive benefits which the project already is providing to our Nation. I am pleased to report that the project already has returned more than $20 million to the Treasury although many of the revenue producing features are still under construction. Moreover, construction funds for storage and power production is repaid with interest to the U.S. Treasury. These funds are a prudent investment; not a nonrecoverable expenditure.

Furthermore, the Colorado River Basin Project Act of 1968 requires the Secretary to report annually to the Congress on the operation of the major reservoirs on the Colorado River system. My colleagues will find that the report for the 1971 operations and 1972 projected operations is an informative document including discussions of river regulation, water use, and environmental measures, among other items, on a reservoir-by-reservoir basis.

The Interior Committee, therefore, came to the consideration of H.R. 13435 and its companion bills with considerable current knowledge of the situation and insights into the significant issues.

I am sure that Senators will agree that the value of legislative hearings are not always measured by their length.

The Senator from Wisconsin also made quite a point of the fact that there was no new benefits to cost analysis of each of the projects in the report on the bill. Of course there was not. The feasibility of each of the projects was carefully evaluated when the projects were originally authorized in 1956. It is an unpardonable delay that they are still waiting to be built—some 16 years after authorization. We should get on with the job.

NEED FOR STRONG EXPORT ARM IN MARKETS OF THE WORLD

Mr. TOWER. Mr. President, I am pleased that the Senate has taken action to delete from S. 3526, the Foreign Relations Authorization Act of 1972, the provision which would have reduced overseas personnel of the Department of Agriculture.

Agricultural exports were worth more than half a billion dollars—$553.9 million—to Texas farmers and ranchers last fiscal year, and that is important to them and also to the merchants, the implement dealers, and to others in the Main Street economies of the Lone Star State.

Those exports are important, too, to the ports of Texas, which are part of the gulf complex through which the bulk of our exports of corn and soybeans move.

We have much to gain from a vigorous and expanding agricultural export position. Right now, we are working to recoup the losses to Texas in agricultural exports and shipping revenues suffered in the dock strike of last October and November.

We need a strong export arm in the markets of the world, and that is what the Department of Agriculture is providing. For these reasons, I commend the Senate for the adoption of the amendment of the Senator from Oklahoma (Mr. BELLMON).

CRIMES OF VIOLENCE AGAINST POLITICAL FIGURES

Mr. CURTIS. Mr. President, I am deeply shocked and grieved, as I know every American citizen of good will is shocked and grieved, at the horrible crime of violence committed last Monday against Governor Wallace. My prayers have been and continue to be with Governor Wallace, his family, his doctors, and the others who were wounded in this senseless attack. I earnestly pray for the Governor's full recovery.

I feel it is equally important to add that my prayers go out for the soul of the young man who perpetrated this deed. It was the act of an individual who must face the consequences. That point must be made and reiterated often. I am deeply concerned over the tendency to attribute to the act, as to the horrible killings of President Kennedy, Senator Robert Kennedy, and Dr. Martin Luther King, some national disease or sickness in which we all share guilt and are made to feel as if we are participants in the crime.

I am as horrified as anyone could be that such an act of violence can happen here. I am aware, too, that attacks on our political leaders seem to be happening with increasing frequency.

I do not believe it in any way minimizes the tragedy of this event to point out that it is not a new phenomenon, and, given the increased population, mobility, and physical access to political leaders, even the increasing frequency of such incidents is not necessarily a symptom of sickness in our society.

I have listened to newsmen link this event to our "senseless and unjustifiable killings of people in another country who have never done anything to us." I have listened as political leaders commented that "this shows you this country is in trouble," and that "political assassination is becoming as American as apple pie," and that our country "is in really great danger when those—differing—voices can't be heard."

This is an assessment of the situation which might have been justifiable in the heat of the moment when a public official is killed and there is some evidence that it might be a plot. It is an assessment which no sound thinking person should make today, even under stress, unless he deliberately seeks to infect the country with an unwarranted sense of corporate guilt for political purposes.

For the truth of the matter is that the previous assassinations have all been at the hands of deranged individuals. As a society we bear no more guilt for their acts than for the acts of Richard Speck, or the skyjackers, or any other unstable individual whose own torment leads him to acts of desperation.

I, too, believe we should continue to search for ways to minimize the opportunity or incentive to commit such crimes against our unheralded citizens as well as our national leaders.

But we must keep our perspective. We must remember our history: That an assassination attempt was made on Andrew Jackson's life in the first quarter of the 19th century; that in 1856 a Member of Congress beat Senator Charles Sumner senseless on the floor of the Senate and crippled him for life; that a madman killed President Lincoln in 1860; that another madman assassinated President Garfield in 1881, and still an other took the life of President McKinley in 1901.

Eleven years later an assassination attempt seriously wounded President Theodore Roosevelt and others of his party while he campaigned for the presidency. In 1935 an assassin took the life of Louisiana Governor Huey P. Long. In 1954 there was a vicious attack on Members of the House of Representatives, several of whom were seriously wounded; and an attempt was also made to assassinate President Truman. Only 9 years separated that attack from the killing of President Kennedy, and no more than 25 years have separated any of the attacks mentioned.

Further, I do not set this forth as an exhaustive summary of such crimes or attempted crimes against political figures. Hardly a presidential election has gone by that some private citizen has not died in a quarrel over politics.

But we do not and must not attribute these individual acts to a whole nation.

If anything contributes to the atmosphere that causes such acts it is the politics of confrontation in times of severe testing. If there is any lesson here, it is for the press and politicians to use the utmost discretion in inflaming passions for political purposes.

S. 1438—PROTECTION OF THE PRIVACY AND OTHER RIGHTS OF EXECUTIVE BRANCH EMPLOYEES

Mr. ERVIN. Mr. President, last December, the Senate by unanimous consent gave its approval for the third time to S. 1438, a bill to protect the constitutional rights of executive branch employees and prohibit unwarranted governmental invasion of their privacy.

The bill is now pending before the House Post Office and Civil Service Committee. That committee also has on its agenda H.R. 11150, an amended version of S. 1438 reported from the Employee Benefits Subcommittee presided over by

Representative JAMES HANLEY. H.R. 11150 is sponsored by Representatives HANLEY, BRASCO, UDALL, CHARLES H. WILSON, GALIFIANAKIS, MATSUNAGA, and MURPHY of New York.

Since it was first introduced in 1966 in response to complaints raised during the Kennedy and Johnson administrations, the need for this bill has been self evident to everyone but the White House and some of those who do its political bidding in the civil service.

Its bipartisan nature is obvious from the fact that in three Congresses more than 50 Senators cosponsored it, and an overwhelming majority of the Senate approved it each time.

The history of the fight for enactment of this legislation is set out in an illuminating article written by Robert M. Foley and Harold P. Coxson, Jr., in volume 19 of the American University Law Review. Although the article discusses the bill as S. 782 in the 91st Congress, that version was identical to S. 1438 as passed by the Senate.

The authors have reservations about certain inadequacies of the bill, which I confess I share, but these are the results of compromises thought necessary to obtain passage. They also believe the bill does not go far enough in meeting other serious due process problems often encountered by individuals in their Federal employment. There are, I agree, major omissions in the statutory guarantees of the constitutional rights of these citizens and the authors define them well. As a practical matter, however, one piece of legislation cannot effect all of these changes. I believe we must begin with the passage of S. 1438.

I wish to offer the observation that a great deal of careful legislative drafting is reflected in the balance S. 1438 achieves between the first amendment rights of individuals and the needs of government as an employer. It is my sincere hope that the balance so carefully developed over a 5-year period will not be disturbed as the bill makes its way toward passage.

The authors conclude their analysis with these observations, which I commend to the attention of Members of Congress interested in protecting the right of privacy of all Americans:

There is no question of greater importance to a free society than that of defining the right of privacy. This right is the most important pillar of freedom. The framers of the Constitution, with a keen awareness of the case with which tyrannous power can be used to erode freedom had this right clearly in mind as they wrote that citizens should be "secure in their persons, houses, papers, and effects, against unreasonable searches and seizures . . . ." In fact, the heart of the Bill of Rights is predicated upon this right. In this light one must view the governmental incursions into this constitutionally protected area. To allow encroachments upon the right to privacy of federal employees within the framework of free society may lead to an irrevocable disintegration of the right to privacy for all.

The Court has been able to define some areas where privacy is protected, but this is not enough. There is no definitive guideline for such an interpretive process. The time is ripe for Congress to begin a comprehensive definition of this right, since this process obviously cannot be achieved entirely through the courts. The guideline must come from Congress, which is the only government body charged with expressing the common will of society. S. 782 appears to be a good stepping stone.

Mr. President, I ask unanimous consent that the article, entitled "A Bill to Protect the Constitutional Right to Privacy of Federal Employees," be printed in the RECORD.

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

[From the American University Law Review]

S. 782—A BILL TO PROTECT THE CONSTITUTIONAL RIGHT TO PRIVACY OF FEDERAL EMPLOYEES

LEGISLATIVE HISTORY

A State which dwarfs its men, in order that they may be more docile instruments in its hands even for beneficial purposes—will find that with small men no great thing can really be accomplished. . . .[1]

Legislative attention has recently been focused on the unwarranted invasions of privacy and restrictions on liberty perpetrated by the Federal Government against its nearly three million civilian employees. S. 782,[2] recently proposed in the 91st Congress, addresses the question posed by the philosopher John Stuart Mill a little over a century ago: What are the limits of legitimate interference with individual liberty?[3] Today, expanding federal activities and increasing reliance on technological innovations have extended the traditional limits to the point that further interference will render "individual liberty" a hollow phrase. Although occasional encroachments on traditional areas of liberty and privacy might be justified by the overriding interests of society,[4] there is a need to periodically reexamine the extent to which such encroachments will be sanctioned. "There is once again serious reason to suggest that the law must expand its protection if man's traditional freedoms are to be preserved."[5]

S. 782 is a legislative atempt to protect federal employees from specific violations of their constitutional rights[6] and to provide a statutory basis for the redress of such violations.[7] The major emphasis of the bill is the protection of federal employees from unwarranted invasions of privacy by government officials. This article will demonstrate the need for S. 782, analyze its provisions, and measure its effectiveness.

For the past five congressional sessions, violations of federal employee rights have been the subject of "intensive hearings and investigation" by the Subcommittee on Constitutional Rights of the Senate Judiciary Committee.[8] As a result of numerous complaints from civil servants,[9] the Subcommittee initiated legislataive hearings in June, 1965, on "Psychological Tests and Constitutional Rights."[10] Following these hearings, the Chairman of the Subcommittee, Senator Sam J. Ervin, Jr. (D.-N.C.), wrote to then President Lyndon B. Johnson:

"The invasions of privacy have now reached such alarming proportions and are assuming such varied forms that the matter now demands your immediate and personal attention."[11]

On August 9, 1966, Senator Ervin introduced S. 3703,[12] a bill "to protect the employees of the executive branch of the United States Government in the enjoyment of their constitutional rights and to prevent unwarranted invasions of their privacy."[13] On August 26, 1966, Senator Ervin introduced S. 3779,[14] a bill similar in intent to S. 3703 but differing in the provision of penalties.[15] Both S. 3703 and S. 3779 were sent to the Senate Judiciary Committee and then referred to the Subcommittee on Constitutional Rights.

As a result of the Subcommittee hearings, amendments to S. 3779 were proposed to meet "legitimate objections to the scope and language raised by administrative witnesses and to clarify the intent of its cosponsors."[16] The most notable amendment to S. 3779 resulted from Professor Alan F. Westin's proposal for a Board on Employees' Rights.[17] Professor Westin commented:

"A new agency ought to be set up within the executive branch, along the lines of what is generally called the ombudsman principle, which would be empowered to receive employee complaints, to hold hearings, and determine whether the Federal right to privacy for employees against unreasonable intrusions has been invaded without justification, or without proper cause. . . . It is a mistake to see this function as one which the Civil Service Commission either can or should perform. I think it calls for an independent agency".[18]

On February 21, 1967, Senator Ervin introduced S. 1035,[19] an amended version of S. 3779. The bill was referred to the Senate Judiciary Committee and, on September 13, 1967, it passed the Senate by a vote of 79–4.[20] On June 13, 1968, exactly nine months after passage by the Senate, hearings on S. 1035 (and H.R. 17760)[21] were begun in the House Subcommittee on Manpower and Civil Service[22] where S. 1035 died.[23] On January 21, 1969 a bill encompassing the same provisions as S. 7035 was introduced in the Senate as S. 782.[24] In introducing this bill, Senator Ervin noted that:

"On reflection, however, it may be that concerted opposition to the bill [S. 1035] mounted by the federal agencies and departments is only one more example of the effective and smooth cooperation which government agencies can demonstrate when the occasion demands. As they viewed it, I suppose impending enactment of S. 1035 was such an occasion" . . . .[25]

S. 782 was referred to the Senate Subcommittee on Constitutional Rights, and on July 22, 1969, the Subcommittee met in executive session to receive the testimony from Richard Helms, Director of the Central Intelligence Agency (CIA).[26] On the basis of his testimony, and after a number of meetings with officials of the National Security Agency (NSA) and the Federal Bureau of Investigation (FBI), committee amendments were drafted to meet the approval of the Directors of those agencies.[27] On May 15, 1970, S. 782 was approved unanimously by the Senate Judiciary Committee,[28] and on May 19, 1970, the Senate passed the bill *viva voce*.[29] On May 20, 1970, S. 782 was sent to the House Post Office and Civil Service Committee and referred to the Subcommittee On Manpower and Civil Service,[30] where the bill is now pending. Senator Ervin predicted that "although the bill [S. 1035] died in a House Post Office and Civil Service Subcommittee in the last Congress, I believe prospects are much brighter for passage [of S. 782] this year."[31]

The need to protect federal employees from unwarranted invasions of their privacy was amply documented throughout the legislative history of S. 782. Several blatant examples of privacy-invading techniques follow.

The example most frequently cited during the hearings was the salacious interrogation of an eighteen year-old college sophomore co-ed, applying for a summer job as a secretary at a federal agency. She was asked intimate questions regarding her personal relationship with a boy whom she was dating. A few illustrative questions should suffice: "Did he abuse you?", Did he do anything unnatural with you?", "You didn't get pregnant, did you?"[32] Of course, one can see the relevance of such questions to secretarial skills.

A second and more subtle means of invading privacy is demonstrtaed by the use of psychological examinations, personality inventories, and even polygraph tests. Perhaps a legitimate argument might be advanced

Footnotes at end of article.

that such precautions are necessary for jobs involving national security. However, these mind probing techniques often require employees to answer intimate questions relating to sex, religion, family relationships, or personal beliefs having little to do with national security.

The Minnesota Multiphasic Personality Inventory (MMPI) is one of the tests frequently utilized by government agencies. The test contains 566 true/false questions which must be answered, "quickly and without thinking or deliberating." [32] Examples of these questions are:

(20) My sex life is satisfactory.

(58) Everything is turning out just like the prophets in the Bible said it would.

(95) I go to church almost every week.

(115) I believe in a life hereafter.

(177) My mother was a good woman.

(216) There is very little love and companionship in my family as compared to other homes.

(258) I believe there is a God.

(320) Many of my dreams are about sex matters.

(387) I have difficulty holding my urine.

(519) There is something wrong with my sex organs.[34]

Martin L. Gross, author of a study on psychological testing,[35] testified before the Senate Subcommittee on Constitutional Rights that there has never been a validated psychological test, nor a single statistically significant experiment indicating that a personality test predicted emotional behavior.[36] To make matters worse, the agencies have used these invalid tests improperly. The use of untrained personnel and the random selection of questions removed from their test context, have destroyed even the reliability of the tests. Yet despite this, and the invasion of privacy inherent in such tests, the agencies continue to use them with little reservation.[37]

The disclosure of family financial affairs is another serious intrusion into the right to privacy. Pursuant to Executive Order No. 11222,[38] the Civil Service Commission implemented a questionnaire requiring periodic disclosure of the personal finances of federal employees and their immediate families. The purpose of this questionnaire is to prevent conflicts of interest among the upper echelon employees of the federal government. However, section 402 [39] of the Executive Order provides that other employees may be required to file similar disclosures. Obviously this requirement is ineffectual in disclosing the unethical employee, since it would not be difficult for him to falsify the questionnaire in order to conceal a conflict of interest. Yet, for the overwhelming majority of ethical employees, the requirement is a particularly objectionable invasion of privacy. As Senator Ervin commented:

"[T]his policy amounts to a demand that the employee, on pain of losing his job, prove every few months that he and members of his family are not violating or even appearing to violate federal laws. To my mind, this questionnaire constitutes a colossal vote of no-confidence." . . .[40]

One of the most clandestine intrusions into the area of individual privacy and one of the hardest to legislate against, is the subtle coercion of employees to follow the whims and desires of supervisory personnel. These include the solicitation for charities, contributions to favorite funds, involvement in savings bond programs and attendance at unrelated meetings, activities, and the like. An individual employee could hardly be expected to refuse such "requests" by his supervisor, when the same supervisor will determine his qualifications for promotion.[41]

Of particular concern in the current period of political activism is the denial of federal employment to those persons who have engaged in demonstrations and protests. Although intended to meet legitimate objections to the abuses of the political process, in a reactionary period, such stringent prohibitions may also serve to stifle individual initiative and involvement in an area having little to do with one's employment with the federal government. These sanctions might be invoked merely because the propriety of such involvement is questioned. As Senator Ervin has commented, "it is essential to assure that any denial of a security clearance or of a federal job is rendered on equitable, just, and timely standards of social behavior." [42]

S. 782 is a legislative attempt to remedy these and other practices which are eroding the traditional pillars of freedom today. Obviously, passage of the bill will not eliminate "all the ills besetting the federal service, all of the invasions of privacy," [43] nor all of the isolated incidents of coercion and intimidation. As Senator Ervin has commented: "We cannot legislate against all manner of fools or their follies." [44] But, as an analysis of the bill will demonstrate, S. 782 is an attempt to provide basic standards for governing the individual rights of those under federal employment.

S. 782

The Act encompasses four major provisions which include: government officials who are forbidden to pursue certain activities, the four classes of prohibited activities themselves, judicial remedies for violation of the Act, and several protective or balancing clauses.

There are three classes of government officials against whom S. 782 is directed. Section 1 provides that "[a]ny officer of an executive department or executive agency . . . or any person purporting to act under his authority . . ." [45] is prohibited from participating in certain enumerated activities. Section 3 provides that "[a]ny commissioned officer . . . or any member of the Armed Forces acting or purporting to act under his authority . . ." [46] is prohibited from engaging in the same activities as prescribed in section 1. And section 2 provides that "[a]ny officer of the United States Civil Service Commission, or any person purporting to act under his authority . . ." [47] is prohibited from performing certain of the selected activities forbidden to the above two classes of personnel.

The Act contemplates a number of activities which are considered in violation of the individual's basic right to privacy. Among these activities are the following, which are specifically denied to the first two classes of supervisory personnel:

RACE, RELIGION, AND NATIONAL ORIGIN—SECTION 1(a)

It is unlawful to require by any manner "[a]ny civilian [48] employee . . . in executive branch . . . to disclose his race, religion, or national origin, . . . or [that] of his forebearers." [49] However, inquiry into national origin is not prohibited where this factor may adversely affect national security.[50] Such inquiry is only permitted in cases where it is a statutory prerequisite for employment or job assignment.

NON-JOB RELATED ACTIVITIES—SECTION 1 (b), (c), (d), (g), AND (h)

Executive department officers are prohibited from informing or intimating to employees that notice will be taken of their attendance or nonattendance at any non-job related meeting or any other outside activities. Furthermore, an employee may not be required to make a report on activities which are unrelated to his job, unless there is "reason to believe . . . [that the activities are] in conflict with his official duties." [51] "Exception to this injunction is made for meetings which provide for the development of skills qualifying an employee for the performance of his job." [52]

In addition, it is unlawful to coerce an employee to invest in government bonds or securities or to make donations to charitable causes. However, it is appropriate that supervisory personnel call meetings or take other actions which afford the employee the *opportunity* to participate in the aforementioned activities.[53]

Finally, by a provision similar to the Hatch Act,[54] executive officers are forbidden in any way to require their employees to participate or not participate in political activities.[55]

INVESTIGATION INTO PERSONAL AND FAMILY MATTERS—SECTION 1(e), (f), (1) AND (j)

It is unlawful to elicit from an employee or applicant information concerning: personal relations with his spouse or blood relatives, religious beliefs or practices, and attitudes or conduct concerning sexual matters [56] via any of the following techniques; interrogation, examination, psychological testing,[57] or polygraph testing.[58] This prohibtion is made with the following provisos: (1) that the clause will not be "construed to prevent a physician . . . from authorizing such tests in the diagnosis or treatment of any civilian employee or applicant . . . where such information [is] necessary . . . to determine [if that] . . . individual is suffering from mental illness;" [59] (2) that such treatment is "not pursuant to general practices or regulations governing" [60] a class of individuals; and (3) that nothing contained in the clauses will be "construed to prohibit . . . advising . . . [the] employee of specific charges of sexual misconduct made against [him]. . . ." [61]

Furthermore, it is unlawful to require an employee or prospective employee to disclose family financial matters. However, the employee will not be freed, as a result of these prohibitions, from making the usual disclosures to the appropriate governmental department or agency of such records as tariffs, taxes, customs duties, and other lawful obligations.[62] In addition, disclosures may be required of an employee who, in his job capacity, has the power of final determination of tax or other liability of any person or legal entity, or who may have a conflict of interest between his personal financial dealings and the performance of his official duties.[63]

OTHER PROTECTIONS—SECTION 1(k) AND (l)

The third class of supervisory personnel, officers of the Civil Service Commission, is enjoined from requiring any executive department official to violate the provisions of section 1. Requiring civilian employees or applicants to disclose, by any of the above mentioned methods, any of the information enumerated in sections 1(e) and (f), is unlawful.

The Act further provides that an employee should not have to present his case without aid.[64] To implement this protection, any person under interrogation for misconduct which could lead to disciplinary action is permitted the presence of counsel or another representative of his choice at such inquisition.[65] However, the foregoing right is severely curtailed in the case of the NSA and CIA. Counsel or representative must either be an employee of the agency or must be given security clearance for access to available information. To protect an employee who files a complaint, the Act makes it unlawful to discriminate in any way against an employee who refuses to submit to the demands or other actions of his superior which are made illegal by this bill, or for exercising any right granted by it.[66]

One of the primary rights granted by the Act is the ability to seek judicial as well as administrative remedies. Standing to sue or file a grievance action with the Board on Employees' Rights,[67] (hereinafter designated "the Board"), is provided by the Act for: any person with a personal complaint, any person

Footnotes at end of article.

representing a class of aggrieved employees, or any employee organized on behalf of its membership,[69] for any activity made illegal by this bill.

Sections 4 and 5 afford two forums in which remedial action may be taken, both of which are given primary jurisdiction to hear the complaint. The first is the Board which is nonpartisan, separate from the Civil Service Commission, and nongovernmental in its composition. It is endowed with the power to issue: administrative sanctions; cease and desist orders; arbitration proceedings; recommendations for general courts-martial, where appropriate; and in the case of a federal appointee, a report to the Congress and the President.[69] For purposes of judicial review, decisions emanating from the Board are to be considered final. No matter which route is chosen, judicial review is begun at the U.S. District Court level.[70]

The second path is to file a suit seeking civil damages, before the appropriate United States District Court.[71] The Act obviates the necessity of first exhausting other administrative remedies before filing a complaint with the Board or the courts.

The forum chosen for the initial action must be elected prior to commencement of the proceedings, since the respective paths are mutually exclusive.[72] The civil court route seems the most attractive, since it affords damages as one type of remedy. However, there are three critical factors which may encourage complainants to proceed via the Board: delay because of overloaded court calendars,[73] the expense of courtroom litigation, and the fact that section 5(m) allows civil action review of Board decisions in the United States District Court, the court of original jurisdiction for civil actions.

There are two clauses balancing individual against societal rights. The first gives substantive protection to the employees' right to litigate an alleged invasion of privacy.[74] The second balances the right of societal self-preservation against the individual's right to privacy by insuring that investigative agencies will retain the ability to ferret out elements which may be subverting society.[75] Section 5(h) protects the complainant and any necessary witnesses against economic coercion. It provides that all employees who appear before the Board will be compensated for the work time lost and will be remunerated for any additional expenses resulting from such appearance. In addition, all employees appearing will be "free from restraint, coercion, interference, or reprisal in or because of their participation." [76]

Section 6, at the request of Senator Bayh [77] and Senator Young,[78] preserves the investigative prerogatives of the three major security agencies. By negative implication, any director or employee designated by the director of the CIA or NSA, is permitted to pursue activities forbidden other executive officers by sections 1(e) and (f) as long as there is a "personal finding with regard to each of the individuals to be so tested or examined that such test or information is required to protect the national security." [79]

ANALYSIS OF S. 782

This section will attempt to analyze S. 782 by dealing with the following three issues: (1) how well the Act fulfills its purpose as propounded by Senator Ervin in the report issued by the Senate Committee on the Judiciary,[80] (2) what are the major loopholes and legislative omissions, and (3) how does the Act relate to the whole issue of privacy in our society today?

As measured against the avowed purpose, the Act fares only moderately well. The purpose of the Act in general, is to extend to all civilian employees of the United States Government the basic constitutional right to individual privacy which has been infringed upon by government officers with alarming frequency. Specifically, the legislation is designed to meet three exigencies: (1) to establish a statutory basis for protecting certain rights and liberties of government employees, meeting not only present but also future needs; (2) the need to attract the best qualified employees for federal service; and (3) to set an example for state and local government and private industry.[81]

In providing immediate statutory relief, this Act makes a major contribution in fulfilling the present needs of federal employees and applicants. Previously, there was no way by which an employee could gain standing to sue except at the discretion of a government grievance committee. The established grievance procedures carry any complaint regarding invasion of the right of privacy down a bureaucratic cul-de-sac. The employee would file his complaint, which in turn would be passed through the channels to the grievance committee. The grievance committee in turn would return such complaint to the employee's superior for refutation of the allegations, wherein the complaint would die. The provisions of this Act allow the employee the opportunity to directly test through adversary proceedings, either in open court or in a quasi-judicial hearing, the constitutionality of some rather questionable government practices.[82] Endorsement of the bill is widespread among employee organizations, attesting to the fact that the Act apparently meets present needs for statutory protection.

One consideration relevant to the ability of the bill to meet future needs is the growing size of governmental involvement in the business of the country. In many instances the government requires the same kind of security precautions for industry's employees as it does for its own, and national security frequently requires legitimate curtailment of an individual's constitutional rights. As governmental operations affect more and more lives in this manner, extension of legislative protection seems inevitable. Increasingly closer scrutiny will have to be paid to the balancing of individual rights against the necessities of society. Two prominent jurists sounded the warning eighty years ago: "[f]rom time to time society must redefine the exact nature of the right of privacy according to political, social, and economic changes . . . [recognizing] new rights if established freedom is to be maintained." [83] It is hoped that this bill will be but a step in a continually evolving process.

The second function of the bill, the attraction and retention of career federal employees, is difficult to assess by objective criteria. Although it is possible that some highly qualified applicants refuse federal employment because of the various screening procedures employed by many agencies and departments, it seems more likely that the vast number of people seeking employment with the executive branch of the government are unconcerned by the invasions of privacy at the initial interviews for their new jobs. The reason is simple; such practices are frequently utilized by private industry. However, raising the issue of initial refusal of federal service begs the question. There are far more compelling reasons for rejecting federal employment, such as low initial salary and lack of adequate career advancement opportunities, which must be considered before the issue of invasion of privacy can be reached. To the Government, retention of the employee is equally as important as attracting him, and herein the bill answers a critical need. The blatant and persistent application of bureaucratic pressure and invasion of privacy may, on the basis of this bill, be questioned with impunity. Undoubtedly, subtle pressures resulting from personality conflicts will continue to be applied to employees, but that is a problem which is beyond legislation.

Although private industry is not always quick to follow governmental leads, once civil cases by federal employees have been successfully prosecuted, an avenue will be opened for judicial interpretation which may have a profound effect on private industry. At the state and local levels, there have already been some moves to incorporate many of the Act's protections as evidenced by testimony of New York Civil Service Commission Secretary Allan J. Graham at the hearings on S. 1035.[84]

Summarizing the above standards for appraising the bill, S. 782 provides an immediate, impartial forum and judicial remedies for a federal employee's complaints against glaring incursions by the executive branch of the government into cherished, constitutionally protected areas. It is impossible for this legislation to alleviate all future problems in this area. It is equally unlikely that the example which it sets will be sufficient to encourage state and local governments and private industry to incorporate the Act's protections without some further stimulus. However, there can be no doubt that as a remedy for present and future conditions, S. 782 provides a viable first step. As stated by Vincent Connery, president of the National Association of Internal Revenue Employees, "during . . . a period of rapidly accelerating demand among federal employees for truly first-class citizenship . . . [this] bill holds out the serious hope of attaining such citizenship." [85]

Turning to the question of future effectiveness of the bill, it is necessary to discuss loopholes and legislative omissions which seriously impair that effectiveness. A major concern is section 1(e) which purports to protect employees from being denied the opportunity to refute charges of sexual misconduct made by an executive officer. The clause requires that the officer is not prohibited from advising the employee of such a charge.[86] This provision leaves to the officer's discretion something which in light of the variance in our cultural mores, should be mandatory; an employee should have the affirmative right to answer any such charge. The employee, to fully protect his right to answer ungrounded charges, should be granted the right to examine his official dossier, including memoranda, on demand at any time provided that a record be maintained of the inspection.[87] This examination right should also extend to the photocopying of any pertinent documents. To enforce such a right of inspection, it would be necessary to establish a central record office with employees having immediate access.

An important omission from the Act is the right of the employee to know the specific grounds for denial of promotion, assignment, or initial employment, and, if the information is insufficient on its face, the right to initiate full discovery proceedings before the Board. A protective clause of this nature would apprise an employee of the possible existence of adverse information in his dossier. To facilitate the above provision, clear guidelines should be established by all departments and agencies for making these major administrative decisions. Furthermore, the necessity of maintaining a dossier which contains such personal information as one's sexual activities shouud be re-evaluated. As Senator Bible stated at the hearings on S. 1035, "There is a line between what is federal business and what is personal business and Congress must draw that line. The right of privacy must be spelled out." [88]

Another major omission is the way in which certain kinds of information can be elicited. S. 782 narrowly circumscribes four techniques which are forbidden. However, the clever bureaucrat will quickly devise new and awesome procedures for achieving the same ends. Science is constantly researching information gathering techniques. These techniques are often pragmatically applied by scientists who have become subservient to the

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demands of government "technocrats" on whom these scientists rely for reseach money and prestige. As stated by Harold D. Lasswell of Yale Law School, "If the earlier promise was that knowledge would make men free, the contemporary reality seems to be that more men are manipulated without their consent for more purposes by more techniques . . . than at any time in history." [89] Harrell R. Rodgers, Jr. cites some of the terrifying new technological developments for invading the sanctity of the home and of man's personality, such as: narcoanalysis (chemical truth drugs); electronic eavesdropping devices such as the laser transmitter which can penetrate a room several blocks away and give a full television reproduction of the scene, including sound; and, brain wave analysis, which in the near future scientists predict will be able to "read" thoughts.[90] S. 782 affords no protection against such invasions.

In effect, Sections 6 and 7 of S. 782 provide a release of two major investigative arms of the government: the CIA and NSA. It is necessary to note the process through which this is achieved. First, the CIA and NSA are exempted from the prohibitions of Sections 1 (e) & (f). Second, before availing himself of the procedures in Sections 4 and 5, a complainant must first submit his grievance to one of the above agencies and then allow them one hundred and twenty days to either correct a wrong or alleviate a threatened one. These two clauses seem innocuous until one reads them together with the third clause; this clause allows the Director of the agency, at his discretion, to terminate the employment of an individual when it is necessary and advisable "in the interests of the United States." [91] The net effect of these clauses might be to allow the employee the right to complain, but to give the agency the option of one hundred and twenty days of dilatory proceedings, at the end of which, if the issue has not been dropped, the employee may be subject to dismissal.

Section 9 of S. 782 completely exempts the third major investigative agency, the FBI, from coverage by the bill. This loophole looms ominous. Why is this agency permitted to escape coverage? If we are going to be concerned about the rights of federal employees, and indeed ultimately of all Americans, one might generate some questions about the unlimited information gathering ability of these three autonomous investigative agencies: the FBI, NSA, and CIA. As these agencies exist today, they have virtually unlimited power to snoop and pry into people's personal lives under the guise of national security. How safe from invasion is an employee's right of privacy, if a bureaucrat may in the future request of one of these agencies an investigation which is otherwise forbidden to him under the Act? It seems far-fetched now, but it is not beyond the realm of possibility.

Restrictions on the unlimited storage of information by electronic data banks [92] is the last major omission to be discussed. Because this issue concerns not only federal employees but also every citizen of the United States, it is of major importance. The government, with increased efficiency of integrated information-retrieval systems, is rapidly moving towards a central data bank which will store information on every aspect of an employee's life. Two issues are apparent. What limits will be placed upon access to the information, and perhaps more importantly, what information is to be stored in the first place? The potential for invasions of privacy poses virtually unlimited dangers to the stability and security of man in society as a social, psychological, and political being.

AN OVERVIEW OF THE ISSUE OF PRIVACY

There is no question of greater importance to a free society than that of defining the right of privacy. This right is the most important pillar of freedom. The framers of the Constitution, with a keen awareness of the ease with which tyrannous power can be used to erode freedom had this right clearly in mind as they wrote that citizens should be "secure in their *persons*, houses, papers, and effects, against unreasonable searches and seizures . . . ." [93] (emphasis added). In fact, the heart of the Bill of Rights is predicated upon this right. In this light one must view the governmental incursions into this constitutionally protected area. To allow encroachments upon the right to privacy of federal employees within the framework of free society may lead to an irrevocable disintegration of the right to privacy for all.

It is necessary for Congress to commence a comprehensive and definitive treatment of the right of privacy at this stage in our historical development. At no time in the past were individuals and government more able to invade that right with such subtlety as they are now. Our technological advancement has achieved such a degree of sophistication that the right can be curtailed without one's being aware of the method used. We no longer can afford the luxury of a patchwork approach by our legislature and judiciary. Perhaps the first attempt at defining the right occurred in *Olmstead v. United States*,[94] where Justice Brandeis described privacy as "the most comprehensive right and the right most valued by civilized man . . . The makers of our Constitution . . . conferred, as against government, the right to be left alone." [95] However, since there is no specific constitutional amendment protecting a right of privacy, the Supreme Court has had to use theories related to specific amendment guarantees, such as first, fourth, fifth, and ninth, in order to give color to a theory of protection of privacy.

Utilizing the "due process" [96] protection of the Constitution, the Court was able to reach the privacy issue in cases such as *Breithaupt v. Abram*,[97] where invasion of a person's body without consent was at issue, and *Griswold v. Connecticut*,[98] where invasion of the sanctity of marital relations was in contest. "Search and seizure" also presented a fruitful area to develop the definition of privacy. The landmark decision in this area was *Mapp v. Ohio*,[99] where the Court utilized the fourth amendment to establish the principle that the right of privacy is protected in the constitutional guarantee of freedom from "unreasonable searches." [100] The most recent area of litigation around the privacy issue is that of wire-tapping and other electronic eavesdropping devices.[101] In these cases, the fourth and fifth amendment protections were coupled together. The *Griswold* case, however, is the cleverest expansion of the right of privacy by judicial interpretation. The Court there utilized the ninth amendment's protection of "unenumerated rights." [102]

The Court has been able to define some areas where privacy is protected, but this is not enough. There is no definitive guideline for such an interpretive process. The time is ripe for Congress to begin a comprehensive definition of this right, since this process obviously cannot be achieved entirely through the courts. The guideline must come from Congress, which is the only government body charged with expressing the common will of society. S. 782 appears to be a good stepping stone.

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FOOTNOTES

[1] J. MILL, ON LIBERTY 117–118 (Appleton, Century, Crofts ed. 1947).

[2] S. 782, 91st Cong., 1st Sess. (1969).

[3] Mill noted: "There is a limit to the legitimate interference of collective opinion with individual independence; and to find that limit, and maintain it against encroachment, is as indispensable to a good condition of human affairs, as protection against political despotism." J. S. Mill, *supra* note 1, at 5.

[4] Mill's utilitarian philosophy is premised on the theory that all human action should attempt to create the greatest happiness for the greatest number of people. Thus, although an individual's freedom should not be unduly restricted, the primacy of the individual should not transcend the aggregate needs of society.

[5] Rogers, *New Era of Privacy*, 43 N. DAK. L. REV. 253 (Winter, 1967).

[6] S. 782 is phrased in constitutional terms—"to protect the civilian employees of the executive branch of the United States Government in the enjoyment of their constitutional rights and to prevent the unwarranted governmental invasions of their privacy," S. 782, 91st Cong., 1st Sess. (1969). Senator Ervin commented that the purpose of the bill was "to assure as far as possible that those in the executive branch responsible for administering the laws adhere to constitutional standards in their programs, policies, and administrative techniques." S. REP. No. 534, 90th Cong., 1st Sess. 5 (1967).

[7] S. 782 is premised on the fact that federal employees lack viable remedies for their grievances. The Senate Judiciary Committee's report on S. 1035, an earlier version of the bill, stated: "Testimony at the hearings as well as investigation of complaints have demonstrated that in the area of employee rights, a right is only as secure as its enforcement. There is overwhelming evidence that employees have heretofore frequently lacked appropriate remedies either in the courts or the Civil Service Commission for pursuing rights which belong to them as citizens." S. REP. No. 534, 90th Cong., 1st Sess. 31 (1967).

[8] *Id.* at 7.

[9] As Senator Ervin observed: "Never in the history of the Subcommittee on Constitutional Rights have we been so overwhelmed with personal complaints, phone calls, letters, and office visits. In all of our investigations I have never seen anything to equal the outrage and indignation from government employees, their families and their friends." *Hearings on S. 3779 Before the Subcomm. on Constitutional Rights of the Senate Comm. on the Judiciary*, 89th Cong., 2d Sess. 3 (1966) [hereinafter cited as *Hearings on S. 3779*].

[10] *Hearings on Psychological Tests and Constitutional Rights Before the Subcomm. on the Judiciary*, 89th Cong., 1st Sess. (1965).

[11] Letter from Senator Ervin to President Johnson, Aug. 3, 1965, printed in *Hearings on S. 3779*, *supra* note 9, at 367.

[12] S. 3703, 89th Cong., 2d Sess. (1966).

[13] *Id.*

[14] S. 3779, 89th Cong., 2d Sess. (1966).

[15] S. 3703 provides the penalty of "a fine not exceeding $1,000, or . . . imprisonment not exceeding one year, or . . . both . . ." for the violation or attempted violation of employee rights enumerated in the bill. S. 3703, 89th Cong., 2d See. § 2 (1966). S. 3779 reduced the penalties to a maximum of $500 and 6 months imprisonment. S. 3779, 89th Cong., 2d Sess. § 2 (1966).

This reduction is noteworthy. Throughout the history of this legislation it will be noted that the criminal penalties are reduced. In the original version of S. 1035, the penalties were reduced further to a maximum of $300 and 30 days. In the final version of S. 1035, and later in S. 782, criminal penalties are eliminated entirely and redress is limited to civil remedies. S. 1035, 90th Cong., 1st Sess. (1967) and S. 782, 91st Cong., 1st Sess. (1969). This is indicative of the remedial design intended for the violation of employee rights. Criminal sanctions would create an unreasonable hardship for the offending official.

[16] S. Rep. No. 534, 90th Cong., 1st Sess. 10 (1967).

[17] S. 1035, sec. 5(a), 90th Cong., 1st Sess. (1967).

[18] *Hearings on S. 3779, supra* note 9, at 247.

[19] S. 1035, 90th Cong., 1st Sess. (1967). S. 1035 incorporated the Board of Employees' Rights proposed in the *Hearings on* S. 3779. In addition to S. 1035, Senator Ervin introduced S. 1036 to "protect members of the Armed Forces of the United States by prohibiting coercion in the solicitation of charitable contributions and the purchase of government securities." S. 1036, 90th Cong., 1st Sess. (1967).

[20] 113 CONG. REC. 25456 (1967). After absentee approvals were recorded the total vote was 90–4. The four opposing votes were cast by Senators Eastland, Hollings, Russell and Stennis. Originally, Senate debate on S. 1035 was scheduled for August 29, 1967. However, the debate was postponed because of objections raised by the CIA and NSA who felt that they should be completely exempted from the requirements of the bill. 113 CONG. REC. 25410 (1967) (remarks of Senator Ervin).

In the debate prior to the vote on S. 1035, Senator Ervin reluctantly submitted a committee amendment granting partial exemption to the CIA and NSA. 113 CONG. REC. 25410 (1967). In addition, the original version of S. 1035 contained a complete exemption for the FBI. However, Senator Ervin modified the bill to include Senator Young's amendment, granting only partial exemption to the FBI. 113 CONG. REC. 25452 (1967). Thus, S. 1035 as passed by the Senate, included partial exemptions for all three security agencies—the FBI, CIA, and NSA.

[21] H.R. 17760 ("a bill to recognize the rights and obligations of the civilian employees of the executive branch of the Government of the United States") had been introduced by House Subcommittee Chairman David N. Henderson (D.-N.C.) only two days prior to the scheduled hearings. Essentially, H.R. 17760 listed the rights and *obligations* of federal employees. H.R. 17760, 90th Cong., 2d Sess. (1968). Congressman Henderson, as well as Civil Service Commission Chairman John Macy, felt that Senator Ervin's bill did not reflect the obligations that federal employees necessarily assumed by government employment. *Hearings Before the Subcomm. on Manpower and Civil Service of the Comm. on Post Office and Civil Service*, 90th Cong., 2d Sess. 28 (1967) (testimony of Mr. Macy).

Senator Ervin commented: "This bill H.R. 17760 not only would retain the status quo and reinforce the present evils perpetrated under existing law; its language can be used to justify further restrictions on the freedom of employees. . . . H.R. 17760 protects no rights; it provides no remedies. It provides no Board on Employees' Rights. It affords no access to the courts. Without specific remedies, and without specific rights, that bill is, . . . 'a feeble litany of pious hopes.'" *Hearings on* S. 1035 and H.R. 17760, *supra* at 134.

[22] *Hearings on* S. 1035 and H.R. 17760 *Before Subcomm. on Manpower and Civil Service of the House Comm. on Post Office and Civil Service*, 90th Cong., 2d Session. (1968) [hereinafter referred to as *Hearings on* S. 1035 and H.R. 17760].

[23] Civil Service Commission Chairman John W. Macy, Jr. had previously expressed opposition to the bill. *See Hearings on* S. 1035 and H.R. 17760, *supra* note 22, at 57–63, Mr. Macy's testimony at the *Hearings on* S. 1035 and H.R. 17760 was also critical. *Id.* at 27–55 *generally*. Later, in the same hearings, Senator Ervin characterized Macy as the "'Great White Knight' of the executive branch of the Government in fighting this bill", and noted that "he [Macy] . . . hides to some extent behind the security agencies in waging this battle." *Id.* at 205. The major opposition to the bill appeared to come from the Civil Service Commission (via the Macy-Ervin vendetta) and the security agencies.

[24] S. 782, 91st Cong., 1st Sess. (1969).

[25] 115 CONG. REC. (*daily* ed. Jan. 31, 1969).

[26] S. REP. No. 91–873, 91st Cong., 2d Sess. 3 (1970).

[27] *Id.*

[28] *Id.*

[29] 116 CONG. REC. 7352–7368, D500 (daily ed. May 19, 1970).

[30] It will be noted that this is the House Subcommittee, chaired by David N. Henderson (D.-N.C.), in which S. 1035 died during the 90th Congress. Congressman Henderson's own bill (H.R. 17760), introduced just prior to the hearings on S. 1035, contributed to that set back. *See* note 21, *supra*. However, as yet, Congressman Henderson has not revealed plans to oppose S. 782 or to introduce a companion bill himself.

[31] Remarks by Senator Sam J. Ervin, *S. Subcomm. on Constitutional Rights Release* (May 15, 1970). Senator Ervin's optimism appears well founded. First, as Senator Ervin has observed: "[b]oth major party platforms and position papers by both Presidential candidates in 1968 pointed to a bipartisan commitment to further legislative protection for employee privacy of the nature of S. 782." The cosponsors of the bill attest to its bipartisan support. A representative sample of the cosponsors should suffice to demonstrate the divergent political philosophies represented. Among the cosponsors are Senators McCarthy, McGovern, Muskie, Byrd, Scott, Brooke, Mathias, Tower, Goldwater, and Thurmond. In addition, it would appear that the major objections of the security agencies have been removed by the addition of committee amendments. Finally, Civil Service Commission Chairman Macy has retired and the new Chairman, Robert Hampton, has not expressed opposition to the bill.

[32] S. REP. No. 534 *supra* note 7, at 19. A 25 year old NSA applicant was given a polygraph test in which he was asked: "When was the first time you had sexual relations with a woman?"; "Have you ever engaged in homosexual activities?"; "Have you ever engaged in sexual activities with an animal?"; "When was the first time you had sexual relations with your wife?"; "Did you have intercourse with her before you were married?"; "How many times?" *Id.* at 21–22.

[33] *Hearings on Psychological Tests and Constitutional Rights Before the Subcomm. on Constitutional Rights of the Senate Comm. on the Judiciary*, 89th Cong., 1st Sess. 507 (1965) (sample questions from personality tests administered to one State Department employee during a fitness-for-duty examination).

[34] *Id.* at 507. (some questions also taken from S. REP. No. 534, *supra* note 7, at 5–6).

[35] M. GROSS, THE BRAIN WATCHERS (Random House, 1962).

[36] *Hearings on Psychological Tests and Constitutional Rights Before the Subcomm. on Constitutional Rights of the Senate Comm. on the Judiciary*, 89th Cong., 1st Sess. 33 (1965) (statement of Martin L. Gross) [hereinafter cited as *Hearings on Psychological Tests and Constitutional Rights*].

[37] "The Subcommittee Hearings in 1965 on 'Psychological Tests and Constitutional Rights' and its subsequent investigations support the need for such statutory prohibitions on the use of tests." S. REP. No. 534, *supra* note 7, at 20. *See generally*, Hearings on Psychological Tests and Constitutional Rights, *supra* note 30.

[38] Exec. Order No. 11,222, 3 C.F.R. § 560, 18 U.S.C. § 201 (Supp. II, 1965–66).

[39] Exec. Order No. 11,222, 3 C.F.R. §560, 18 U.S.C. § 402 (Supp. II, 1965–66). "The Civil Service Commission shall prescribe regulations, not inconsistent with this part, to require the submission of statements of financial interests by such employees, subordinate to the heads of agencies, as the Commission may designate. The Commission shall prescribe the form and content of such statements and the time or times and places for such submission." Thus, subject to the discretion of the Commission, any government employee may be required to report.

[40] Letter from Senator Ervin to John W. Macy, June 23, 1966, printed in *Hearings on* S. 3779, *supra* note 9, at 521.

[41] When asked about the effect of refusing to participate in these programs, one official replied that it would constitute an "undesirable work attitude bordering on insubordination and should at the very least be reflected on the annual efficiency rating of the employee." 113 Con. Rec. 25413 (1967).

[42] Letter from Senator Ervin to Robert Hampton, April 17, 1970, printed in S. Subcomm. on Constitutional Rights Release (April 17, 1970).

[43] *Id.* at 25410.

[44] *Id.*

[45] S. 782, 91st Cong., 1st Sess., at 1–2 (1969).

[46] *Id.* at 10.

[47] *Id.* at 8.

[48] Note the word civilian as differentiated from an employee of the Armed Forces is used so as not to infringe on military jurisdiction.

[49] S. 782, 91st Cong., 1st Sess., at 2 (1969).

[50] This provision protects the various investigative agencies of the executive branch. It serves as a balance wheel, giving interpretive latitude to decision makers who have to balance individual interests against society as a whole. The problem is that there is no yardstick by which to measure the limits of this phrase. One is left with an Alice-in-Wonderland situation. It is conceded that to formulate the necessary definitional guidelines for the phrase would require going to the very roots of foreign and domestic policy making. Such a task would require the executive branch to devise a framework of congruent national goals. It may be added that close scrutiny must be paid to limitations on individual liberty, for "without liberty, national security is a hollow phrase." 112 CONG. REC. 25411 (1967) (remarks by Senator Ervin).

[51] *id.* § 1(d), at 4. Such a requirement protects the employee by placing the burden of proof squarely on the shoulders of the executive officer to show the alleged connection at the hearing or trial of the employee's complaint.

[52] S. 782, 91st Cong., 1st Sess. § 1(b), (c) at 2–3 *in general* (1969).

[53] *Id.* § (h), at 6.

[54] Federal Corrupt Practices Act 18 U.S.C. §§ 601, 2 (1964), and 5 U.S.C. § 7324 (1964).

[55] S. 782, 91st Cong., 1st Sess. § 1(q) at 5–6 (1969).

[56] *Id.* § 1(e), at 4.

[57] *Id.*

[58] *id.* § 1(f), at 5.

[59] *Il.* § 1(e), at 4.

[60] *Id.* at 4–5.

[61] *Id.* at 5.

[62] *Id.* § 1(i), at 7.

[63] *Id.* § 1(j), at 7.

[64] *Id.* § 1(k), at 8.

[65] *Id.*

[66] *Id.* § 1(l), at 8.

[67] *Id.* § 5, at 12–13.

[68] *Id.* 4, at 11–12.

[69] *Id.* § 5, at 12–13.

[70] *Id.* § 5, at 13–15, *in general*.

[71] *Id.* § 4, at 11–12.

[72] *Id.* § 7, at 9. The fact that these forums are available does not preclude the establishment of grievance procedures within departments or agencies as established in S. 782, § 10.

[73] In S. 782 at § 5(q) and (k), the Board is encouraged to dispense with the grievance quickly; the hearing must be docketed within ten days and the opinion must be out within thirty days of the conclusion of the hearings.

[74] S. 782, 91st Cong., 1st Sess. § 4 at 11, 12(1969).

[75] *Id.* § 6 at 18, 19.

[76] *Id.* § 5(h), at 15.

[77] 113 CONG. REC. 12943–8 (daily ed. Sept. 13, 1967).

[78] *Id.* at 12951, 12954.

[79] S. 782, 91st Cong., 1st Sess. § 6, at 19. The two provisions help to preserve the balance between individual freedom and societal need for protection.

[80] S. REP. No. 534, 90th Cong., 1st Sess., at 3, 4(1967).

[81] *Id.* at 3, 4(1967) *in general.*

[82] *Id.* at 5, Senator Ervin, upon introduction of S. 1035 on Feb. 2, 1967, stated that, "Many current practices affecting government employees are unconstitutional; they violate not only the letter but the very spirit of the Constitution." See the Legislative History section *supra* for examples of such practices.

[83] Warren & Brandeis, *Right of Privacy*, 4 HARV. L. REV. 193 (1890).

[84] S. REP. No. 534, 90th Cong., 1st Sess.: "I have taken steps to propose the inclusion of several of the concepts of your bill into rules and regulations of the City Civil Service Commission."

[85] *Id.* at 6.

[86] S. 782, 91st Cong., 1st Sess. § 1(e), at 5 (1969).

[87] Congress may presently be considering legislation on this protective measure as such a proposal was made in H.R. 7214, 91st Cong., 1st Sess. (1969).

[88] S. REP. No. 534, 90th Cong., 1st Sess. at 4(1967).

[89] Lasswell, *Must Science Serve Political Power?* 25 AMER. PSYCHOLOGIST 117, 119 (Feb., 1970).

[90] Rodgers, *New Era of Privacy*, 43 N. DAK. L.R. 253, 262–3 (1967) *in general.*

[91] 50 USC § 403(c). This statute defines the reasons for terminating employment of a CIA employee. Similarly, 50 USC § 833 accomplishes the same function for the NSA.

[92] For a comprehensive treatment of this subject, see Pipe, *Privacy: Establishing Restrictions on Government Inquiry*, 18 AMER. U.L. REV. 516 (June, 1969).

[93] U.S. CONST., amend. IV.

[94] 277 U.S. 438 (1928).

[95] *Id.* at 478 (Brandeis, J. dissenting).

[96] U.S. CONST., amend. V.

[97] 352 U.S. 432 (1957).

[98] 381 U.S. 479 (1965).

[99] 367 U.S. 643 (1961).

[100] U.S. CONST., amend. IV.

[101] *See* Olmstead v. U.S., *supra* note 81. *See* also Nardone v. U.S., 308 U.S. 338 (1939); LEE v. U.S., 343 U.S. 747 (1952); Topez v. U.S., 373 U.S. 427 (1963); Osborne v. U.S., 385 U.S. 323 (1966); Berger v. N.Y., 388 U.S. 41 (1967); and Katz v. U.S., 389 U.S. 347 (1967).

[102] U.S. Const., amend IX.

THE FEDERAL MINIMUM WAGE AND UNEMPLOYMENT

Mr. TOWER. Mr. President, the House of Representatives has recently passed legislation increasing the Federal minimum wage. Soon the Senate will be debating this issue.

It is my hope that this debate will touch upon all of the aspects and ramifications of the minimum wage. This analysis should include a historical study of the impact of this Federal legislation as well as the potential impact which another increase will have on the economy.

I invite the attention of the Senate to an editorial published in the Wall Street Journal of May 15. The editorial points out some of the economic facts that should be considered in any discussion over the Fair Labor Standards Act.

Mr. President, many Members of Congress have criticized the administration's record on the economy, particularly in the rate of unemployment. While minimum wage legislation has been pictured as a socially humanitarian act, not enough consideration has been given to the act's negative economic repercussions—particularly in the area of teenage unemployment. I trust that all Senators, including those who have opposed the administration's economic policies, will consider this before and during the upcoming debate.

I ask unanimous consent that the editorial be printed in the RECORD.

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

DIGNITY AND UNEMPLOYMENT

Despite what critics of our political system sometimes suggest, few politicians would vote for legislation they knew to be harmful to Negroes, women, teenagers and the very old. Yet minimum wage legislation, which Congress is once again debating, is harmful to each of those groups.

The idea behind minimum wages sounds like humanitarian simplicity itself: Putting a floor under every worker's wages gives him dignity and assures a bare minimum income to those lowest on the wage scale. The current measure, passed last week by the House of Representatives, is to increase that minimum for most nonagricultural workers from $1.60 to $1.80 an hour this year and $2 next year.

But that reasonable-sounding examination is based on sentiment rather than economic wisdom, so that the results are something else again. What happens is that workers of relatively low productivity whose skills aren't worth the legal minimum—the unskilled, the uneducated and the young—simply find themselves out of work.

The group most directly affected is teenagers from minority groups. A study three years ago by Professors John M. Peterson (University of Arkansas) and Charles T. Stewart Jr. (George Washington University), who systematically analyzed government and academic research on the U.S. experience with minimum wage laws, revealed that as federal minimums doubled between 1954 and 1968, unemployment among teenage Negroes increased from 15% to more than 25%, even while unemployment generally was dropping from 5.5% to 3.8%.

Another study noted that unemployment among black teenagers rose each time the minimum was increased since 1950, and now stands at higher than 30%. No wonder Milton Friedman, has branded the minimum wage law "the most anti-Negro law on our statute books—in its effect, not its intent."

It is ironic, tragically so, that the mistaken policy of minimum wages is still regarded as progressive, humane social legislation. We wish someone could explain what is either progressive or humane about marginal workers unemployed at $2 an hour, rather than employed at something less.

NATIONAL AND DULLES AIRPORTS

Mr. SPONG. Mr. President, National and Dulles Airports are the only two federally owned and operated airports in the country and, as such, they are the only two airports over which residents of the surrounding communities have absolutely no voice. Public resentment over the growing noise and congestion at National Airport, nevertheless, finds expression through a number of other avenues, including the editorial columns of area newspapers.

A letter from Mr. Bruce Uthus, of Arlington, Va., to the editor of the Washington Sunday Star, was published on May 14, 1972. It expresses the views of many northern Virginians.

I ask unanimous consent that the letter be printed in the RECORD.

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

JETS AT NATIONAL

SIR: Two years ago the FAA administrator, John Shaffer, in exploitation of the air controllers "sickout," and under the guise of a so-called "study," took it upon himself to authorize the airlines to use the much larger, heavier and noisier 727 stretch-jets at National Airport. This cavalier action was taken without any knowledge, hearing, consultation or participation of the citizens of the community or the Congress. There was no consideration, study or report of the potential environmental or social impact which this action would impose on the affected local public.

Just a few weeks prior to Shaffer's precipitous action he had assured the Congress and the public as follows: "It is the position of the FAA that the Boeing 727–200 series aircraft should not be used in commercial service at Washington Airport."

The unheralded and sudden introduction of stretch-jets into Washington National Airport prompted an early congressional committee hearing on the matter, the report of which is most revealing. Among other things, the committee denounced Shaffer's unilateral action as "most alarming," and further that "the attitude of the FAA, toward the public and the Congress, is one of contempt rather than service."

Shaffer was asked by the committee, "How would the people on the ground along the Potomac Valley be affected by the introduction of the stretch-jet operation at National?" Whereupon Shaffer, who resides outside the sound cone of the Potomac flight paths, had the brazen effrontery to answer for the whole community and said: "The people along the Potomac will never know the difference between the stretch-jets and the regular 727." The arrogance and utter disregard of the public reflected in this statement is indicative of the attitude of the FAA from the time it ignored the protests of the public and authorized the initial use of jets at National in 1966 to the present.

PUBLIC IGNORED

The public has never been represented in arriving at these self-serving and cozy FAA airline-inspired decisions despite the drastic and important impact which these decisions have on the environment and mode of living of the affected residents in the Washington sector of the Potomac River Valley.

So today the airlines, with the dutiful and servile assistance of the captive FAA bureaucracy, are in fact the autocratic dictators of the environment in which the people in this area live. The result is that we live in a world of incessant jet noise and heavy air pollution. People along the National Airport flight paths cannot enjoy the Potomac River parks, their porches, balconies, patios, hi-fi's and, as Martha Mitchell recently pointed out to the press, normal conversation cannot be heard in our living quarters. Some of the casualties of this incessant deafening din were the things that made this a little more pleasant place to live, such as the Gadsby Theater, Watergate concerts and other outdoor theater activities.

When one steps out of the Kennedy cultural center onto the marvelous commodious balcony, with its inspiring views up and down the river, the roar of an overhead jet is killing. And, as one looks down at the Roosevelt Island bird sanctuary, one wonders how many can long live, as the island is constantly sprayed with the death-dealing visible and non-visible pollutants from climbing jets. In our frustration we ask why a proposed high-

way can be stopped dead in its tracks because highway authorities did not prepare and submit for public consideration studies of the environmental impact of the highway, and yet a highway in the sky can be created at once by a unilateral decision of a minor official of the federal government.

DULLES UNDERUSED

The residents of this community, as they wince at the deafening roar of overhead jets, must with great irony remember that to prevent just such pollution and environment the Congress and the public selected an excellent site, planned and built a truly jet-oriented airport at Dulles and at a cost of over 110 million taxpayers' dollars. The objectives of this action have been totally negated by airline-subservient bureau officials, and as a consequence we have to subsidize the under-utilized Dulles operation while National is saturated by jet traffic originally intended for Dulles. It just doesn't make sense.

Can anyone imagine the French or the English permitting the Seine in Paris or the Thames in London being used as a "bombing run" for commercial jets?

There have been "tons of complaints" by FAA's own admission. However, so far nothing has been done about them; nor has the Congress or the President, who publicly profess great interest and concern in reducing pollution and improving the environment, taken any steps to relieve the plight of the noise-tormented residents of this community.

Since the FAA is so obviously a captive bureau of the airlines, it will require a superseding authority to overcome the havoc the FAA has wrought on our environment. The President or his Secretary of Transportation could quickly correct the situation by an order. Since such timely action has not been forthcoming, it is to the Congress we must look for corrective action.

BRUCE UTHUS.

ARLINGTON, VA.

GROUP TO INFORM PUBLIC ON WORKINGS OF CONGRESS

Mr. MATHIAS. Mr. President, a recent national public opinion poll showed only 26 percent of voting-age Americans expressing favorable opinions about Congress.

I believe the major reason for this low esteem is the fact that most Americans know too little about Congress and have a serious lack of understanding of how the legislative branch of their Government operates.

After all, how can one judge Congress fairly and objectively without a clear understanding of how it operates. It is my feeling, and one shared I am sure by all Senators, that Congress as an institution can be strengthened and improved by an increased public understanding of its responsibilities, its functions, and procedures.

I was pleased, therefore, to learn that a group of former Members of Congress and former congressional aides have organized the National Foundation to Increase Public Understanding of Congress.

An independent, nonpolitical, nonprofit, educational organization, the foundation is dedicated to making Congress better known to the people. Its aim is to develop a wholesome, interest in Congress on the part of the general public.

The foundation is the brainchild of Eric Smith, a onetime Associated Press editor, and a longtime student of Congress and the lawmaking process, who over the past 20 years served as a consultant to a number of Senators and House Members. Mr. Smith heads the foundation's staff as executive vice president.

Chairman of the foundation's broadly based board of directors is former Texas Representative Frank N. Ikard. President of the group is former Maryland Representative Richard E. Lankford.

The story of Congress and how it functions as an institution has never really been told. It is a story that needs telling and NFIPUC is not only needed, but essential at this time. Never in our history has Congress needed more the service NFIPUC will render in increasing public understanding of the national legislature and never has the public been in such need of information about the Congress and how it does its work.

I know I speak for all my colleagues in both Houses when I salute and commend the founders and supporters of NFIPUC. This effort is a most worthwhile public service and is deserving of the support of all who are interested in strengthening and improving the Congress.

The foundation has been assured the full cooperation of the Nation's radio/TV industry, daily newspapers and other print media, the motion picture industry, and other mass communications media. It plans to conduct programs and projects in all these media.

One of the projects the foundation has underway is a series of radio programs about Congress. I was privileged to be a guest on the first program which is devoted to the beginning of Congress, the congressional concept worked out at the constitutional convention of 1787 and the first Congress of 1789.

Since this is a matter of great interest to my colleagues, I ask unanimous consent to have printed in the RECORD the text of an announcement concerning this project.

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

RADIO SERIES TO EXPLAIN HOW CONGRESS OPERATES

WASHINGTON.—The National Foundation to Increase Public Understanding of Congress today announced plans for a series of 19 15-minute radio programs about Congress and how it operates.

Eric Smith, the Foundation's executive vice president, said the organization has received a public service grant from the Colgate-Palmolive Company to cover cost of broadcasting the series over 100 radio stations.

"The series," Smith pointed out, "starts with the Congressional concept as worked out at the Constitutional Convention of 1787 and the first Congress of 1789. It explains how Congress took its present form and how it operates today."

He said the programs would be hosted by Joseph McCaffrey, dean of radio/TV Congressional correspondents. House and Senate leaders and members from both parties are interviewed on the programs.

Smith described as "one of the unique aspects of the series" the fact that "the people who tell the story of Congress and how it functions are members of Congress themselves."

The Foundation plans to make tapes of the programs available to schools, colleges and universities for classroom use. Scripts from the series will be put together, after editing, into book form.

Other projects the Foundation has in the works include:

A comprehensive color motion picture depicting the history, functions and procedures of Congress to be shown on selected TV stations and made available to schools and institutions of higher learning, to civic and other groups for showing at meetings.

A truck-trailer van to carry the story of Congress and how it operates to school and college campuses, cities and towns across the nation. The Congressional Special van will feature the Foundation's motion picture and a graphic arts display about Congress.

A museum-type "Hall of Congress" in Washington to explain in graphic audio-visual terms the history and functions of Congress. Visitors to Capitol Hill will first tour the "Hall" so they will better understand what they see when they visit Congress. This "Hall" will serve as the model for one in the principal city of every state.

THE GENOCIDE CONVENTION AND THE ROLE OF THE SECRETARY OF STATE

Mr. PROXMIRE. Mr. President, critics of the Treaty for the Prevention and Punishment of Genocide argue that under the treaty American citizens might be unjustly prosecuted in foreign courts. They fear that our Government would leave her citizens vulnerable to foreign interpretations of the treaty and obligate the United States to honor these interpretations.

This fear is totally unjustified because of the treaty and the proposed implementing legislation. First of all, every time the United States ratifies an international treaty it must first comply with the Constitution and Bill of Rights. This alone indicates that no rights will be abrigated nor safeguards denied the American people.

But, complementing these guaranteed protections of American citizenship and freedom, the implementing legislation allows the Secretary of State of the United States to exercise discretion in each instance of alleged genocide. Hopefully, such moments of violence and brutality will never come to pass. But, if an American citizen is ever charged with such a crime, the Secretary of State is empowered to determine whether the accusation is based in fact or fiction, whether it is punishable under the definitions of the Genocide Convention, whether or not it violates the protections of the U.S. Constitution, and, finally, whether or not such a charge conflicts with existing international treaties.

If there is any question that the rights of American citizenship are being denied, the Secretary of State shall review the case and use his discretion as to whether the accused should stand before a tribunal to answer charges.

There is no reason for American citizens to fear unjust prosecution, but there is every reason for those who value human rights to affirm their opposition to genocide. Therefore, I urge the Senate to take up the Genocide Treaty and move for immediate ratification.

NATIONAL NURSING HOME WEEK

Mr. DOLE. Mr. President, "We care" is the theme of this year's National Nursing Home Week. For those who daily through their jobs or as volunteer workers demonstrate their concern for older Americans living in our Nation's nursing homes, there is no need for such a reminder. But for the many millions of Americans who are concerned but need to be reminded of the situation in which thousands of older Americans find themselves, the designation of a National Nursing Home Week serves a highly important purpose.

It draws attention to the problems of our citizens who have an opportunity to enjoy years of comfortable life after retirement. It reminds us that 20 million men and women, a tenth of our country's population, are over 65 years of age, and that many of them, without assistance and attention, could face their last years without adequate nourishment, without companionship, without proper medical care, and without hope.

Nursing homes have done, and can do, much to serve the elderly. There are 456 nursing homes in Kansas in which reside more than 20,000 older Kansans. Yet the value of the nursing homes to Kansas is not only measured by the number of elderly served, but also by the peace of mind they bring to the elderly and their families who can put faith and confidence in the care offered by nursing homes and their staffs.

President Nixon, in his address to Congress, March 23, 1972, announced a high national priority for efforts to improve the lives of older Americans. In speaking of our obligation to older Americans, the President said:

> Let us work to make ours a time of which it can be said, the glory of the present age is that in it, men and women can grow old—and can do so with grace and pride and dignity, honored and useful citizens of the land they did so much to build.

In commemoration of National Nursing Home Week, I ask my colleagues in the Senate to join in a commitment to accomplish the goal outlined by President Nixon of improving the lives of older Americans. Let older Americans know during National Nursing Home Week and throughout the year, that in truth, and deeply, "We care."

JOSEPH MERRILL BOWMAN, JR.

Mr. TALMADGE. Mr. President, it is with considerable sorrow that I note the untimely death of a good friend and fellow Georgian, Joseph Merrill Bowman, Jr. "Joe," as he was known to his friends, was an excellent example of a smalltown boy who made good, for he distinguished himself in his profession and rose to the position of Assistant Secretary of the Treasury.

Throughout his dealings in the highest levels of Government in Washington, Joe impressed his friends and associates with his qualities of perseverance, integrity, and intelligence.

He served with special distinction in the Treasury Department from 1963 to 1969. In March 1964, he was appointed Assistant to the Secretary of the Treasury for Congressional Relations. In January 1968, he was appointed Assistant Secretary of the Treasury for Congressional Relations, Bureau of Customs, and Bureau of Engraving and Printing.

In recognition of Joe's distinguished efforts the Secretary of the Treasury, Mr. Henry H. Fowler, presented to him in January 1967 the Alexander Hamilton Award, the highest award in the Treasury Department. This citation aptly describes Joe's accomplishments in the Treasury Department:

> As Deputy Assistant to the Secretary of the Treasury for Congressional Relations beginning April 15, 1963, and as Assistant to the Secretary since January 23, 1964, Joseph M. Bowman, Jr. has played a significant, leading role in the formulation and enactment of an exceptionally comprehensive Treasury legislative program. By supplying the Congress with comprehensive and through justification for that program, by careful legislative liaison, through steady, friendly, and durable personal relationships with members of both houses of the Congress, by exercise of keen judgment and tact, and energetic, tireless, day-by-day attention to Treasury relations with the "Hill," he has contributed outstandingly to the making of an important body of statutory law. The range and scope of his responsibilities have been measured by the variety and complexity of the legislative subject matter he has mastered: Six major revenue bills, authorizations for international banking institutions, silver and coinage bills, debt ceiling extensions, the notable reorganization of the Customs Service, the first significant domestic banking and credit legislation in some years—to list only a few. His devotion and achievement well warrant the presentation to him of the highest recognition within the power of the Secretary of the Treasury—the Alexander Hamilton Award.

When Joe left the Treasury Department in 1969 he joined the prestigious law firm, Corcoran, Foley, Youngman & Rowe. Joe continued to distinguish himself while a member of this firm, and he has continued to be one of my warmest friends and closest associates.

I believe that one of the qualities that attracted me so much to Joe was the fact that he never forgot the lessons he learned in growing up in a small town in south Georgia. He was born and reared in Quitman, Ga., and he worked hard as a youth in a number of different jobs. He graduated from Quitman High School and continued his studies at Emory University. His law studies were interrupted by the Korean war. He served in the Air Force from 1952 to 1956, and he was discharged as a first lieutenant.

In 1953, Joe made one of the best moves of his life—he married Mary Isabella Nichols, a charming lady from Barnesville, Ga.

Upon his discharge from the Air Force, Joe completed his law studies at the Emory University Law School in 1957. He was admitted to the Georgia bar in 1958.

He served as legislative assistant to Congressman John J. Flynt from 1958 to 1959, and then returned to Barnesville, Ga., to practice law.

Joe returned to Washington in 1962 to accept an appointment as Congressional Liaison Officer for the Department of Labor. He distinguished himself in working on the Manpower Training Act in this capacity and transferred to the Department of the Treasury, where he advanced to the position of Assistant Secretary.

Joe is survived by his wife, three children, his mother, and a brother. My wife, Betty, joins me in extending sympathy to this fine family. In losing Joe Bowman, we have truly lost a friend that it will be impossible to replace.

There are men who spend their lives serving man; and therefore they serve God. Joe Bowman was one of the best of these.

DISCLOSURE OF FINANCIAL INTERESTS BY SENATOR AND MRS. MATHIAS

Mr. MATHIAS. Mr. President, I ask unanimous consent to have printed in the RECORD a statement of disclosure of the financial interests of Mrs. Mathias and myself and a letter of transmittal to the Honorable JOHN STENNIS, chairman of the Select Committee on Standards and Conduct.

There being no objection, the letter and statement were to be printed in the RECORD, as follows:

MAY 10, 1972.

Hon. JOHN STENNIS,
Chairman, Select Committee on Standards and Conduct, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Senate Rules 42 and 44, I have submitted the information required. In addition to that disclosure, Mrs. Mathias and I wish to follow the practice that we have established and to make a listing of our assets, our creditors and our income over and above Congressional pay and allowances. A copy of this voluntary report is enclosed for your information and additional copies will be sumitted to the Congressional Record.

Sincerely yours,
CHARLES MCC. MATHIAS, JR.,
U.S. Senator.

DISCLOSURE OF FINANCIAL INTERESTS

ASSETS

Equity in Federal Retirement System.
Life Insurance.
Livestock and Farm Machinery.
Real Estate:
House: RFD 2, Frederick, Maryland.
House: 3808 Leland Street, Chevy Chase, Maryland.
Half interest in forty-acre farm in Frederick County, Maryland.
Half interest in 306 Redwood Avenue, Frederick, Maryland.
Lease for 370-acre farm, expiring in 1973.

STOCKS

Farmers & Mechanics National Bank, 1,034 shares.
Capitol Hill Associates, 2 shares.
Citizens Bank of Maryland, 15 shares.
Foote Mineral Company, 18 shares.
Frederick Medical Arts, 15 shares.
Glaxo Corporation, 48 shares.
G. D. Searle & Co., 30 shares.
First Pennsylvania Corporation—common, 134 shares.
First Pennsylvania Corporation—preferred, 2 shares.
Massachusetts Investors Growth, 124.809 shares.
The Detour Bank, 4 shares.
The Great Atlantic & Pacific Tea Company, 6 shares.
Warner Lambert Pharmaceutical Company, 76 shares.
Maryland National Corporation, 129 shares.

LIABILITIES

Debts due on mortgage, collateral and personal notes to:

Farmers & Mechanics National Bank, Frederick, Maryland.

First National Bank of Maryland, Baltimore, Maryland.

Frederick County National Bank, Frederick, Maryland.

Walker & Dunlop, Washington, D.C.

YEAR 1971

Investment income, $1,841.49.

Interest, $50.42.

Honorariums, $2,050.

Net rents, $954.05.

ADDRESS BY SENATOR ELLENDER TO WASHINGTON CHAPTER, FEDERAL GOVERNMENT ACCOUNTANTS ASSOCIATION

Mr. ELLENDER. Mr. President, on Thursday evening, May 11, 1972, it was my pleasure and privilege to address the members of the Washington chapter of the Federal Government Accountants Association on the occasion of that organization's 13th annual awards meeting. I used this opportunity to advance certain proposals that I firmly believe would enhance the ability of the Congress to make decisions concerning the Federal budget and, consequently, result in a more effective and efficient allocation of our Nation's resources.

The proposals contained in my address do not require any legislative authorization and need not involve any changes in the appropriation procedures employed by the House of Representatives at this time. Nonetheless, in my opinion, they represent progressive, but not radical, changes that may be undertaken by the Senate Committee on Appropriations on its own initiative. Therefore, I invite Senators and others to review my remarks, and urge them to give me the benefit of their views and opinions on these proposals.

Mr. President, so that this might be done, I ask unanimous consent that my speech be printed in the RECORD.

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

CONGRESSIONAL MANAGEMENT OF THE BUDGET

(By Senator ALLEN J. ELLENDER)

It is most appropriate at this Annual Awards Meeting of your Association to consider Congressional management of the President's budget. Your awareness of and interest in the many facets of financial management are evidenced in the four major awards being conferred here this evening: one for budgetary improvement, one for accounting systems development, one for complex product costing, and one for more effective control of overhead costs chargeable to defense contracts.

Collectively and individually, these reflect our hopes for progress toward more efficient government. This should be of major interest in the Congress, as well as the Senate Committee on Appropriations, of which I am chairman.

Your Association is widely recognized, and deservedly so for its dedication to the improvement of Federal financial management. The fact that your meeting tonight is being held in the Nation's Capital at one of the great centers of learning in the United States, to honor seven outstanding students of accounting for their achievements at seven area colleges and universities, adds luster to this occasion. Your membership is to be commended for these public-spirited endeavors and for the Association's adoption of a new and significant Code of Ethics.

As chairman of the Committee on Appropriations, my emphasis focuses on the decision-making aspects of the budget process. It is my job to help Congress determine how the Government will spend its resources, who will receive the benefits, and who will pay the bills. The task of reviewing and judging the ever-larger and more varied requests of Federal departments and agencies has become increasingly difficult. Our spiralling national debt and the continued rise in Government spending year after year deeply concerns me. We cannot and should not continue deficit spending on the year to year operation of the Federal Government.

I am not at all sure we are efficiently and effectively allocating our limited resources to the various needs of our people. I am particularly concerned that our current method of budgetary review is not effective in enabling us to perform the responsible action we are charged with under our Constitution.

Although archaic in phraseology, the clause in our Constitution empowering the Congress to control all public expenditure ranks as its most important provision. This clause, part of section 9, Article I, reads:

"No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." These sixteen carefully chosen words place ultimate control over public funds in the hands of elected representatives directly responsible to the people. Appropriately implemented, it ensures a United States Government responsible to the people and responsive to their needs as defined by the President and Congress together.

Despite this comprehensive Constitutional provision, Congress has not always had adequate control of public expenditures over the years. For more than a century, the United States operated without even a semblance of a national budget. The waste of resources that occurred year after year for most of this period was no less than scandalous. The activities of the various Committees of the Congress provided a small degree of budget coordination, but Congress itself did not have the means to control public expenditures effectively.

Opinion differed in earlier years, and still differs, on the degree to which the Congress should exercise legislative control over appropriations and also over expenditures once appropriations are made. For a variety of reasons, Congressional control over public expenditures has come to be seriously diluted. The intermingling of appropriations and the transfer of appropriations without specific authority are among the devices used. Occasionally, appropriations have been extended indefinitely in contravention of a series of laws providing that unexpended balances be returned to the Treasury.

Still other devices employed to contravene Congressional control over public expenditures have been the letting of contracts in anticipation of appropriations and the incurring of expenditures on a deficiency basis, forcing the Congress to appropriate funds for the remainder of the year. Congressional prodding has substantially eliminated these devices and Congressional control over public expenditures has been accordingly strengthened.

In 1921, a national budget system was established. The Budget and Accounting Act made the President the business manager of the Executive Branch, and created the Bureau of the Budget as a special staff agency to assist him in the discharge of his budgetary, management and other executive responsibilities. Prior to this Act, no provision had existed for a coordinated budget system and no procedures had been developed for the formulation of a meaningful annual fiscal summary of our estimated revenues and expenditures.

Uncoordinated departmental and agency formulation of budget estimates afforded an obvious temptation to extravagance and waste. When a department or agency head was free to request whatever amount his judgment and enthusiasm might dictate, the collective estimates could not be called a "budget" in any real sense of the word. The relation of proposed expenditures to prospective revenues had not been considered. There was no rational relationship set forth between programs or budget totals.

The Congress was at a double disadvantage in dealing with these uncoordinated estimates of individual departments and agencies. Its committees were deprived of reliable information on actual program needs, and could not always obtain the cooperation of the President in their attempts to adapt the machinery of Government to the needs of the Nation.

Many of the problems which the Congress experienced in coping with years of uncoordinated estimates were alleviated when it required the President to prepare an official budget "which shall set forth his budget message, summary data and text, and supporting detail." There were two objectives of the Congress in requiring the President to prepare an official budget.

First, the reduction of duplication, waste and inefficiency both within and between agencies through a process of coordinated review of all budget estimates.

Secondly, the promotion of better management as well as better fiscal planning and control.

This action by the Congress eliminated the long-entrenched concept of departmental and agency self-determination. With one stroke it increased the rationality and effectiveness of our budget process one hundredfold.

Under the rules by which the Senate operates, the Senate Committee on Appropriations has exclusive jurisdiction over all appropriations bills coming before it. The Committee membership of twenty-four Senators is divided into thirteen Subcommittees for the purpose of conducting detailed reviews of the President's proposals. Each Subcommittee conducts independent hearings on an assigned segment of the President's budget. The fact that all appropriations bills by tradition originate in the House frequently interjects an appeals aspect into Senate Subcommittee deliberations as departmental and agency representatives urge reconsideration of House actions, but our jurisdiction and our interest extends to all phases of the President's budget.

As soon as a Subcommittee has accumulated the information it deems necessary to evaluate its assigned area of the President's budget, it proceeds to mark-up the House bill for consideration by the full Committee. Each Subcommittee's recommendations are considered and acted upon by the full Committee and then by the Senate itself as soon as they are developed. As a consequence, coordination is difficult to achieve.

The actions of the Senate in appropriating funds for Government activities under thirteen different appropriations bills considered over a period of months presents us with certain problems. It makes legislative control of public expenditures more difficult, for there is a large difference between a series of actions dealing with specific items and coordinated action dealing with all programs in their entirety. Each individual appropriations bill is not considered in relation to the others. Taken together, the thirteen appropriation bills, when finally approved, do not necessarily allocate our limited resources among competing programs on the soundest basis.

The allocation of limited resources to unlimited needs is the essence of responsible

budgeting. The reasons which fifty years ago prompted the Congress to require the President to strike an equitable balance between national needs and resources in developing a national budget are more compelling today. Their importance has grown with each yearly increase in the Federal budget. It seems to me the time has come for Congress to consider changing its procedures to obtain more effective control in the overall budget process, and at the same time allow more discipline to be brought to bear in its decision-making.

During the past two years the Senate Committee on Appropriations has been moving in the direction of a more effective approach to its important budgetary responsibilities. Last year, when I became Chairman of the Committee, overall hearings were conducted shortly after the President's 1972 budget was received, to provide general perspective on the major issues involved. Although only governmental witnesses were heard on that occasion, these overall hearings proved beneficial.

This year I requested that public witnesses also be given the opportunity to testify on the Federal budget at similar overall hearings on the President's 1973 budget. During four days of hearings this past February, eight governmental witnesses and forty-two public witnesses provided a wide range of perspectives. These have given the Committee and, I hope, the Congress, a much better grasp of the issues before it for resolution. These hearings, I am pleased to report, were very well received. The Committee has been complimented time and again on its initiative in involving the public in the broader aspects of the Congressional review process. The facts, figures and other budgetary data contained in the 850 pages of testimony presented at this overall review are enabling us to make better informed judgments on individual agency items.

More importantly, this approach is establishing a trend toward reviewing the overall Federal budget in its entirety, rather than in terms of the segments for which the various committees of the Congress and the Subcommittees of the two Appropriations Committees of both bodies have prime responsibility.

The success achieved these past two years in our endeavors to treat the President's budget in the overall terms, which good management practice requires we should, convinces me that the Congress may go much farther in this direction. The Appropriations Committees of the House and Senate may wish to consider adopting a fully coordinated approach to our responsibilities in the interest of reaching a more effective and efficient allocation of resources.

I am proposing that the Senate Appropriations Committee give thought to extending our overall budget hearings early each year to the point where we have sufficient information to establish general guidelines and tentative ceilings for each of the thirteen budgets to be reviewed by our Subcommittees. It seems to me that this action, based on the full Committee's preliminary review, would help establish a coordinated framework within which our thirteen Subcommittees could review and report on the individual departmental and agency budgets as they presently do. The Subcommittees' basic functions and responsibilities would not be altered. All thirteen Subcommittees should be able to operate more efficiently because their members would be more aware of how the areas with which they were dealing related to the budget in its entirety.

The merits of coordinated review are persuasive enough that I believe the possible advantages should be called to the attention of the Committee and the Congress. In addition, I am proposing that thought be given to scheduling our full Committee's review of Subcommittee recommendations only after all thirteen Subcommittees have completed their evaluations of their respective areas of the President's budget. On our final review, it might be possible for us to take coordinated action and report out to the Senate a coordinated recommendation for all items requested in the President's budget.

Our recommendations might be reported in the form of thirteen separate bills as is presently the practice, or a single bill having thirteen chapters might be preferable. To me, the form is of less importance than the substance. What is important is that the Committee's recommendations be coordinated and that they cover all aspects of the President's budget.

Twenty-five years ago the Congress recognized the inadequacies of its fragmented approach to budget decisions. Legislation was enacted requiring the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives, and the two counterpart Committees of the Senate to formulate a legislative budget each year for the ensuing fiscal year. Several attempts aimed at establishing maximum amounts to be appropriated were made, but none succeeded. Most Members of the Congress seemed to be of the opinion that an advance ceiling on expenditures prior to appropriation was unworkable.

Following these failures, the House of Representatives in 1950 experimented with an omnibus appropriation bill, incorporating all appropriations for all branches of the Government, including the District of Columbia, the legislative and the judiciary, executive agencies, national defense and foreign aid. The Senate cooperated fully in this single appropriation approach and it was successfully carried through for fiscal year 1951. The following year the concept was abandoned by the House Appropriations Committee. On a number of occasions since there has been strong sentiment in the Senate to reinstate some version of the omnibus bill approach but none of the proposals advanced gained acceptance in the House of Representatives.

The proposals I am advancing this evening do not require legislative authorization, and need not involve any changes in the procedures followed by the House of Representatives. They represent progressive but not radical changes that may be undertaken by the Senate Committee on Appropriations on its own initiative. It is within the power of the Senate to stop the unsound Congressional practice of acting on a series of individual appropriation bills over a period of months, if agreement can be reached that the Congress should consider and act upon the revenue and expenditure program of the Government as a whole. In my view, we should look for all possible ways and means to increase the effectiveness of Congress and its Committees in this area. Today, it seems to me, we have too much fragmentation of authority in the appropriations process. This has created a vacuum which the Executive and his budget-makers have been able to fill to the detriment of the Congress.

Implementing these proposals, if they win support after consideration, will not be easy in an organization so wedded to tradition as is the Congress of the United States. The long years required to effect earlier reforms demonstrate that concerted action on the part of many individuals is necessary before any progressive change can be achieved. Probably the most optimistic factor is the accelerating tide of financial management improvement which has developed since the Budget and Accounting Procedures Act was legislated in 1950. The Joint Financial Management Improvement Program spearheaded by the Comptroller General of the United States, the Secretary of the Treasury, the Director of the Office of Management and Budget, and the Chairman of the Civil Service Commission, supported by your Association and its varied endeavors, has contributed immeasurably during the last twenty years to better management in Government.

Your Association, particularly with its distinguished membership from all facets of financial management, can become a potent force in this debate. I urge each of you to join with concerned voices in the Congress as we search for improvements in the management of our Government's resources.

PERIODICALS PUBLISHED BY THE DEPARTMENT OF DEFENSE AND THE MILITARY SERVICES

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of a letter and enclosures I sent to the chairman of the Senate Appropriations Committee (Mr. ELLENDER) concerning the vast number of periodicals published by the Department of Defense and the military services. The information, supplied to me by the Department of Defense, reveals that a total of 1,402 periodicals are being published currently, not including newspapers, at an admitted total annual cost of $12,722,581. I have cost and personnel information concerning, and a sample copy of, each of these periodicals for anyone who is interested in obtaining additional information about this program.

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

MAY 17, 1972.

Hon. ALLEN J. ELLENDER,
Chairman, Appropriations Committee,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In January I asked the Department of Defense and each of the Military Services to furnish me with certain information on periodicals they publish. My interest was stimulated by an article appearing in the Armed Forces Journal which estimated that at least 371 magazines are published by the Department and the various Services.

The information I requested shows that the estimate was far short of the mark. The Department and the Services publish a total of 1,402 periodicals, not including newspapers. The admitted total annual cost is $12,722,581. This is a small amount when compared with the $82 billion budget for the Defense Department, but I think it illustrates the fat that exists throughout the Armed Services. Last year, for example, the Army discontinued 59 periodicals, but started 102 new ones. I enclose for your information a list of the periodicals which have been started or discontinued in the last two fiscal years for all of the Military Services and the Department of Defense. I would appreciate your including this list and my letter in the printed hearings on the Department of Defense appropriations bill.

Although I have a compilation of information, including the cost and the personnel involved in preparing each of the publications, it is too voluminous to have printed in your hearings. It and sample copies of each of the 1,402 publications are, of course, available to the members of the Committee and its staff if they would care to see them.

I realize that the Committee is well along in its consideration of the Defense appropriations bill, and it is unfortunate that this material was not available earlier. However, I do hope that on the basis of these facts, the Committee will impose a ceiling on the amount that can be spent for periodicals. I suggest a ceiling of $8 million as a starting point, with the objective of lowering it fur-

ther next year. In the meantime, I hope the Committee will make a thorough study of this matter, establish stringent criteria, and require full justification for each of these publications.

With best wishes, I am.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

DEPARTMENT OF THE ARMY,
Washington, D.C., March 28, 1972.

Memorandum for: Assistant Secretary of Defense (M&RA)

Subject: DoD Periodicals.

Reference is made to your multi-addressee memorandum of 18 January 1972, subject as above. Copies of the questionnaires, executed by Army activities for issuances defined as periodicals in your memorandum. have been furnished to your office. These questionnaires constitute the Army inventory of periodical issuances.

The Department of the Army shares the concern of the Secretary of Defense over periodicals as expressed in his memorandum of 3 January. In concert with his objectives, a DA committee has been formed to analyze our periodical management in detail. This committee will conduct in-depth reviews of all WR-wide and major command periodicals, make recommendations to improve the management and control of periodicals, and institute actions necessary to insure their effective management and control. A copy of the DA memo establishing the committee is enclosed for your information.

The schedule of actions in your memorandum has not allowed sufficient time to make meaningful reviews of periodicals at all levels. However, the review of periodicals issued below the major command level has been partly accomplished. The committee is proceeding with its in-depth reviews of DA-wide and major command periodicals. An initial action of the committee, taken as of 10 March, was to suspend all authority to establish new periodicals, to expand existing periodicals, or to modify existing ones in any way that would increase costs. This is, of course, a temporary measure pending completion of committee review actions and the issuance of more permanent guidance.

As requested in your memorandum of 4 February, inclosed are lists of Army periodicals discontinued and started during fiscal years 1971 and 1972. No periodicals were combined during this period.

You will be informed of further actions taken within the Department of the Army in this significant area.

ROBERT F. FROEHLKE,
Secretary of the Army.

HEADQUARTERS,
DEPARTMENT OF THE ARMY,
Washington, D.C., March 8, 1972.

[MEMORANDUM NO. 15–24]

BOARDS, COMMISSIONS, AND COMMITTEES—PERIODICAL AUTHORIZATION AD HOC COMMITTEE

1. Establishment. The Periodical Authorization Ad Hoc Committee is hereby established.

2. Background. The Secretary of Defense has directed a review and evaluation of periodicals to accomplish the following:

a. Develop appropriate controls over the cost, communications effectiveness, and purpose of individual DOD periodicals.

b. Eliminate periodicals that do not meet these control criteria.

c. Insure that there is a mechanism for continuing surveillance over the remaining DOD periodicals.

3. Purpose and functions. The Periodical Authorization Ad Hoc Committee, acting on behalf of the Secretary of the Army, will—

a. Make a review of the essentiality of Army-wide, major command, and DA staff agency periodicals and make recommendations to the Vice Chief of Staff to approve or disapprove their continued publication.

b. Act upon requests to initiate new Army-wide, major command, or DA staff agency periodicals.

c. Conduct informal reviews of periodicals. These reviews will cover all areas relative to the periodical including, but not limited to, utilization of personnel, content and format, cost effectiveness, printing, and distribution. Findings based on these informal reviews will be forwarded to the command or agency concerned for corrective action, when indicated.

4. Composition. The Periodical Authorization Ad Hoc Committee will include the following members:

a. Representative of the Administrative Assistant to the Secretary of the Army.

b. Representative of the Secretary of the General Staff.

c. Representative of the Comptroller of the Army.

d. Chief of Information.

e. The Adjutant General.

5. Direction and control.

a. The Periodical Authorization Ad Hoc Committee will report to the Vice Chief of Staff.

b. The Adjutant General will be the chairman.

c. The committee will meet at the call of the chairman.

d. The Adjutant General will provide secretarial, administrative and other services, record minutes of the meetings, and maintain records of the committee.

6. Correspondence. Communications to the committee will be addressed to: Chairman, Periodical Authorization Ad Hoc Committee, US Army Publications Agency, Nassif Building, Falls Church, Virginia 22041.

By Order of the Secretary of the Army:

Official: VERNE L. BOWERS, Major General, United States Army, The Adjutant General.

Distribution: Headquarters, Department of the Army.

W. C. WESTMORELAND,
General, United States Army, Chief of Staff.

PERIODICALS DISCONTINUED DURING FISCAL YEAR 1971–72

NAME OF PERIODICAL AND PUBLISHING ACTIVITY

1. Career Counselor Newsletter; HQ, USAREUR, OAC, AEAAG–PR, APO NY 09403.

2. Intelligence & Security Bulletin; USA Strategic Communications Command, Ft. Huachuca, AZ.

3. Command Communications, HQ, USARV, AGSC–E, APO SF 96375.

4. DCSMIS Newsletter; HQ, USARV.

5. The Adjutant General Newsletter, AG, USARSUPTHAI.

6. Hi–Lite; SUPCOM-SGN, APO 96491.

7. Typhoon; IFFV, APO 96350.

8. The Americal; Americal Division, APO 96374.

9. Rendezvous with Destiny; 101st Airborne, APO 96383.

10. Sky Soldier; 1730 Airborne Brigade.

11. Hurricane; IFFV, APO 96266.

12. Chaff; US Army Air Defense School, HQ, Staff & Faculty Battalion, The School Brigade, Ft. Bliss, TX 79916.

13. Third US Army Judge Advocate Newsletter; HQ, Third US Army, Ft. McPherson, GA 30330.

14. Camp Drum Commissary Newsletter; Camp Drum, NY 13601.

15. MEDDAC Bulletin; MEDDAC, Carlisle Barracks, PA 17013.

16. Army Aviation Information; USATCFE, Ft. Eustis, VA 23604.

17. Commissary Sales Store Information; USATCFE, Ft. Eustis, VA 23604.

18. Commissary Newsletter, USA QM Center and Ft. Lee, Ft. Lee, VA 23801.

19. Through the Open Door, HQ, 548th Spt & Svc Bn (DS), Ft. McClellan, AL 36201.

20. Accident Experience Summary, USATC, ATTN: AMNOR–ASAF, Ft. Ord, CA 93941.

21. Accident Prevention Newsletter, Safety Division, Ft. Stewart, GA 31313.

22. Waiting Wives Newsletter, Ft. George G. Meade, MD 20755.

23. Command Information Notes, Ft. George G. Meade, MD 20755.

24. News 'N' Notes, USAARMC and Ft. Knox, Ft. Knox, KY 40121.

25. Army Community Service Newsletter, Camp Drum, NY 13601.

26. Command Information Bulletin, USAARMC and Ft. Knox, Ft. Knox KY 40121.

27. Command Information Fact Sheet, USAARMC and Ft. Knox, Ft. Knox KY 40121.

28. Command Information Fact Sheet, USATCFE, Ft. Eustis, VA 23604.

29. Command Information Pamphlet, HQ, Ft. Monroe, Ft. Monroe, VA 23351.

30. Command Information Fact Sheet, HQ, Ft. Monroe, Ft. Monroe, VA 23351.

31. Military Personnel Newsletter, USA Reserve Components Personnel & Administration Center, 9700 Page Blvd., St. Louis, MO 63132.

32. Student News Bulletin, US Army Infantry School, Office of the Secretary, Ft. Benning, GA 31905.

33. Out Patient Newsbulletin, Department of Clinics, MEDDAC, MAH, Ft. Benning, GA 31905.

34. Professional Staff Program, MEDDAC, Ft. Gordon, GA 30905.

35. ACS Newsletter, U.S. Army Garrison, Carlisle Barracks, PA 17013.

36. Fort Lee ACS Newsletter, Ft. Lee, VA 23801.

37. Post Scripts, USATCFE, Ft. Eustis, VA 23604.

38. Army Community Services Scene, HQ, Ft. Devens, Ft. Devens, MA 01433.

39. ACS News Bulletin, Ft. Monroe, VA 23351.

40. USARAL Reenlistment Newsletter, HQ, U.S. Army, Alaska, APO Seattle 98749.

41. USARAL SCC Supply Newsletter, HQ, U.S. Army Alaska, APO Seattle 98749.

42. Maintenance Newsletter, HQ, U.S. Army Alaska, APO Seattle 98749.

43. Master Self-Service Supply Center Listing, HQ, U.S. Army Alaska, APO Seattle 98749.

44. Commanders Call Newsletter, HQ, U.S. Army Alaska, APO Seattle 98749.

45. MPB Personnel Newsletter, Military Personnel Branch, Adjutant's Division, DPCA, Ft. McClellan, AL 36201.

46. TTC Journal, U.S. Army Tropic Test Center, U.S. Army Test & Evaluation Command, Ft. Clayton, Canal Zone (P.O. Box 9421).

47. Education Bulletin, Ft. Stewart, GA 31313.

48. The Field Artilleryman, U.S. Army Field Artillery School, ATSFA–PL–FM, Ft. Sill, OK 73503.

49. Surgeon's Newsletter, HQ, Fifth, U.S. Army, Ft. Sam Houston, TX 78234.

50. Army Medical Department Information, HQ, First U.S. Army, ARAA–G–MX, Ft. George G. Meade, MD 20755.

51. PM Newsletter, Office, Provost Marshal, HQ, Third U.S. Army, Ft. McPherson, GA 30330.

52. The Catapult, U.S. Army Field Artillery School, Office of the Secretary, ALVD, Ft. Sill, OK 73503.

53. Air Defense Speaks, U.S. Army Air Defense School, Nonresident Inst Dept., P.O. Box 5300, Ft. Bliss, TX 79916.

54. Ft. McPherson Golf Course Newsletter, Ft. McPherson Golf Club Ft. McPherson, GA.

55. C^2 120th USA Reserve Command, Columbia, SC.

56. A Helping Hand, HQ, XVIII Airborne Corps, Ft. Bragg, NC.

57. 12th Mule Brigade Express, 50th Pub

Info Det 12th Support Brigade, Ft. Bragg, NC.

58. Waiting Wives Newsletter, Army Community Service, Ft. Gordon, GA.

59. Doctrinal Notes, U.S. Army Quartermaster School, Ft. Lee, VA.

PERIODICALS ESTABLISHED DURING FISCAL YEAR 1971–72

NAME OF PERIODICAL AND PUBLISHING ACTIVITY

1. Command Information Newsletter; HQ, US Army Alaska APO Seattle 98749.

2. Infantry Branch Newsletter; Infantry Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, D.C. 20315.

3. Up-Date, Part II, Personnel Notes; Quartermaster Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, D.C. 20315.

4. Ordnance Branch Personnel Newsletter; Ordnance Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, D.C. 20315.

5. Women's Army Corps Branch Newsletter; Women's Army Corps Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, D.C. 20315.

6. Adjutant General Branch Newsletter; Adjutant General Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, D.C. 20315.

7. REDLEG Newsletter; Field Artillery Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, D.C. 20315.

8. Signal Branch Newsletter; Signal Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, D.C. 20315.

9. Newsletter; USA Hospital, Ft. McPherson, Ga.

10. Engineer Newsletter; Engineer Branch, Officer Personnel Directorate; Office of Personnel Operations, Washington, D.C. 20315.

11. ADA Newsletter; Air Defense Artillery Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, DC 20315.

12. Chemical Branch Newsletter; Chemical Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, DC 20315.

13. Military Intelligence Branch Newsletter; Military Intelligence Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, DC 20315.

14. Finance Branch Newsletter; Finance Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, DC 20315.

15. Armor Branch Newsletter; Armor Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, DC 20315.

16. Military Police Branch Newsletter, Military Police Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, DC 20315.

17. Aviation Warrant Officer Branch Newsletter; Aviation Warrant Officer Branch, Officer Personnel Directorate, Office of Personnel Operations, Washington, DC 20315.

18. The 807th, HQ, 807th Hospital Center, Mesquite, Texas.

19. INFO–GRAM, US Army Security Agency, Arlington Hall Station, Arlington, Va 22212.

20. Organization Directorate Newsletter, USA Combat Developments Command, Ft. Belvoir, Va 22060.

21. Arrowhead Magazine, Information Office, USA Combat Developments Command, Ft. Belvoir, Va 22060.

22. Military Police Liaison Bulletin, HQ, USA Europe & 7th Army, APO New York 09403.

23. Army Community Service Information Bulletin; Community Support Division, HQ, USA Europe & 7th Army, APO New York 09403.

24. Training Notes; HQ, USA Europe & 7th Army, APO New York 09403.

25. USAREUR ADP Information Bulletin; HQ, USA Europe & 7th Army, APO New York 09403.

26. Adjutant General's Newsletter, HQ, USA Strategic Communications Command, Ft. Huachuca, AZ 85613.

27. Personnel and Administration News Bulletin; HQ, USA Europe & 7th Army, APO New York 09403.

28. CONARC Reports; Information Office, HQ, Continental Army Command, Ft. Monroe, VA 23351.

29. Civilian Employee Bulletin; USA Intelligence Command, Ft. Holabird, MD 21219.

30. Pentagon Security Brief; 902d Military Intelligence Group, P.O. Box 113, Falls Church, VA 22041.

31. Your Home Herald; USA Flight Training Center, Ft. Stewart, GA 31313.

32. Army Installations Newsletter; Chief, National Guard Bureau, Washington, DC 20310.

33. Chief of Staff Quarterly Newsletter for Senior Reserve Component Officers; Office of Reserve Components, HQ, DA, Washington, DC 20310.

34. Parameters; US Army War College, Carlisle Barracks, PA 17013.

35. Admissions Office Information Bulletin; U.S. Military Academy, West Point, NY 10996.

36. Military Chaplains' Review; USA Chaplain Board, Ft. George G. Meade, MD 20755.

37. The Engineer; The Engineer School, Ft. Belvoir, VA 22060.

38. Impact; 92d Airborne Division, Ft. Bragg, NC 28307.

39. Command Information Fact Sheet; USATCFE, Ft. Eustis, VA 23604.

40. Command Information News; USA Field Artillery Center and Ft. Sill, Ft. Sill, OK 73503.

41. RAP House Drug Abuse Fact Sheet; USA Air Defense Center, Ft. Bliss, TX 79916.

42. Student New Bulletin; USA Infantry School, Ft. Benning, GA 31905.

43. Through the Open Door; 548th Supply & Service Bn (DS), Ft. McClellan, AL 36201.

44. HQ, Fifth US Army Command Information Fact Sheet; HQ, Fifth US Army, Ft. Sam Houston, TX 78234.

45. Information Tips; HQ, First US Army, Ft. George G. Meade, MD 20755.

46. OCPA Notebook; HQ, Sixth US Army, Presidio of San Francisco, CA.

47. Blue Arrow Bulletin; Command Information Branch, Ft. Ord, CA 93941.

48. The USACDEC Monitor, USA Combat Developments Command, Ft. Ord, CA 93941.

49. HEAD–LINES; Ft. Carson Drug Center, Bldg 2245, Ft. Carson, CO 80913.

50. Eighth Army Surgeon's Notes; HQ, Eighth US Army, APO SF 96301.

51. Out Patient Bulletin; Martin Army Hospital, Ft. Benning, GA 31905.

52. From the Horse's Mouth; Army Community Service, Ft. Riley, KS 66442.

53. A Helping Hand; HQ, XVIII Airborne Corps, Ft. Bragg, NC 28307.

54. Army Community Service Scene; HQ, Ft. Devens, Ft. Devens, MA 01433.

55. Army Community Service Newsletter; Camp Drum, NY 13601.

56. ACS Newsletter; USA Garrison, Carlisle Barracks, PA 17013.

57. C³ Information Section; 120 USA Reserve Command, Drawer C, Five Points Station, Columbia, SC 29205.

58. HQ Fifth USA Command Information Reserve Notes; HQ, Fifth US Army, Ft. Sam Houston, TX 78234.

59. Flag Pole Facts; Fifth USA ROTC Instructor Group, Washington University, St. Louis, MO 63130.

60. The Georgetown Eagle; USA ROTC Instructor Group, 37th & O Streets, NW, Washington, DC 20005.

61. Torch and Shield; Army ROTC, Arizona State University, Tempe, AZ.

62. The Sentinel; Department of Military Science, University of Iowa, Iowa City, IA 52240.

63. Wyoming ROTC Newsletter; 6th USA Instructor Group, University of Wyoming, Laramie, WY 82070.

64. ROTC Speed Note; HQ, Third US Army, Ft. McPherson, GA 30330.

65. ROTC Notes; HQ, Third US Army, Ft. McPherson, GA 30330.

66. Safety Hotline; Camp McCoy, Sparta, WI 54656.

67. Aviation Safety Newsletter; HQ, US Army Training Center, Ft. Polk, LA 71459.

68. USAFAAC Aviation Safety News Bulletin; HQ, USA Field Artillery Aviation Command, Ft. Sill, OK 73503.

69. Accident Experience Summary; HQ, USA Training Center, Ft. Ord, CA 93941.

70. Happening; HQ, USA Training Center, Ft. Ord, CA 93941.

71. The Catapult; HQ, USA Field Artillery School, Ft. Sill, OK 73503.

72. Adjutant General's Newsletter; HQ, US Army Vietnam, APO SF 96375.

73. North Carolina Army Retirees Newsletter; HQ, XVIII Airborne Corps, Ft. Bragg, NC.

74. Supply Division, DIO Newsletter; USA Air Defense Center and Ft. Bliss, Ft. Bliss, TX 79916.

75. Reserve Components Food Service Information Letter; HQ, First US Army, Ft. George G. Meade, MD 20755.

76. The Chapel Messenger; HQ, US Army Training Center, Ft. Jackson, SC 29207.

77. Employee Newsletter; Saigon Area Civilian Personnel Office, HQ, US Army Vietnam, APO SF 96243.

78. Civilian Personnel Bulletin; HQ, Ft. Devens. Ft. Devens, MA 01433.

79. Supervisors Memo; Office of the Civilian Personnel Directorate, HQ, Eighth US Army APO SF 96301.

80. Fort Sheridan Civilian News; Dept. of the Army, HQ, Ft. Sheridan, Ft. Sheridan, IL 60037.

81. Civilian Employee Information Bulletin; Civilian Personnel Office, US Army Infantry Center, Ft. Benning, Ga. 31905.

82. AG Journal; Assn of the Adjutant General's Corps, Ft. Benjamin Harrison, IN 4621.

83. Doctrinal Notes; US Army Quatermaster School, ATTN: ASTQS–AR–D, Ft. Lee, VA 23801.

84. Drill Sergeant Newsletter; HQ, USATC, Infantry and Ft. Ord, Ft. Ord, CA 93941.

85. US Army Air Defense School Newsletter; Ft. Bliss, TX 79916.

86. Pentagon Security Brief; Pentagon Counterintelligence Force, 902d Military Intelligence Group, P.O. Box 113, Falls Church, VA 22041.

87. Command Information Newsletter; US Army Recruiting Main Station, Suite 200, Bldg. 4, 300 120th Avenue, NE, Bellevue, WA 98005.

88. The Charger; AIO Office, USA Recruiting Main Station, Baker Bldg., Room 703, 110 21st Avenue, So Nashville, TN 37203.

89. Command Information Newsletter; USA Recruiting Main Station, 620 Central Avenue, Alameda, CA 94501.

90. Commander's Newsletter; USA Recruiting Main Station, P.O. Box 1083, Beckley, WV.

91. Command Information Newsletter; USA Recruiting Main Station, 317 N. Central Avenue, Alameda, CA 94501.

92. Command Information Newsletter; USA Recruiting Main Station, 4727 Wilshire Blvd., Los Angeles, CA.

93. Command Information Newsletter; USA Recruiting Main Station, 300 SW Madison Street, Portland, OR 97204.

94. The Constitution Guardsman; 130th Public Information Detachment, Connecticut Army National Guard, 360 Broad Street, State Armory, Hartford, CT 06115.

95. The Cornerstone; USA Recruiting Main Station, P.O. Box 2198, Century Station, Raleigh, NC 27602.

96. Gotham Recruiter; NY Recruiting Main

Station, Ft. Wadsworth, Bldg 2100, Staten Island, NY 10305.

97. Old Dominion Recruiter; USA Recruiting Main Station, Defense General Supply Center, Richmond, VA 23219.

98. The Prospector; USA Recruiting Main Station, 2581 Piedmont Road, NE, Atlanta, GA 30324.

99. The Provider; CO, USA Third Recruiting District, 1628 Virginia Avenue, College Park, GA 30337.

100. 5 RD Journal; HQ, USA Recruiting District, Ft. Sheridan, IL 60037.

101. Soundings; USA Recruiting Main Station, San Juan, US Army Recruiting Command, Ft. Brooke, Puerto Rico 00933.

102. The Army Lawyer; The Judge Advocate General's School, US Army, Charlottesville, VA 22901.

DEPARTMENT OF THE NAVY,
Washington, D.C., March 24, 1972.

MEMORANDUM FOR THE ASSISTANT SECRETARY OF DEFENSE (MANPOWER AND RESERVE AFFAIRS)

Subj: Congressional Inquiry Regarding Periodicals.

Ref: (a) OASD (M&RA) multi-addressee memo of 4 Feb 1972, Subj: Senator Fulbright's Inquiry Regarding Periodicals.

Encl: (1) New Navy Departmental and Field Periodicals—FY 1971/1972, (2) Discontinued Navy Departmental and Field Periodicals—FY 1971/1972, (3) DoD Questionnaires for Discontinued Navy Departmental and Field Periodicals—FY 1971/1972.

The attached lists of Navy periodicals discontinued, combined or started during fiscal years 1971 and 1972 are forwarded in response to the action requested by reference (a). The lists show that during the specified time, Navy discontinued 30 periodicals (two were combined into one new title and one was incorporated into the existing *All Hands*) and began publishing 9 new periodicals. Report forms (Request for Initial Approval/Annual Review of Periodical) are furnished for all of the periodicals reported discontinued by Navy's reporting deadline of 10 March 1972. Report forms on periodicals recommended to be combined were included in a set of reports on service-wide periodicals forwarded by my memorandum of 16 March 1972. Report forms on periodicals previously combined or started were included in sets of reports previously forwarded to the Periodicals Evaluation Task Force.

HUGH WITT,
Special Assistant to the Assistant Secretary of the Navy (Installations and Logistics).

DEPARTMENT OF THE NAVY DEPARTMENTAL AND FIELD PERIODICALS, NEW—FY 1971/1972

OFFICE OF THE CHIEF OF NAVAL OPERATIONS

TRA Navy
Surface Warfare Newsletter
The Challenge

BUREAU OF NAVAL PERSONNEL

Management Bulletin

FOURTH NAVAL DISTRICT

Regional Office of Civilian Manpower and Management, Philadelphia, Pa.
News and Views

NAVY FINANCE CENTER, CLEVELAND, OHIO

Jumps Flash

NAVMIRO, PHILADELPHIA, PA.

NAVMIRO Manufacturing Technology Bulletin

ELEVENTH NAVAL DISTRICT

Naval Amphibious School, Coronado, Calif.
Learning Resources Bulletin

TWELFTH NAVAL DISTRICT

Naval Postgraduate School, Monterey, Calif.
Management Quarterly

DEPARTMENT OF THE NAVY, DEPARTMENTAL AND FIELD PERIODICALS, DISCONTINUED—FY 1971/1972

BUREAU OF NAVAL PERSONNEL

BuPers Mess Newsletter—Consolidated into "Management Bulletin."
Special Services Newsletter—Consolidated into "Management Bulletin."
Tides and Currents—Incorporated into "All Hands."

FOURTH NAVAL DISTRICT

NAVAL HOSPITAL, PHILADELPHIA, PA.

Safety Newsletter.
Shipmate.
Pers-Scope.

NAVAL SHIPS PARTS CONTROL CENTER, MECHANICSBURG, PA.

Observations.

NAVAL DISTRICT WASHINGTON

U.S. NAVAL ACADEMY

Colloquy.

NAVAL AIR FACILITY, WASHINGTON, D.C.

Crossroads.

FIFTH NAVAL DISTRICT

NAVAL AIR STATION, NORFOLK, VA.

NARTU Newsletter.

NORFOLK NAVAL SHIPYARD, PORTSMOUTH

NAVORDSYSUPPOLANT Civilian Personnel Bulletin.

SIXTH NAVAL DISTRICT

Chief of Naval Air Training, Pensacola, Fla.
Fly Navy.

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., March 24, 1972.

Reply to Attn. of: DAPS

Subject: Periodicals Discontinued, Started, or Combined During Fiscal Years 1971–1972.

To: Periodicals Evaluation Task Force, Attn: Mr. David C. Stewart, Director, Room 604, 1117 North 19th Street, Arlington, Va. 22209.

1. Reference your memorandum, same subject, dated 9 Mar. 1972 and our initial reply of 15 March 1972.

2. The attached inclosures complete the Air Force response to subject memorandum.

For the Chief of Staff.

T. BALIDES,
Colonel, USAF, Chief, Publishing Division, Directorate of Administration.

USAF ACADEMY, COLO., *March 10, 1972.*

Reply to attn of: DAP

Subject: Report on Air Force Recurring Publications (RCS: DD-M(OT)725) (Your ltr, 16 Feb 72)

To: Hq USAF (DAPS)

The following recurring publications have been discontinued, combined or approved from 1 July 1970 to present:

USAFARP 40–1, Supervisors Newsletter, Approved 10 Jan 72.

USAFARP 265–5, Chapel Organizational Paper (COP), Approved, 10 Sep 71.

AFCRP 190–1, Mathematics Newsletter, Recinded, 13 Jan 72.

AFCRP 519–1 thru 519–40, Cadet Squadron Newsletters, Rescinded, 1 Jan 72.

USAFARP 265–3, The Underground Press, Replaced by COP, Sep 71.

USAFARP 265–4, Catholic Forum, Replaced by COP Sep 71.

USAFARP 265–1, Hanesher, Replaced by COP, Sep 71.

For the superintendent

PHILIP T. ROBERTS,
Major, USAF,
Director of Administration.

DISCONTINUED, COMBINED, OR STARTED PUBLICATIONS FROM 1 JULY 1970 TO PRESENT

TITLE OF PERIODICAL, ACTION TAKEN, AND DATE

HQ TAC

23–1, TAC Directory of Organizations, Discontinued, 14 June 71.

26–1, Manpower and Organization Newsletter, Discontinued, 14 June 71.

27–1, (C) TAC Joint Action Fact Sheets, Discontinued, 26 Feb. 71.

30–1, TAC Billeting Newsletter, Started 9 Apr. 71.

39–2, Education and Training Journal, 14 June 71.

127–2, TAC Safety Management, Discontinued, 7 Jan. 72.

190–4, TAC Broadcasting Newsletter, Discontinued, 14 Feb. 72.

190–5, Staff Notes, Discontinued, 21 Aug. 70.

200–4, (S) TAC Evasion and Escape Bulletin, Discontinued, 29 Feb. 72.

265–1, Chaplain Newsletter, Started, 11 Jan. 72.

HQ 9AF

127–1, The Position Report, Discontinued, 11 Feb. 72.

HQ 12AF

127–1, Missile/Explosive/Nuclear Memo, Discontinued, 8 Mar. 711.

127–2, Ground Safety Memo, Discontinued, 8 Mar. 71.

355–1, Disaster Preparedness Newsletter, Discontinued, 8 Mar. 71.

501–1, Life Support Newsletter, Discontinued, 8 Mar. 71.

Bergstrom AFB

35–1, CBPO Newsletter, Started, 15 Oct. 71.

127–1, Fly Safe Newsletter, Discontinued, 6 Jan. 72.

Cannon AFB

100–1, Air Traffic Control and Communications Electronics Bulletin, Discontinued, 17 Jun 71.

190–1, Commander's Call Bulletin, Discontinued, 9 Mar 72.

England AFB

36–1, JOC TALK, Discontinued, 23 Feb 72.

Forbes AFB

40–2, Civilian Personnel Newsletter, Discontinued, 14 Jan 72.

74–1, Quality Control Newsletter, Started, 6 Aug 71.

211–1, Family Services Newsletter, Discontinued, 14 Jan 72.

George AFB

11–1, Administrative Newsletter, Discontinued, Jan 72.

40–1, Civilian Personnel News Bulletin for Personnel Managers, Discontinued, Apr 71.

51–1 (479TFWg), Weapons Newsletter, Discontinued, Mar 71.

145–1, Commissary Newsletter, Discontinued, 23 Feb 72.

161–1, Aeromedical Bulletin, Discontinued, Mar 71.

161–2, Industrial Health Bulletin, Discontinued, Feb 72.

Holloman AFB

40–2, Contact, Discontinued, 23 Feb 72.

211–1, Family Services Newsletter, Discontinued, 15 Feb 72.

Hurlburt AFB

67–1, Supply Newsletter, Discontinued, 9 Mar 72.

190–1, Commander's Call Bulletin, Discontinued, 9 Mar 72.

Langley AFB

67–1, Base Supply Newsletter, Discontinued, 9 Mar 72.

Little Rock AFB

35–1, Personnel Newsletter, Started, 29 Oct. 71.

40–1, Employee's Newsletter, Started, 28 Apr. 71.

60–1, Verbum (Stan/Eval Newsletter) Started, 21 Sep. 70.
127–1, Safety Bulletin, Discontinued, 14 Feb. 72.
190–1, Internal Information Newsletter for Commanders and Unit Information Officers, Started, 10 Sep. 70.
190–1, Internal Information Newsletter for Commanders and Unit Information Officers, Discontinued, 9 Mar. 72.

Luke AFB

40–1, Supervisor's Courier, Discontinued, 23 Feb. 72.
Supply Newsletter, Discontinued, Dec. 71.
Management Analysis Digest, Discontinued, Dec. 71.
501–1, Life Support Newsletter, started, Oct. 71.

MacDill AFB

127–1 (ITFWg), Safety Brief, Discontinued, Mar. 72.
40–2, FWP Minigraph, Started, 19 Mar. 71.
40–2, FWP Minigraph, Discontinued, 23 Feb. 72.
40–3, Memos for Managers of Civilian Personnel, Started, 5 Oct. 71.
40–3, Memos for Managers of Civilian Personnel, Discontinued, 23 Feb. 72.
67–1, Supply Newsletter, Discontinued, 23 Feb. 72.
211–2, Tide and Tidings, Discontinued, 23 Feb. 72.

McConnell AFB

11–1, Administration Newsletter, Discontinued, 15 Feb 72.
35–1, CBPO Newsletter, Started, 18 May 71.
67–2, Supply Newsletter, Discontinued, 15 Feb 72.
67–3, Critical Item Newsletter, Discontinued, 17 May 71.
127–1, Ground Safety Brief, Discontinued, 15 Feb 72.
127–2, Missile, Explosive, and Nuclear Safety Brief, Discontinued, 15 Feb 72.
355–1, Disaster Preparedness Bulletin, Started, 16 Apr 71.

Mt Home AFB

178–1, Management Analysis Newsletter, Discontinued, 16 Jul 71.

Myrtle Beach AFB

35–1, Personnel Newsletter, Discontinued, 15 Feb 72.
190–1, Information Bulletin, Discontinued, 9 Mar 72.

Nellis AFB

30–1, The Informer, Personal Affairs, Started, 22 Oct 71.
40–2, Management Memo, Discontinued, 23 Feb 72.

Pope AFB

67–1, Supply Squadron Customer Assistance Program Newsletter, Discontinued, Jan 72.
190–2, Commander's Call Bulletin, Discontinued, Aug 71.

Seymour Johnson AFB

40–2, Supervisors' Newsletter, Discontinued, 23 Feb 72.
190–1, Information Newsletter for SQ COs and IOs, Discontinued, 23 Feb 72.

Shaw AFB

60–1, Stan/Eval Newsletter, started, 26 Oct. 1971.
60–1, Stan/Eval Newsletter, discontinued, 17 Feb. 1972.
501–1, Life Support Newsletter, started, 24 Sept. 1970.
501–1, Life Support Newsletter, discontinued, 16 Feb. 1972.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS AIR TRAINING COMMAND,
Randolph Air Force Base, Tex., March 14, 1972.

Reply to attention of: DAPE.
Subject: Report on Air Force Recurring Publications (RCS: DD-M(OT) 725) (Your Ltr, 16 Feb 1972).
To: HQ USAF/DAPS.

Attached is a consolidated listing as requested.

For the Commander.

EUIN N. GUINN,
Colonel, USAF,
Director of Administration.

ATC REPORT ON RECURRING PUBLICATIONS
TITLE OF PERIODICAL, ACTION TAKEN, AND DATE

HQ ATC

Zero Defects Newsletter, ATCRP 25–1, Discontinued, Oct 70.
Security Police Newsletter, ATCRP 125–2, Discontinued, Oct 70.
RECON Program Newsletter, ATCRP 400–1, Discontinued, Oct 71.
ATC Broadcaster, ATCRP 190–2, Combined, Oct 71.
Fire Protection Newsletter, ATCRP 92–1, Discontinued, Oct 71.
Industrial Engineering, Newsletter, ATCRP 85–1, Started, May 71.
JOC Newsletter, ATCRP 35–2, Started, Dec 71.
(No issues published to date)

Chanute AFB

Civilian Personnel Newsletter, RP 40–1, Started, Oct 70.
Commander's Call Newsletter, RP 190–1, Started, Jul 71.
Data Automation Newsletter, RP 300–1, Started, Jul 70.

Columbus AFB

Military Personnel Items, RP 35–1, Started, May 71.
Civilian Personnel Newsletter, RP 40–1, Started, Oct 70.
News & Views to Management, RP 40–2, Started, Oct 70.
Chief of Supply Newsletter, RP 67–1, Started, Oct. 70.
Volunteer's Views, RP 211–1, Started, Oct. 70.

Craig AFB

Base Administration, Newsletter, RP 11–2, Started, Jan. 72, Discontinued, March 72.
Air Traffic Controller, RP 60–1, Discontinued, Feb. 72.
90-Day Training Schedule, RP 67–2, Discontinued, Feb. 72.
Craig View Newsletter, RP 85–1, Started, June 71.
Disaster Preparednes Newsletter, RP 355–1, Started, Mar. 71.
RECON Brief, RP 400–12, Started, Nov. 71.

Keesler AFB

Keesler Kross-Wing (RP 127–1).
Flight Safety Shorts (RP 127–2).
Accents on Safety (RP 127–3).
Keesler Kross-Wing, RP 127–1, Combined, Jan. 72.

Laredo AFB

FOD O'Gram, RP 66–1, Discontinued, Apr. 71.
JOC Newsletter, RP 36–1, Discontinued, Feb. 72.
Career Information Newsletter, RP 39–1, Discontinued, Feb. 72.

Laughlin AFB

What's Happening, RP 215–1, Started, Oct. 70, Discontinued, Feb. 71.
Chief of Supply Newsletter, RP 67–1, Discontinued Oct 70, Started, Feb. 71.
Information for Supervisors, RP 40–2, Discontinued, Nov 70.
Stan/Eval Newsletter, T–38, RP 60–1, Discontinued, Nov 70.
Stan/Eval Newsletter—T–37, RP 60–2, Discontinued, Nov 70.
Laughlin Recreation Newsletter, RP 215–2, Started, Mar 71.

Lowry AFB

Communication-Electronics, Newsletter, RP 100–1, Discontinued, Jul 70.
Squadron IO's Info-Briefs, RP 190–1, Discontinued, Nov 70.
Area Dental Laboratory, Newsletter, RP 162–1, Started, Jan 71.
Aircrew Information Bulletin, RP 127–1, Started, Mar 71.
CBPO Newsletter, RP 35–1, Started, Aug 71.
Data Automation Newsletter, RP 171–1 Discontinued, Dec 71.

Lackland AFB

None.

Mather AFB

CBPO Monthly Newsletter, RP 35–1, Started, Nov 70.
Air Base Group Squadron, Newsletter, RP 35–2, Started, Feb '72.

Moody AFB

Stan/Eval Newsletter (T–37), RP 60–1, Discontinued, Feb 72.
Stan/Eval Newsletter (T–38), RP 60–2, Discontinued, Feb 72.
Supply Information Newsletter, RP 67–1, Started, Aug 71.
It's Your Move, RP 75–1, Discontinued, Feb 72.
USAF Monthly Accident, Summary, RP 127–3, Started, May 71.
Moody at Your Fingertips, RP 211–2, Started, May 71.

Randolph AFB

Disaster Preparedness, Newsletter, RP 355–1, Started, Oct 70, Discontinued, Nov 71.

Reese AFB

Youth Activities Bulletin, RP 34–1, Discontinued, Aug 70.
Supervisors Letter, RP 40–2, Discontinued, Aug 70.
Stan/Eval Newsletter (T–37), RP 60–1, Discontinued, Aug 70.
Stan/Eval Newsletter (T–38), RP 60–2, Discontinued Aug 70.
Monthly Maintenance Order, RP 66–1, Discontinued, Aug 70.
Weekly Maintenance Plan, RP 66–2, Discontinued, Aug 70.
Maintenance News From MCM, RP 66–3, Discontinued, Aug 70.
Base Level Maintenance Management Evaluation Report, RP 66–4, Discontinued, Aug. 70.
Supply Newsletter, RP 67–1, Discontinued, Aug. 70.
Vendors Guide, RP 70–1, Discontinued Aug. 70.
CE Annual Work Plan, RP 85–2, Discontinued, Aug. 70.
Flash Safety Bulletin, RP 127–2, Discontinued, Aug. 70.
Commissary Shopping Guide, RP 145–1, Discontinued, Aug. 70.
3500 USAF Hospital Information Booklet, RP 160–1, Discontinued, Aug. 70.
3500 USAF Hospital Prenatal Information Booklet, RP 160–2, Discontinued, Aug. 70.
RMS Handbook, RP 178–2, Discontinued, Jan. 71.
Unit Security Officers Bulletin, RP 205–1, Discontinued, Aug. 70.
Family Services Newsletter, The Tumbleweed, RP 211–2, Discontinued, Aug. 70.
Cost Reduction Program Brief, RP–400–1, Discontinued, Aug. 70.
Family Services Welcomes You, RP 211–1, Discontinued, July 71.

Plane Talk, RP 127–3, Discontinued, Aug. 71.

Special Safety Subjects, RP 127–1, Discontinued, Jan. 72.

Know Your Finances, RP 177–1, Discontinued, Feb. 72.

Sheppard AFB

Junior Officer Communique, RP 36–1, Started, Sept. 71.

Disaster Preparedness Newsletter, RP 355–1, Started, Nov. 71.

Vance AFB

Carnak Says, RP 60–2, Discontinued, Nov. 70.

Security Police Quarterly Report, RP 125–1, Started, Apr. 71, Discontinued, Jan. 72.

Webb AFB

Data Automation Newsletter, RP 300–1, Started, Nov. 70, Discontinued, Jan. 72.

Stan/Eval Newsletter (T–37), RP 60–4, Discontinued, Aug. 71.

Stan/Eval Newsletter (T–38), RP 60–5, Discontinued, Aug. 71.

Chief of Maintenance Newsletter, RP 66–1, Started, Nov. 71.

Field Maintenance Schedule Newsletter, RP 65–2, Discontinued, Jan. 72.

Williams AFB

Air Traffic Control Newsletter, (Unnumbered), Discontinued, Jan. 71.

Saquaro MARS News (Unnumbered), Discontinued, Dec. 70.

Summer Safe (70), (Unnumbered), Discontinued, Nov. 70.

Sunday School Messenger (Unnumbered), Discontinued, Apr. 71.

Career Information Newsletter, RP 35–1, Discontinued, Feb. 71.

Stan/Eval Newsletter (T–37), RP 127–5, Discontinued, Feb. 71.

Stan/Eval Newsletter (T–38), RP 126–6, Discontinued, Feb. 71.

Foreign Training Newsletter, RP 30–1, Started, Jan. 72.

WILLIE Personnel Press, RP 35–1, Started, Dec. 71.

3636 Combat Crew Tng Wg

None.

3650 Flying Tng Wg

None.

HEADQUARTERS AIR FORCE
COMMUNICATIONS SERVICE,
Richards-Gebaur Air Force Base, Mo., March 13, 1972.

Reply to attention of DAPE.

Subject Report on Air Force Recurring Publications (RCS: DD–M(OT)725) (Your Ltr 16 Feb 1972).

To HQ USAF/DAPS.

The following information is submitted in accordance with instructions in above referenced letter:

TITLE OF PERIODICAL, ACTION TAKEN, AND DATE

HQ AFCS

RP 5–1, Master Reference Library Bulletin, Started, 20 Oct 1970, Discontinued, 5 Feb 1971.

RP 35–2, Comm-Line, Started, 10 Feb 1971, Discontinued, 31 Jan 1972.

RP 70–1, Procurement Digest, Started, 20 Oct 1970.

RP 100–5, Scope Creek Newsletter, Started, 1 Sep 1971.

RP 200–1(S/NF), Intelligence and Electronic Warfare Review (U), Started, 6 Dec 1971.

Pac Comm Area

RP 35–1, Personnel Newsclip, Discontinued, 1 Sep 1970.

RP 60–1, Air Traffic Control Digest, Started, 30 Nov 1971.

RP 65–1, Materiel Information Letter, Discontinued, 1 Mar 1971.

RP 190–2, Pacific Communicator, Discontinued, 1 Sep 1970.

RP 190–4, SEACTION Bulletin, Discontinued, 1 Mar 1971.

1961 Comm Gq RP 10–1, Message Management Bulletin, 3tarted, 30 Dec 1970.

483 Elect Instl Sq RP 100–1, Squadron Newsletter, Discontinued, 28 Jan 1971.

2127 Comm Sq. RP 190–1, Comm Chatter, Started, 2 Apr 1971.

Eur Comm Area

RP 66–1, European DSTE Newsletter, Started, 30 Apr 1971.

RP 100–1, AUTOVON Newsletter, Started, 28 Jan 1971.

RP 125–1, Security Newsletter, Started, 14 Feb 1972.

RP 127–1, Safety Talks for Supervisors, Discontinued, 25 Feb 1972.

UK Comm Rgn RP 190–1, Newsletter, Discontinued, 25 Feb 1972.

Med Comm Rgn 190–1, Monthly Newsletter, Started, 30 Apr 1971.

1986 Comm Sq RP 190–1, Internally, Started, 1 Dec 1971.

2140 Comm Sq RP 100–1, Telephone Newsletter, Discontinued, 10 Dec 1971.

Tac Comm Area

RP 30–1, HQ Tactical Communications Area and Subordinate Units Officers and Key Personnel Roster, Discontinued, 25 Feb 1972.

RP 45–1, Unit Information Directory, Discontinued, 25 Feb 1972.

RP 125–1, Incident Bulletin, Discontinued, 25 Feb 1972.

RP 178–3, Mgt Information and Control System Summary, Discontinued, 29 Oct 1971.

RP 190–1, The Tactical Communicator, Discontinued, 7 Jan 1972.

RP 205–1, Security Observer, Started, 26 Mar 1971.

9th Tac Comm Rgn RP 60–1, Flight Facilities Information Letter, Discontinued, 1 Jul 1971.

12th Tac Comm Rgn RP 190–1, Information Letter, Discontinued, 1 Jul 1971.

South Comm Area

RP 102–1, MARS Newsletter, Started, 12 Oct 1971, Discontinued (After Jun 1972 Edition), 30 Jun 1972.

RP 102–2, MARS Newsletter, Region 2, Started, 12 Jan 1971, Combined w/RP 102–1, 12 Oct 1971.

RP 102–4, MARS Newsletter, Region 4, Started, 12 Jan 1971, Combined w/RP 102–1, 12 Oct 1971.

RP 102–6, MARS Newsletter, Region 6, Started, 12 Jan 1971, Combined w/RP 102–1, 12 Oct 1971.

RP 205–1, COMSEC Information Newsletter, Discontinued, 12 May 1971.

RP 205–2, COMSEC Technical Review, Discontinued, 22 Oct 1971.

1839 Elect Instl Gp RP 100–1, Newsletter, Started, 18 Feb 1971, Discontinued, 12 Nov 1971.

North Comm Area

RP 11–1, Telephone Listing, Started, Discontinued, 3 Nov 1971, 25 Feb 1972.

RP 11–2, Administrative Newsletter, Started, 4 Nov 1971.

RP 60–1, Flight Facilities Newsletter, Started, 27 Sep 1971.

RP 65–1, LG Newsletter, Started 22 Feb 1971.

RP 100–2, Frequency Management Listing, Started, 25 Feb 1972.

RP 102–1, MARS Newsletter, Started, Discontinued (After Jun 1972 Edition), 30 Jun 1972.

RP 102–3, MARS Newsletter, Region 3, Combined w/RP 102–1, 1 Jan 1972.

RP 102–5, MARS Newsletter, Region 5, Combined w/RP 102–1, 1 Jan 1972.

RP 123–1, Inspector General Newsletter, Started, 6 Dec 1971.

RP 127–2, Speaking of Safety, Started, 6 Dec 1971.

RP 205–7, COMSEC Newsletter, Started, Discontinued (As of Jul 1972), 21 May 1971, 31 Jul 1972.

Alaskan Comm Region

RP 11–1, What's Happening in Administration, Started, Jan 1972.

RP 67–1, Materiel Control News and Notes, Discontinued, 19 Apr 1971.

RP 127–1, Ground Safety Digest, Discontinued, 11 May 1971.

1931 Comm Gp RP 11–1, Group Fact Sheet, Discontinued, Jan 1972.

3 Mobile Comm Group

RP 190–1, Reserve Affairs Information Newsletter, Discontinued, 1 Feb 1972.

1840 ABWg

RP 67–1, EACC News, Combined w/RP 67–2, Jan 1972.

RP 67–2, SWEN (Supply Widespread Enlightenment Notebook), Started, Jan 1972.

RP 127–1, ZERO, Started, Aug 1971.

RP 145–1, Commissary Newsletter, Started, Aug. 1970.

For the Commander.

RICHARD W. HECK,
Capt., USAF, Chief, Publishing Division, Directorate of Administration.

APO SEATTLE,
March 13, 1972.

Reply to Attn of: DAP (754–5207).

Subject: Report on Air Force Recurring Publications (RCS: DD–M(OT) 725, (Your Ltr, 16 Feb. 1972).

To: HQ USAF/DAPS.

The following is a list of recurring publications which meet the criteria outlined in subject letter:

TITLE OF PERIODICAL, ACTION TAKEN, AND DATE

Career Information and Counseling Bulletin (AACRP 35–1), Started, Jul 70.

Domestic Action Program, In Focus (AACRP 35–2), Started, Aug 71.

Triple Asterisks (AACRP 123–1), Started, Jan 71.

AFRN Newsletter (AACRP 190–1), Started, Dec 71.

Junior Officers' Council Newsletter (AACRP 190–1), Started, Jan 71.

Weekly Intelligence Review (AACRP 200–1), Started, Jul 71.

Security Education (AACRP 205–1), Started, May 71.

Disaster Preparedness Newsletter (AACRP 355–1), Started, Mar 71.

Chief of Supply Newsletter (WRP 67–1), Started, Jul 71.

Security Newsletter (21 AB Gp RP 11–1), Started, Apr 71.

Family Services Newsletter (21 AB Gp RP 211–1), Started, Dec 71.

The Word (21 AB Gp RP 265–1), Started, Jul 71.

Family Services Newsletters (EAFBRP 34–1), Started, Apr 71.

ACW Training and Standardization Bulletin (AACRP 50–1), Discontinued, Nov 71.

Fire Prevention Newsletter (AACRP 92–1), Discontinued, Nov 71.

Accident Prevention Bulletin (AACRP 127–2), Discontinued, Nov 71.

Junior Officers' Council Newsletter (AACRP 190–1), Discontinued, Feb 71.

Aircrew Standardization Bulletin (WRP 60–1), Discontinued, Aug 70.

Explosive Safety Bulletin (WRP 127–1), Discontinued, Nov 71.

Nuclear/Missile Safety Bulletin (WRP 127–2), Discontinued, Nov 71.

Flying Safety Bulletin (WRP 127–3), Discontinued, Nov 71.

Ground Safety Bulletin (WRP 127–4), Discontinued, Nov 71.

Supervisor's Information Newsletter (21 AB Gp RP 40–2), Discontinued, Jan 72.

The Word (21 AB Gp RP 265–1), Discontinued, Feb 72.

Civilian Personnel Supervisor's Newsletter (EAFBRP 40–2), Discontinued, Feb 72.

Ground Safety Accident Prevention Bulletin (EAFBRP 127–1), Discontinued, Feb 72.

For the Commander,
THOMAS J. BEAMAN,
MSgt, USAF, Chief, Publications Division, Directorate of Administration.

BOLLING AIR FORCE BASE,
District of Columbia, March 10, 1972.

Reply to attn of: DAPE
Subject: Report on Air Force Recurring Publications (RCS: DD–M(OT)725) (Your Ltrs, 25 Jan 1972 and 16 Feb 1972).
To: HQ USAF/DAPS.

Attached is a listing of HQ COMD USAF recurring publications which were discontinued, combined or started from 1 July 1970 to present.

For the Commander,
W. J. MIDDLETON,
Lt Col, USAF, Director of Administration.

HEADQUARTERS COMMAND USAF—RECURRING PUBLICATIONS

TITLE OF PUBLICATION, ACTION TAKEN, AND DATE

1. Stan/Eval Newsletter (1st Comp Wg RP 60–1), Approval, 23 Feb 1971.
2. The Supply Times (1st Comp Wg RP 67–1), Approval, 21 Jun 1971.
3. Depot Technical Information Bulletin (1155 Tech Ops Sq—RP 66–1) (This is a Sq of the 1035 USAF Fld Acty Gp), Approval, 16 Dec 1971.
4. Operations Newsletter (1035 USAF Fld Acty Gp RP 55–1), Approval, Aug 1971.
5. Waiting Wives Newsletter (1 Comp Wg RP 211–3), Approval, 1970.
6. Family Services Newsletter (1 Comp Wg RP 211–1), Approval, 21 Jun 1971.
7. Reserve Affairs Newsletter (HCRP 45–1), Approval, 20 Jul 1970.
8. HQ COMD USAF Quarterly Newsletter (HCRP 190–1), Approval, 13 Jan 1972.
9. Protestant Chapel Newsletter (1100 AB Wg RP 265–1), Approval, Oct 1970.
10. Ground Safety Digest (1100 AB Wg RP 127–1), Discontinued, 29 Feb 1972.
11. Youth Bulletin (1 Comp Wg RP 211–2), (This was not previously reported), Discontinued, 1 Oct 1971.
12. Supervisors Personnel Management Evaluation Guide (1100 AB Wg RP 40–2). (This was not previously reported because nothing has been published since Aug 1968), Discontinued—recommended it be a pamphlet instead. 22 Feb 1972.

ENT AIR FORCE BASE, COLORADO
March 10, 1972.

Reply to attn of: DAPE.
Subject: Report on Air Force Recurring Publications (RCS: DD–M(OT)725) (Your Ltr, 16 Feb 1972).
To: HQ USAF/DAPS.

The requested information follows:

TITLE, ACTION, AND DATE

Fiscal Control Office Newsletter, Started, Nov 70.
Administration Guidance Letter, Started, Apr 71.
CBPO Newsletter (4787 AB Gp), Started, May 71.
Ground Safety Bulletin, Started, May 71.
Commander's Call Bulletin, Started, Jul 71.
Unit Information Representative Newsletter, Started, Jul 71.
Family Housing Newsletter, Started, Nov 71.
Aerospace Defense Command Monthly Space Digest, Discontinued, Feb 71.
ADC Maintenance Bulletin, Discontinued, Apr 71.
BMEWS Maintenance Management Summary, Discontinued, Apr 71.
ADC Material Digest, Discontinued, May 71.
ADC Security Police Digest, Discontinued, May 71.
PROBE, Discontinued, Jun 71.
Scanning the Law, Discontinued, Sep 71.
Disaster Preparedness Bulletin Discontinued, Oct 71.
Summary of ADC Services, Discontinued, Nov 71.
Ground Electronic Maintenance Summary, Discontinued, Dec 71.
Civilian Personnel Supervisor's Bulletin, Discontinued, Feb 72.
Disaster Preparedness Newsletter, Discontinued, Feb 72.
Education & Transition News Brief, Discontinued, Feb 72.
Family Housing Newsletter, Discontinued, Feb 72.
Ground Electronic Maintenance Summary, Discontinued, Feb 72.
Hamilton Supervisory Letter, Discontinued, Feb 72.
HOW-GO-ZIT (Supplemental), Discontinued, Oct 71.
Material Management News, Discontinued, Feb 72.
M & O Newsletter, Discontinued, Feb 72.
Newsletter (Intelligence), Discontinued, Feb 72.
PME Tech Notes, Discontinued, Feb 72.
Safety Newsletter, Discontinued, Feb 72.
Unit Information Representative Newsletter, Discontinued, Feb 72.

For the Commander,
LEE A. SARTER, Jr.,
Colonel, USAF, Command Director of Administration.

SCOTT AIR FORCE BASE, ILL.,
March 10, 1972.

Reply to attn of: DAPE/Mrs. Gross/3113.
Subject: Report on Air Force Recurring Publications (RCS: DD–M(OT)725).
To: HQ USAF/DAPS.

MAC recurring publications which have been discontinued, combined, or started from 1 July 1970 to the present are listed below.

TITLE, ACTION TAKEN, DATE

Military Airlift Committee Newsletter NDTA/MAC, MAC RP 20–1, Discontinued, 26 Apr 71.
Logistics Performance Measurement and Evaluation System MAC RP 30–2, Discontinued, 18 Oct 71.
OER Quality Improvement Bulletin, MAC RP 36–1, Discontinued, 3 Sep. 70.
Supply and Services Newsletter, MAC RP 67–1, Discontinued, 20 Aug 70.
MAC Stock Fund Newsletter GSD/SSD, MAC RP 67–2, Discontinued, 25 Mar. 71.
Security Police Review, MAC RP 125–1, Discontinued, 28 Jan 72.
Dull Sword Special, MAC RP 127–3, Discontinued, 9 Feb 72.
Quarterly Comptroller Newsletter, MAC RP 170–6, Discontinued, 26 Aug 70.
MAC MSET Review, MAC RP 66–1, Started, 13 Jul 70.
Aerospace Medicine Bulletin, MAC RP 161–1, Started, 23 Sep 71.
Reserve Forces Newsletter, 21 AF RP 45–1, Discontinued, 3 May 71.
Security Education/Motivation Review, 21 AF RP 207–1, Discontinued, 2 Nov 70.
Reserve Forces Newsletter, 22 AF RP, Discontinued, Feb 71.
Airlifter, 22 AF, Discontinued, Feb. 71.
Chaplain's Newsletter, 22 AF, Discontinued, Jun 71.
Staff Digest, ARRS RP 5–1, Discontinued, 15 Feb 72.
Rescue Newsletter, ARRS RP 190–1, Started, Dec 71.
ACGS Administration Newsletter, Started, Dec 70.
1 CAMSq Newsletter, Started, Feb 72.
Semiannual Reserve Information Letter, AWS RP 45–1, Discontinued, Oct 71.
Comptroller Newsletter, AWS RP 170–1, Discontinued, May 71.
9 WRWG Recon, 9 WRWG 190–1, Discontinued, Feb 71.
Focus on PRIDE, AAVS RP 30–1, Discontinued, 20 Aug 70.
Maintenance Briefs, AAVS RP 66–1, Discontinued, 10 Sep 71.
CBPO Newsletter, 1400 RP 35–1, Started, 18 Feb 71.
Procurement Newsletter, 437 MAWg RP 70–1, Discontinued, Oct 70.
Commander's Call Bulletin, 438 MAWg RP 190–1, Discontinued, 14 Jun 71.
Unit Information Officer's Newsletter, 438 MAWg RP 190–2, Discontinued, 1 Nov 71.
Maintenance Informational Brief, 438 MAWg RP 66–4, Started, 3 Dec 70.
Port-Folio, 438 MAWg RP 76–1, Started, 13 Dec 71.
Quality Control and Evaluation-Monthly Summary Inspection Summary, 438 MAWg RP 66–2, Discontinued, 12 Aug 70.
CBPO Newsletter, 1605 ABWg RP 30–1, Discontinued, 12 Feb 72.
Consolidated Base Personnel Office Monthly Newsletter, 1640 ABWg RP 35–2, Started, Nov 70.
B–52 Standardization/Evaluation Newsletter, 1640 ABWg RP 51–1, Discontinued when change of command from SAC to MAC, 1 Jul 71.
KC–135 Standardization/Evaluation Newsletter, 1640 ABWg RP 51–2, Discontinued when change of command from SAC to MAC, 1 Jul 71.
Propulsion Improvement Program (PIP), 1640 ABWg RP 66–1, Discontinued when change of command from SAC to MAC, 1 Jul 71.
Commissary News, 60 AB Gp RP 145–1, Discontinued, 20 Sep 70.
Aeromedical Evacuation Information, 10AEGp RP 11–1, Combined, 19 Aug 70.
CBPO Newsletter, 62 ABGp RP, Started, Jan 71.
MAC Communique, 62 ABGp RP, Started, Feb 71.
Civilian Supervisory Newsletter, 63 ABGp, Started, 10 Jan 72.

For the Commander,
ROSEMARY MCCULLEY,
Captain, USAF, Executive Officer, Directorate of Administration.

INDEX OF DISCOUNTINUED PACAF RECURRING PUBLICATIONS

HQ PACAF, TITLE

RP 30–1, ACTION.
RP 35–1, Career Assistance and Counselling Brief.
RP 55–3, Reports Newsletter.
RP 101–1, PACAF C–E Air Traffic Control News Bulletin.
RP 200–3, (C) (GP–4) IDHS Digest.
RP 355–1, Disaster Preparedness Newsletter.

5AF, TITLE

RP 205–1, 5AF Security Education Guide.
RP 501–1, Life Support Newsletter.
6100ABWRP 30–1, Family Housing Services Newsletter.
475ABWRP 55–1, Stan/Eval Newsletter.
475ABWRP 67–1, Chief of Supply Newsletter.

7AF, TITLE

RP 40–1, U.S. Civilian Personnel Newsletter.
RP 127–2, The Word.
RP 200–1, (S) (GP–1) Weekly Air Intelligence Summary.
RP 355–1, 7AF Disaster Preparedness Newsletter.
377ABWRP 127–1, Ground Safety Newsletter.
377ABWRP 127–2, Explosive Safety Newsletter.

13AF, TITLE

RP 11–6, HQ Thirteenth Air Force Staff Directory.
CABRP 11–8, HQ 6200 Air Base Wing Staff Directory.
432CSGRP 35–6, Personnel Newsletter.
374TAWRP 65–1, Flyer.
374TAWRP 65–2, Chief to Chief.
388CSGRP (Not numbered), Korat CBPO News.

388TFWRP (Not numbered), Commander's Call Newsletter.
*405CSGRP 30–1, The Ghekko.
*432CSGRP 35–6, Personnel Newsletter.
*6203SPTGPRP 40–8, Thai Civilian News.
*432CSGRP 67–4, Supply Newsletter.
*432 CSGRP 125–2, Cop-Out.
*635CSGRP 125–6, Security Educ/Motiv.
*432CSGRP 127–1, Accident Prevention.
*432CSGRP 127–2, Supervisor's Safety.
*405CSGRP 170–1, Clark AB Facts.
*432CSGRP, 190–9, Information Off. News.
*6200ABWRP 265–1, Religious Activities.
*432CSGRP 265–3, Chapel Light.

PACAF Recurring Publications Discontinued, Combined, and Started 1 Jul 1970 to Present

NUMBER, TITLE, ACTION TAKEN AND DATE

PACAFRP 11–1, HQ PACAF Staff Directory, Discontinued, Jan. 72.
PACAFRP 23–2, Directory of PACOM Organizations, Discontinued, 25 Nov. 70.
PACAFRP 30–1, ACTION, Discontinued, 22 Feb. 72.
PACAFRP 35–1, Career Assistance and Counseling Brief, Discontinued, 22 Feb. 72.
PACAFRP 35–2, EOT World Wide, Started, 10 Feb. 72.
PACAFRP 55–3, Reports Newsletter, Discontinued, 2 Mar. 72.
PACAFRP 64–1, SEARCHER—Newsletter of the 41st Aerospace Rescue and Recovery Wing, Discontinued, 7 Oct. 71.
PACAFRP 75–1, Transportation Review in PACAF (TRIP), Discontinued, 19 Jan. 71.
PACAFRP 101–1, PACAF Air Traffic Control News Bulletin, Discontinued, 9 Nov. 71.
PACAFRP 136–1, PACAF Weapons Newsletter, Combined with PACAFRP 136–3, 19 Aug. 71.
PACAFRP 136–2, PACAF Explosive Ordnance Disposal (EOD) Newsletter, Combined with PACAFRP 136–3, 13 Aug. 71.
PACAFRP 136–1, PACAF Munitions Bulletin, Started, 11 Aug. 71.
PACAFRP 178–1, Management Analysis Newsletter, Discontinued, 9 Nov. 71.
PACAFRP 200–1, PACAF Reconnaissance Technical Newsletter, Discontinued, 28 Jan. 71.
PACAFRP 200–3, PACAF IDHS Digest, Discontinued, 3 Mar. 72.
PACAFRP 205–1, Security Information Bulletin, Discontinued, 1 Dec. 70.
PACAFRP 265–2, Command Chaplain Pacific Air Forces, Started, 15 Oct. 71.
PACAFRP 355–1, Disaster Preparedness Newsletter, Discontinued, 22 Feb. 72.
5AFRP 40–1, Civilian Newsletter, Started, 1 Oct. 71.
5AFRP 65–1, DGS/Materiel Monthly Newsletter, Discontinued, 6 Apr. 71.
5AFRP 125–1, 5AF Security Police Newsletter, Discontinued, 26 Mar. 71.
5AFRP 190–2, Far East Network Newsletter, Started, 22 Jun 71.
5AFRP 205–1, 5AF Security Education Guide, Discontinued, 11 Feb 72.
5 AFRP 265–1, 5AF Chaplain Newsletter, Discontinued, 10 Mar 71.
5AFRP 501–1, 5 AF Life Support Newsletter, Discontinued, 9 Feb 72.
5AFRP 501–2, 5AF Life Support Bulletin, Started, 17 Dec 71.
6122ABGPRP 40–1, Misawa Bulletin, Discontinued, 13 Apr 71.
6122ABGPRP 67–1, Supply High-Lites Newsletter, Discontinued, 12 Jul 71.
6122ABGPRP 127–1, Mission Safety 70, Discontinued, 13 Apr 71.
6122ABGPRP 190–1, Commander's Call Newsletter, Discontinued, 13 Apr 71.

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*The 12 reports preceded by an asterisk were discontinued by 13AF in February 1972 and reported in response to HQ USAF/DAPS letter, 16 Feb 1972. However, no report forms nor copies of the discontinued publications were received from 13AF.

6100ABWRP 30–1, Family Housing Services Newsletter, Discontinued, Feb 72.
475ABWRP 30–1, Family Housing Service Newsletter, Started, 7 Jul 70.
475ABWRP 30–1, Family Housing Service Newsletter, Discontinued, 15 Feb 72.
475ABWRP 55–1, Stan/Eval Newsletter, Discontinued, 16 Jul 70.
475ABWRP 67–1, Chief of Supply Newsletter, Discontinued, 22 Feb 72.
51CSGRP 67–1, Supply Newsletter, Discontinued, 9 Mar 71.
824CSGRP 35–2, Monthly Career Information Newsletter, Discontinued, 1 Sep 70.
824CSGRP 40–4, "Hibari No Koe," Discontinuer, 8 Apr 70.
18TFWRP 66–1, The Cock Crows, Started, 8 Dec 71.
18TFWRP 127–1, Weapons Safety Bulletin, Started, 7 Jan 72.
18TFWRP 127–2, Flight Safety Bulletin, Started, 7 Jun 72.
7AFRP 28–1, 7AF Civic Action Newsletter, Discontinued, Mar 71.
7AFRP 40–1, U.S. Civilian Personnel Newsletter, Discontinued, Feb 72.
7AFRP 40–2, Supervisors Newsletter, Started, Feb 71.
7AFRP 127–2, The Word, Discontinued, Feb 72.
7AFRP 200–1, 7AF Weekly Air Intelligence Summary, Discontinued, Feb 72.
7AFRP 55–1, Combat Tactics Newsletter, Discontinued, Mar 71.
7AFRP 355–1, 7AF Disaster Preparedness Newsletter, Discontinued, Feb 72.
7AFRP 67–1, Supply Equipment Management Report, Discontinued, Mar 71.
7AFRP 85–1, Civil Engineering Newsletter, Discontinued, Feb 71.
7AFRP 125–1, Security Digest, Discontinued, Feb 71.
7AFRP 127–5, Flight Safety Gram, Discontinued, Apr 71.
7AFRP 178–3, (S) (GP–4) 7AF Results in the PACAF Command Management System, Discontinued, Apr 71.
7AFRP 70–1, Procurement Information Combat Safety, Discontinued, Dec 71.
7AFRP 127–1, Combat Safety, Discontinued, Dec 71.
7AFRP 170–1, 7AF Comptroller Monthly Newsletter, Discontinued, Dec 71.
7AFRP 900–1, Awards and Decorations Newsletter, Started, Jun 71.
366TFWRP 35–1, Personnel Newsletter, Started, Jul 71.
366TFWRP 55–1, Gunfighter Weaponeer, Started, Jan 72.
366TFWRP 11-1, Commanders Action Line, Started, Jan 72.
377ABWRP 127–1, Ground Safety Newsletter, Discontinued, Feb 72.
377ABWRP 127–2, Explosive Safety Newsletter, Discontinued, Feb 72.
483CSGRP 30–1, Personnel Newsletter, Started, Sep 70.
377ABWRP 35–1, Equal Opportunity and Treatment Newsletter, Started Nov 71.
483CSGRP 40–1, Employee Newsletter, Started, Jan 72.
483CSGRP 213–1, Education Newsletter, Started, Dec 71.
13AFRP 11–6, HQ Thirteenth Air Force Staff Director, Discontinued, Feb 72.
1961COMRP 10–2, Message Management, Started, 1 Jan 72.
IST MOBRP 11–2, TD Wire Newsletter, Started, 1 Jan 72.
405CSGRP 11–8, Staff Directory, Started, Sep. 70.
405CSGRP 11–8, Staff Directory, Discontinued, Feb 72.
405CSGRP 30–1, The Ghekko, Discontinued, Feb 72.
432CSGRP, Personnel Newsletter, Discontinued, Feb 72.
6203SPTGPRP 40–8, Thai Civilian News, Discontinued, Feb. 72.
8CSGRP, Thai Civilian News, Started, Feb. 72.
13AFRP, 50–3, Training Information/Policy News, Discontinued, May 71.
405CSGRP 55–1, Aircrew Evaluation Bulletin, Started, Jan 72.
383TFWRP 60–1, THUD Newsletter, Started, Jan 72.
374TAWRP 65–1, The Flyer, Started, Oct 70.
374AWRP 65–1, The Flyer, Discontinued, Feb 72.
374TAWRP 65–2, Chief to Chief, Started Oct 70.
374TAWRP 65–2, Chief to Chief, Discontinued, Feb 72.
8CSGRP 66–4, A&E Newsletter, Discontinued, Jun 71.
432CSGRP 66–5, Maintenance Analysis, Discontinued, Nov 71.
8CSGRP 67–2, Supply Newsletter, Approved, Sep 71.
432CSGRP 67–4, Supply Newsletter, Discontinued, Feb 72.
635CSGRP 67–7, Supply Newsletter, Discontinued, May 71.
432CSGRP 125–2, Cop-Out, Started, Sep 70.
432CSGRP 125–2, Cop-Out, Discontinued, Feb 72.
635CSGRP 125–6, Security Educ/Motiv, Started, Oct 70.
635CSGRP 125–6, Security Educ/Motiv, Discontinued, Feb 72.
432CSGRP 127–1. Accident Prevention, Discontinued, Feb 72.
432CSGRP 127–2, Supervisor's Safety, Discontinued, Feb. 72.
405CSRP 170–1, Clark AB Facts, Discontinued, Feb 72.
463TAWRP 190–1, 463TAW Newsletter, Started, Feb 71.
463TAWRP 190–1, 463TAW Newsletter, Discontinued, Jan 72.
13AFRP 190–6, AFPN Newsletter, Started, Jan 70.
7/13AFRP 190–7, FARANG Newsletter, Discontinued, Dec 70.
432CSGRP 190–9, Information Office News, Discontinued, Feb 72.
8CSGRP 190–10, Commander's Call Bulletin, Approved, Jan 71.
8CSGRP 190–10, Commander's Call Bulletin, Discontinued, Dec 71.
6200ABWRP 265–1, Religious Activities, Discontinued, Feb 72.
13AFRP 265–2, Lucky 13TH, Discontinued, Dec 70.
432CSGRP 265–3, Chapel Light, Discontinued Feb 72.
8CSGRP 265–4, Wolfpack Newsletter, Started, Aug 71.
388CSGRP (Not Numbered), Korat CBPO News, Discontinued, Feb 72.
388TFWRP (Not Numbered), Commander's Call Newsletter, Discontinued, Feb 72.
6486ABWRP 50–1, OJT Informant, Discontinued, 1 Jan 71.
6486ABWRP 67–2, Supply Emphasis on People (SEOP), Discontinued, 14 Jan 72.
6486ABWRP 127–3, Flying Safety Bulletin, Discontinued 4 Jan 71.
6486ABWRP 215–3, See Lancer Newsletter, Discontinued, 1 Feb. 71.
6486ABWRP 265–1, Catholic Parish Council Newsletter, Discontinued, 1 Dec 71.

Headquarters U.S. Air Forces in Europe,
APO New York, N.Y., March 9, 1972.

Reply to
Attn of: DA.
Subject: Report on Air Force Recurring Publications (RCS: DD–M(OT) 725) (Your Ltrs. 25 Jan. 72 and 16 Feb. 72).
To: HQ USAF/DAPS.

1. Subject report is forwarded per instructions.

2. AFM 12–50, table 5-1, rule 14, requires that the official record set of recurring publications be destroyed when recurring publication is discontinued. Dates of action taken on discontinued recurring publications were taken from our control cards which are kept

for 1 year at which time the control number is eligible for reuse. Exact dates for recurring publications discontinued prior to February 1971 cannot be given. Information for the period July 1970 through February 1971 was taken from obsolete USAFER 0–2s.

For the Commander in Chief.

LYLE E. RILEY, *Lt. Col., USAF,*
Dep. Director of Administration.

1 Attachment—Report on Recurring Publications, 2 cys.

TITLE, ACTION TAKEN, AND DATE

26–1, Manpower & Organization Newsletter, Rescinded, Dec 71.

30–1, Iberia, Morocco, BSA District Newsletter, Rescinded, 12 Feb 71.

34–1, Family Services Newsletter, Rescinded, 15 Apr 71.

35–1, Military Personnel Newsletter, Rescinded, 12 Feb 71.

35–2, CBPO Newsletter, Rescinded, 17 May 71.

35–3, CBPO Newsletter, Rescinded, 3 Mar 71.

35–4, Personnel Newsletter, Started, 15 Jul 70.

35–5, Personnel Newsletter, Started, 14 Jul 70.

35–6, 36TFW Personnel Newsletter, Started, 15 Jul 70.

35–7, Military Personnel Newsletter, Started, 15 Jul 70.

35–8, Personnel Newsletter, Started, 15 Jul 70.

35–9, Personnel Newsletter, Started, 15 Jul 70.

35–10, Personnel System Management Bulletin, Rescinded, 28 Oct 70.

35–11, Personnel Newsletter, Started, 15 Jul 70.

35–12, CBPO Newsletter, Started, 24 Jul 70.

35–13, Personnel Newsletter, Started, Oct 70.

35–14, CBPO Newsletter, Started, 16 Oct 70.

35–15, Personnel Actions Digest, Started, 9 Jun 71.

35–16, Personnel Newsletter, Started, 8 Jun 71.

35–17, Personnel Newsletter, Started, 8 Jul 71.

35–18, The Hem Line, Started, 14 Jan 72.

35–19, CBPO Newsletter, Started, 1 Feb 72.

36–1, Bar News, Started, 15 Oct 71.

36–1, Bar News, Rescinded, 25 Feb 71.

40–4, Supervisor/Employee Newsletter, Rescinded, Feb 71.

40–5, Employee Newsletter, Started, 26 Apr 71.

40–11, Civilian Personnel Communique, Rescinded, Oct 70 *.

40–13, Supervisor's Tips, Rescinded, 7 Jan 71.

40–18, 3AF Employees Newsletter, Combined into 40–5, 26 Apr 71.

40–33, 3AF Manager's Advisor, Combined into 40–5, 26 Apr 71.

40–35, Civilian Supervisor & U.S. Employees Bulletin, Rescinded, Jan. 71*.

40–36, Spanish Personnel Bulletin, Rescinded, Jan. 71*.

40–39, Personnel Newsletter, Superseded by 35–11, 15 Jul 70.

40–40, Supervisory Personnel Bulletin, Started, 27 Aug 70.

40–41, Employee Newsletter, Started, 27 Aug 70.

55–1, The Ops Line, Started, 28 Jul 71.

60–1, HQ TUSLOG Det 10 Stan/Eval Newsletter, Started, 13 Dec 71.

60–2, 513TAW Stan/Eval Newsletter, Started, 12 Jan 72.

60–5, Stan/Eval Information Letter, Rescinded, 4 Aug 71.

60–8, USAFE Airlift Newsletter, Rescinded, 4 Aug 71.

60–9, Stan/Eval Bulletin, Started, 11 Sep 70.

60–10, Stan/Eval Information Newsletter, Started, 9 Jun 71.

64–1, 40ARRWg Newsletter, Rescinded, 1 Aug 71.

66–1, 10TRW Maintenance Analysis Flash, Started, 1 Feb 72.

66–2, Precision Measurement Equipment Laboratory (PMEL) Newsletter, Started, 11 Aug 71.

66–4, PME Tech Notes, Started, 12 Feb 71.

66–4, PME Tech Notes, Rescinded, 25 Feb 72.

67–2, Supply & Equipment Analysis Report (SEAR), Rescinded, Jan 71*.

67–2, Supply Newsletter, Started, 1 Feb 72.

67–3, Supply Newsletter, Rescinded, 25 Feb 72.

67–5, Supply Newsletter, Started, 20 Jul 70.

67–5, Supply Newsletter, Rescinded, 25 Feb 72.

67–6, Supply Newsletter, Started, 26 Jan 71.

67–6, Supply Newsletter, Rescinded, 25 Feb 72.

67–7, Supply Newsletter, Started, 20 Jul 70.

67–, Supply Newsletter, Rescinded, 25 Feb 72.

67–8, Supply Newsletter, Started, 11 May 71.

67–8, Supply Newsletter, Rescinded, 25 Feb 72.

67–9, Chief of Supply Newsletter, Started, 9 Jun 71.

67–9, Chief of Supply Newsletter, Rescinded, 25 Feb 72.

67–10, Supply Newsletter, Started, 24 Jun 71.

67–10, Supply Newsletter, Rescinded, 25 Feb 72.

67–11, 48 TFW Supply Newsletter, Started, 3 Nov 71.

67–11, 48 TFW Supply Newsletter, Rescinded, 25 Feb 72.

67–12, Chief of Supply Newsletter, Started, 13 Dec 71.

67–12, Chief of Supply Newsletter, Rescinded, 25 Feb 72.

67–13, Monthly Supply Newsletter, Started, 29 Dec 71.

67–13, Monthly Supply Newsletter, Rescinded, 25 Feb 72.

67–14, Supply Newsletter, Started, 12 Jan 72.

67–14, Supply Newsletter, Rescinded, 25 Feb 72.

70–2, Procurement Newsletter, Rescinded, 6 Dec 71.

75–1, VCO/NCO Quarterly Bulletin, Rescinded, 25 Feb 72.

75–2, Mitteilungsblatt, Rescinded, 25 Feb 72.

75–3, Directorate of Transportation Newsletter, Started, 15 Jan 71.

75–4, VCO/NCO Newsletter, Started, 10 Jun 71.

75–4, VCO/NCO Newsletter, Rescinded, 25 Feb 72.

75–5, VCO Monthly Newsletter, Started, 18 Aug 71.

75–5, VCO Monthly Newsletter, Rescinded, 25 Feb 72.

110–1, JAG Notes, Rescinded, 24 Feb. 71.

123–1, Inspector General's Newsletter, Rescinded, Jan 71*.

125–2, Security Police Newsletter, Started, 8 Oct 71.

127–4, Wiesbaden Flying Safety Bulletin, Rescinded, 18 Mar 71.

127–5, Missile-Explosive-Nuclear Newsletter, Rescinded, 1 Apr 71.

127–8, Safety Brief, Rescinded, 25 Feb 72.

127–10, The Preventive, Rescinded, 6 Aug 71.

127–11, Safety Flash, Rescinded, 25 Feb 72.

127–12, The Safety Slant, Rescinded, 24 Mar 71.

127–13, Safety Bulletin, Rescinded, 25 Feb 72.

127–14, Safety Newsletter, Rescinded, Apr 71.

127–16, Safety Bulletin, Rescinded, 1 Apr 71.

127–17, Safety Officers Memo, Rescinded, 16 Mar 71.

127–18, Missile, Explosives, Nuclear Safety Memo, Rescinded, 25 Feb 72.

127–19, Safety Gram, Started, 9 Oct 70.

127–19, Safety Gram, Rescinded, 25 Feb 72.

127–20, Zero in on Safety, Started, 17 Mar 71.

127–20, Zero in on Safety, Rescinded, 25 Feb 72.

127–27, Ground Safety Bulletin, Rescinded, 12 Feb 71.

136–1, USAFE Munitions Bulletin, Started, 9 Apr 71.

136–2, 50TFW Weapons & Tactics Newsletter, Started, 15 Oct 71.

161–1, Epigram, Started, 7 Jan 72.

163–1, Pest Control Newsletter, Rescinded, 25 Feb 72.

177–1, Cross Check, Started, 8 Oct 70.

177–2, CCPM Newsletter, Started, 5 Feb 71.

178–1, Crossfeed Newsletter, Started, 8 Oct 71.

190–5, The Direct Line, Started, 15 Jan 71.

190–5, The Direct Line, Rescinded, 16 Feb 72.

200–1, (S) Cockpit Intelligence, Started, 6 Jan 71.

200–2, (S) USAFE Intelligence Bimonthly Newsletter, Started, 6 Jan 71.

213–1, Education Newsletter, Started, 3 Nov 71.

213–1, Education Newsletter, Rescinded, 25 Feb 72.

265–1, Jewish Chapel Chronicle, Rescinded, Oct 70*.

265–2, USAFE Chaplain Newsletter, Started, 11 May 71.

265–2, USAFE Chaplain Newsletter, Rescinded, 25 Feb 72.

265–3, European Council Chimes, Rescinded, Oct 70*.

300–1, HQ USAFE Data Automation Newsletter, Started, 3 Dec 71.

355–1, HQ 17AF Disaster Preparedness Newsletter, Started, 3 Aug 71.

355–1, HQ 17AF Disaster Preparedness Newsletter, Rescinded, 25 Feb 72.

501–1, Life Support Newsletter, Started, 30 Jun 71.

501–1, Life Support Newsletter, Rescinded, 25 Feb 72.

* Information taken from USAFER 0–2s.

HEADQUARTERS AIR FORCE RESERVE,
Robins Air Force Base, Ga., March 8, 1972.

Reply to Attn of: DAPE.

Subject: Report on Air Force Recurring Publications (RCS: DD-M(OT) 725) (Our ALMAJCOM Ltr, 25 Jan 72) (Your Ltr, 16 Feb 1972).

To: HQ USAF/DAPS.

Listing of all recurring publications (periodicals) within Headquarters Air Force Reserve which were discontinued, combined, or started from 1 July 1970 to the present appears in columnar format below, as requested in paragraph 2 of subject letter.

TITLE OF PERIODICAL, ACTION TAKEN, AND DATE

AFRESRP 67–1 Air Force Reserve Effectiveness in Supply and Services, Started, 22 Apr 71, Discontinued, 17 Sep 71.

AFRESRP 75–1, Transportation Newsletter, Started, Oct 70, Discontinued Feb 72.

AFRESRP 127–1, Personnel Error Prevention News, Discontinued 1 Feb 72.

AFRESRP 265–1, Unit Chaplain's Newsletter, Started, 21 Jan 72, First Issue, Mid March 72.

AFRESRP 400–1, Cost Reduction Program Newsletter, Discontinued, 1 Dec 70.

Eastern AFRRRP 50–1, The Region Ringer, Started, Jan 72.

Eastern AFRRRP 500–1, Commander's Emphasis, Started, Oct 70.

EAFBRP 40–1, Employees Newsletter, Started 4 Sep 70.

Western AFRRRP 11–1, Administration Newsletter, Started, Apr 71.

Western AFRRRP 76–1, Aerial Port Information Newsletter, Started, Jan 72.

Western AFRRRP 160–1, Nursing Service Quarterly Newsletter, Started, Jun 71.
Western AFRRRP 355–1, Disaster Preparedness Newsletter, Started, Aug 71.
Western AFRRRP 500–1, Commander's Special Interest Items, Started, Jul 71.
939 MAGRP 30–1, CBPO Newsletter, Started, Oct 70.
452 MAWRP 190–1, Newsletter, Started, Mar 71, Discontinued, Feb 72.
For the commander.

ROY E. SHY,
Major, USAF, Asst Director of Administration

HEADQUARTERS AIR UNIVERSITY,
Maxwell Air Force Base, Ala., March 8, 1972.

Reply to attn of: DAP.
Subject: Report on Air Force Recurring Publications (RCS: DD–M(OT)725) (Our ALMAJCOM Ltr, 25 Jan 72) (Your Ltr, 16 Feb 72).
To: Hq USAF/DAPS.

The following information is submitted as requested in the above referenced letter:

TITLE OF PERIODICAL, ACTION TAKEN, AND DATE

AFROTC Junior Newsletter, Combined with Ideas Incorporated, Sep 71.
Junior Officers Council Newsletter, Discontinued, Oct 71.
FACTS, Discontinued, Aug 71.
Personnel Services Newsletter, Discontinued, Aug 71.
Chaplain Resources, Started, Oct 70.
Chaplain Interchange, Started, Oct 70.
Bits and Bytes, Started, Nov 70.
For the Commander.

J. D. FUHRMANN,
Lt. Col., USAF, Director of Administration.

HEADQUARTERS AIR FORCE LOGISTICS COMMAND,
Wright-Patterson Air Force Base, Ohio, March 8, 1972.

DAP.
Subject: Report on Air Force Recurring Publications (RCS: DD–M(OT)725) (HQ USAF/DAPS ltr, 16 Feb 72).
To: HQ USAF/DAPS.

1. Attached is the listing of all recurring publications which were discontinued, reinstated, or initially approved since 1 July 1970 (attachment 1).

2. In July 1970, 19 recurring publications were discontinued as a result of reduction in printing funds. Eleven were reinstated in 1971. Of these 11, seven were civilian-type newsletters and issuances were reduced from monthly to once every two months. Six recurring publications have been approved since June 1971.

3. The economies effected since July 1970 through discontinuance and restricted frequencies have resulted in an annual 3.3 million page savings and an annual printing cost savings of over $10,000.00. These savings are fully explained in attachment 2.

For the commander.

JOHN H. VINES,
Colonel, USAF, Director of Administration.

TITLE OF PERIODICAL, AFLCRP ACTION TAKEN, AND DATE

11–1, AFLC Director of Administration Newsletter, Discontinued, 20 Jul 70.
35–1. Military Personnel Newsletter, Discontinued, 1 Jul 70.
35–2, Military Personnel Digest, Approved, 29 Jun 71.
40–1, Strictly Personnel, Reinstated, 9 Oct 70.
40–4, OOAMA Civilian Personnel Newsletter, Discontinued, 1 Jul 70; Reinstated, 9 Oct 70.
40–5, Wing Tips, Discontinued, 1 Jul 70; Reinstated, 9 Oct. 70.
40–8, The SMAMA News Letter, Discontinued, 1 Jul 70; Reinstated, 9 Oct. 70.
40–9, 'Round Robins, Discontinued, 1 Jul 70; 9 Oct 70.
40–10, Civilian Personnel Newsletter, Discontinued, 1 Jul 70; Reinstated, 9 Oct 70.
40–11, AFLC Civilian Personnel Letter, Discontinued, 20 Jul 70; Reinstated, 9 Oct 70.
40–12, SCOPE, Discontinued, 1 Jul 70; Reinstated, 9 Oct 70.
66–1, Notes from MTO, Discontinued, 1 Jul 70.
67–1, Clothing & Textile Supply Newsletter, Discontinued, 20 Jul 70; Reinstated, 29 Jul 71.
70–2, Command Procurement Newsletter, Discontinued, 20 Jul 70.
75–1, SAAMA Distribution Digest, Approved, 23 Sep 71.
75–2, SMAMA Directorate of Distribution Newsletter, Approved, 30 Sep 71.
75–3, OOAMA Distribution Digest, Approved, 14 Oct 71.
75–4, Dateline: Distribution, Approved, 29 Nov 71.
85–1, Shop talk, Approved, 7 Feb. 72.
127–1, Safety Tips, Discontinued, 20 Jul 70.
127–3, Ground Safety Bulletin, Discontinued, 1 Jul 70.
144–1, Aerospace Fuels Digest, Discontinued, 1 Jul 70.
146–1, Food News, Discontinued, 20 July 70; Reinstated, 17 Aug 71.
205—1, AFLC Security Education Guide, Discontinued, 20 Jul 70; Reinstated, 21 Dec 71.
300—2, Data Automation Review, Discontinued, 20 Jul 70.

COMMAND HEADQUARTERS AIR FORCE SYSTEMS, ANDREWS AIR FORCE BASE,
Washington, D.C., Mar. 8, 1972.

Reply to attn of: DA.
Subject: Report on Air Force Recurring Publications (RCS: DD–M(OT)725) (Your Ltr, 16 Feb 1972).
To: HQ USAF/DAPS.

Attached is consolidated listing, in duplicate, of Air Force Systems Command recurring publications which were discontinued, combined, or started from 1 July 1970 to present.

For the commander.

J. C. HUNTLEY,
Colonel, USAF, Director of Administration.

REPORT ON AIR FORCE RECURRING PUBLICATIONS (RCS: DD-M(OT)725)

TITLE OF PERIODICAL, ACTION TAKEN, AND DATE

Air Force Systems Command

AFSCRP 30–1, AFSC Personnel Newsletter, Combined, 22 Feb 72.
AFSCRP 35–1, PDS Bulletin, Started, 18 Nov 71.
AFSCRP 40–3 Employee-Management Relations Review, Combined, 22 Feb 72.
AFSCRP 45–1, Reserve Personnel Newsletter, Started, 23 Oct 70.
AFSCRP 80–1, STINFO Newsletter, Discontinued, 22 Feb 72.
AFSCRP 80–2, Air Force Research Review, Discontinued, 22 Feb 72.
AFCRP 205–1, AFSC Security Digest, Discontinued, 24 Feb 72.
AFSCRP 173–1, AFSC Cost Accounting Newsletter, Started, 14 Jan 72.
AFSCRP 265–1, AFSC Chaplain Newsletter, Started, 22 Jan 71.
AFSCRP 400–1, Resources Conservation Program Newsletter, Started, 23 Dec 71.

Aerospace Medical Division

AMDRP 40–2, Supervisor's Bulletin, Combined, 22 Feb 72.
AMDRP 127–3, Supervisor's Safety Briefing, Discontinued, 26 Apr 71.
AMDRP 190–1, The Brooks AFB Newsletter, Started, 19 Aug. 71.
WHMCRP 190–1, The Wilford Hall USAF Medical Center Newsletter, Started, 27 Jul 71.

Aeronautical Medical Division

ASDRP 375–1, Life Support Program Status Report, Started, 4 Jan 71.

Electronic Systems Division

ESDRP 35–1 CBPO Newsletter, Discontinued, Apr 71.
ESDRP 40–2 Personnel Management Digest, Combined, 23 Feb 72.

Air Force Contract Management Division

AFCMDRP 25–1 ZD Flashes, Discontinued, Jan 71.
AFCMDRP 40–2 Personnel Management Digest, Discontinued, Jan 71.
AFCMDRP 74–1 Quality Topics, Discontinued, Jan 72.

Space and Missile Systems Organization

SAMSORP 36–1 SAMSO Officer Personnel Bulletin, Started, 8 Jul 71.
SAMSORP 40–1 Personnel Memo, Started, 23 Jul 71.
SAMSORP 67–1 Supply Branch—Information Letter, Discontinued, 24 Nov 70.
SAMSORP 127–1, Green Cross Letter, Discontinued, 10 Feb 72.
SAMSORP 127–2 SAMS Safety Supplement, Discontinued, 10 Feb 72.
SAMSORP 310–1 Data Management Newsletter, Discontinued, 1 Jan 72.
SAMSORP 320–1 Value Engineering Digest, Discontinued, 8 Dec 71.

Air Force Flight Test Center

AFFTCRP 26–1 MET Newsletter, Discontinued, 1 Mar 72.
AFFTCRP 35–1 Junior Officer's Newsletter, Discontinued, 15 Mar 71.
AFFTCRP 40–2 AFFTC Supervisors Journal, Combined, 1 Mar 72.
AFFTCRP 67–1 Supply Newsletter, Started, 26 Apr 71.
AFFTCRP 92–1 Fire Call, Discontinued, 1 Mar 72.
AFFTCRP 92–2 Fire Bulletin, Discontinued, 1 Mar 72.
AFFTCRP 400–1 Logistics Bulletin, Started, 29 Dec 71.

Air Force Special Weapons Center

AFSWCRP 35–1 Personnel Staff Digest, Discontinued, 15 Sep 71.
AFSWCRP 40–2 Super Advisor, Combined, 22 Feb 72.
AFSWCRP 40–3, Commander's Equal Opportunity Policy Statement, Combined, 22 Feb 72.
AFSWCRP 85–1 4902d Civil Engineering Squadron Newsletter, Discontinued, 7 Feb 72.
AFSWCRP 127–1 Safety Watchword, Started, 26 Jan 71.
AFSWCRP 127–2 Safe Flyer, Discontinued, 7 Feb 72.
AFSWCRP 190–1 Pocket Guide and Map, Discontinued, 22 Feb 72.

Air Force Eastern Test Range

AFETRRP 205–1 AFETR Security Bulletin, Discontinued, 10 Feb 72.

Armament development and Test Center

ADTCRP 92–1 Fire Protection News Bulletin, Discontinued, 2 Mar 72.
ADTCRP 136–1 JMEM Air-to-Air Surface Newsleter, Started, 31 Aug 71.
ADTCRP 212–1 Weekly Accessions List, Discontinued, 2 Mar 72.

Air Force Weapons Laboratory

AFWLRP 80–1 Weapons Technology Brief, Discontinued, 14 Feb 72.

HEADQUARTERS AIR FORCE ACCOUNTING AND FINANCE CENTER,
Denver, Colo., Mar. 3, 1972.

Reply to attn of: SUAP.
Subject: Report on Air Force Recurring Publications.
To: HQ USAF/DAPS.

Following is the information requested in your 16 Feb. 1972 letter concerning recurring publications started or discontinued since 1 Jul 1970:

TITLE OF PERIODICAL, ACTION TAKEN, AND DATE

a. Military Personnel Newsletter—AFAFCRP 35–1, Discontinued, Aug. 1971.

b. Cen'ral Pay Newsletter—AFAFCRP 177–1, Starter, Nov. 1970, (to be discontinued approx. Sep 1972).

For the Commander.

N. L. AUBUCHON,
Chief, Administration Division, Directorate of Support.

HEADQUARTERS AIR RESERVE PERSONNEL CENTER,
Denver, Colo., Feb. 28, 1972.

Reply to attn of: DA.
Subject: Report on Air Force Recurring Publications (RCS: DD–M(OT) 725) (Your Letter 16 February 1972).
To: HQ USAF/DAPS.

Only two actions relating to ARPC recurring publications have occurred since 1 July 1970:

TITLE OF PERIODICAL, ACTION TAKEN, AND DATE

"Dialog"—bi-monthly, Started, January 1971.

"Crossfeed for Reserve Chaplains"—monthly, Started, July 1971.

For the Commander.

CHESTER H. MAY,
Deputy Director, Directorate of Administration.

HEADQUARTERS
STRATEGIC AIR COMMAND,
OFFUTT AIR FORCE, NEBR.,
February 24, 1972.

Reply to Attn. of: DAP.
Subject: Report on Air Force Recurring Publications (RCS: DD–M(OT)725) (Your Ltr. 16 Feb 72).
To: Hq USAF/DAPS.

Attached is a consolidated listing of all actions taken by this office on recurring publications from 1 Jul 70 to the present.

For the Commander in Chief.

FRANK L. ZIRILLI,
Colonel, USAF,
Director of Administration.

REPORT OF ACTION ON RPs

TITLE OF PERIODICAL, ACTION TAKEN, AND DATE

Procurement Brief Review, Discontinued, Nov 70.

Data Link Newsletter, Discontinued, Nov 70.

SAC Accounting and Finance Summary, Discontinued, Nov 70.

Education News, Discontinued, Nov 70.

Editor's File, Discontinued, Dec 70.

* Compass, Started, Dec 70.

SAC Newsletter for Controllers, Started, Feb 71.

* Engine Digest, Started, Apr 71.

* Open Mess Comparative Analysis, Started, Jun 71.

Chief of Supply Newsletter, Started, Dec 71.

SACCS Maintenance Digest, Discontinued, Jan 72.

916th Squadron Newsletter, Discontinued, Jan 72.

Countdown, Discontinued, Jan 72.

APO Wives Newsletter, Discontinued, Jan 72.

SAC Suggestion Summary, Discontinued, Feb. 72.

Quarterly COMSEC Newsletter, Discontinued, Feb 72.

Commissary Store Newsletter, Discontinued, Feb 72.

The First Termer, Discontinued, Feb 72.

Housing Facts, Discontinued, Feb. 72.

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* These 3 recurring publications have been printed and distributed for years, unnumbered and uncontrolled. SAC/DAPC began control on the date indicated.

2AF Administration Items of Interest, Discontinued, Feb 72.

2AF Medical Items of Interest, Discontinued, Feb 72.

11th Hour, Discontinued, Feb 72.

Legal Administration, Discontinued, Feb 72.

Security Education Motivation Brief, Discontinued, Feb 72.

Security Education Motivation Brochure, Discontinued, Feb 72.

Area Dental Laboratory Newsletter, Discontinued, Feb 27.

Stan/Eval Newsletter, Discontinued, Feb 72.

B–52 Crew Information Letter, Discontinued, Feb 72.

Operations Fact Pac, Discontinued, Feb 72.

KC–135 Crew Information Newsletter, Discontinued, Feb 72.

DOT Newsletter, Discontinued, Feb 72.

Monthly Supply Data Analysis, Discontinued, Feb 72.

The Hawkeye, Discontinued, Feb 72.

Vandenberg Chapel Chimes, Discontinued, Feb 72.

Parish Refueler, Discontinued, Feb 72.

Andersen Chapel Chimes, Discontinued, Feb 72.

Accident Prevention Kit, Discontinued, Feb 72.

HEADQUARTERS AERONAUTICAL CHART AND INFORMATION CENTER,
St. Louis, Mo., February 23, 1972.

Reply to attn of: DAP.
Subject: Report on Air Force Recurring Publications RCS: DD–M(OT)725) (Your Ltr, 16 Feb 1972).
To: HQ USAF/DAPS.

1. The following publications are reported in accordance with your letter.

TITLE OF PERIODICAL, ACTION TAKEN, AND DATE

Military Personnel Newsletter, ACICRP 35–1, Approved, 11 Jan 71, Discontinued, 18 Feb 72.

Personnel Newsletter, ACICRP 40–1, Approved, 15 Jan 71.

Planned Assistance Brief ACICRP 40–2, Approved 16 Feb 71.

Supply Information Letter, ACICRP 67–1, approved, 28 Jan 71.

Safety Newsletter, ACICRP 127–1, Approved, 28 Jan 71.

Special Activities Security Information Letter, ACICRP 205–1, Approved, 21 Jan 71, Discontinued, 18 Feb 72.

Security Newsletter, ACICRP 205–2, Approved, 11 Feb 71, Discontinued, 31 Jan 72.

Technical Library Acquisitions List, ACICRP 212–1, Approved, 5 Feb 71.

2. The above listing includes *all* ACIC recurring publications. They were all brought into the recurring publications system after 1 July 1970.

LLOYD D. BOWMAN,
Lieutenant Colonel, USAF,
Director of Administration.

HEADQUARTERS, U.S. AIR FORCES SOUTHERN COMMAND,
New York, N.Y., February 22, 1972.

Reply to attn of: DA.
Subject: Report on Air Force Recurring Publications (Your ltr, 16 Feb 72).
To: Hq USAF/DAPS.

The following is a listing of USAFSO recurring publications which were discontinued, combined, or started since 1 July 1970 to the present:

TITLE OF PERIODICAL, ACTION TAKEN AND DATE

USMILGP/MAAG and Air Attache Addresses, Discontinued, 18 Feb 72.

Boletin Informativo SAR, Discontinued, 18 Feb 72.

Family Services Lady, Discontinued, 18 Feb 72.

Stan/Eval Newsletter, To Be Discontinued, 30 June 72.

Safety Newsletter, To Be Discontinued, 30 Jun 72.

CBPO Personotes, Started, 19 Aug 70.

Dollars & Sense, Started, 7 Jun 71.

Rap Line, Started, 8 Dec 71.

Special Services Presents, Started, 15 Nov 71.

E. W. DE HEART,
Lieutenant Colonel, USAF,
Director of Administration.

DEPARTMENT OF THE NAVY,
HEADQUARTERS U.S. MARINE CORPS,
Washington, D.C., March 3, 1972.

MEMORANDUM FOR THE ASSISTANT SECRETARY OF THE NAVY (INSTALLATIONS AND LOGISTICS)

Subj: Department of Defense Periodicals.

Ref: (a) ASD(M&RA) Memo of 18 Jan 1972, Subj: DOD Periodicals, transmitted by ASN(I&L) RS #9–157.

(b) ASD(M&RA) Memo of 4 Feb 1972, Subj: Senator Fulbright's Inquiry Regarding Periodicals, transmitted by ASN(I&L) RS #9–316.

(c) Dept of Navy Publications and Printing Regulations, NAVEXOS P–35.

Encl: (1) Listing of Periodicals Discontinued during Fiscal Years 71/72.

(2) Listing of Periodicals Started during Fiscal Years 71/72.

(3) Listing of Periodicals Combined during Fiscal Years 71/72.

(4) Two copies of Marine Corps Order P5216.1D, Marine Corps Directives System.

(5) Sixty requests for Initial Approval/Annual Review of Periodicals (Report Control System DD–M(OT)725).

In response to references (a) and (b), enclosures (1) through (5) are submitted.

The requests/reports contained in enclosure (5) are approved subject to modification, as appropriate, to insure compliance with the regulatory restrictions contained in reference (c). Should any subsequent reports be received, they will be submitted by separate transmittal as soon as possible.

The Leatherneck Magazine and Marine Corps Gazette have not been included in this report as they are considered to be outside the category of the information requested.

The Head, Publications and Printing Branch (Code ABP), Administrative Division, Headquarters Marine Corps extension 42568/42580, is designated as the single point contact for Marine Corps Periodicals.

H. M. ELWOOD,
Acting Chief of Staff.

MARINE CORPS PERIODICALS DISCONTINUED DURING FY 71–72

TITLE, PUBLISHER, FREQUENCY OF ISSUE, AND DATE DISCONTINUED

Sgt Major's Memo, MCRD SDiego, Monthly, Jan 72.

Special Service News, MCRD SDiego, Weekly, Feb 72.

Div Food Serv Newsltr., 3d MarDiv, Monthy, Jan 72.

Div NBC Newsltr., 3d MarDiv, Qtly., Oct 71.

Div Admin Asst News, 3d MarDiv, Bimonthly, Jan 72.

Navy Admin Newsltr., MCB Camp Butler, Monthly, Sep 71.

MAG–32 Embark Newsltr., 2d MAW, Monthly, Nov 71.

The Professional, 1st MAW, Monthly, Feb 72.

Base Special Serv. Newsltr., MCB Camp Butler, Monthly, Feb 72.

Base Safety Newsltr., MCB Camp Butler, Monthly, Feb 72.

CCPO Newsltr., MCB Camp Butler, Monthly, Feb 72.

Camp Butler Logistics Newsltr., NCB Camp Butler, Monthly, Feb 72.

Camp Lejeune Trader, MCB Camp Lejeune, Weekly, Feb 72.

4th MarDiv Newsltr., 4th MarDiv, Monthly, Feb 72.
Troop Information Newsltr., MCFC Kansas City, Monthly, Feb 72.
Wing Supply Bulletin, 2d MAW, As Required Feb 72.
Quill, H&MS-31, Beaufort, SC., Semimonthly, Feb 72.
Hot Dope Sheet, 2d MAW, Monthly, Feb 72.
Roundup, 8th MarDist, Qtly., Feb 72.
G-2 Newsltr., 2d MAW, Monthly, Aug 71.
Tech Info Bulletin, HQMC, As Required, Oct 71.
MarCor RECON (Cost Reduction) Newsltr., HQMC, As Required, Jun 71.
MarcCor Public Affairs Notes, HQMC, As Required, Dec 71.
Highlights Calendar, MCB CamLej, Monthly, Feb 72.
Akamai-Manu-Kane, MAG-42, Bimonthly, Feb 72.
Security News Notes, FMFLANT, Semimonthly, Feb 72.
Wing Word, 1st MAW, Monthly, Feb 72.
Periodicals Combined During FY 71-72: None.

MARINE CORPS PERIODICALS STARTED DURING FY 71-72

TITLE, PUBLISHER, FREQUENCY OF ISSUE, AND DATE DISCONTINUED

The Marine Leader, FMFPAC, Monthly, Apr 71.
Here's a Shot at—
Things Bugging Marines, FMFPAC, As Required, Mar 71.
Quarterly Safety Review, MCB 29 Palms, Quarterly, Nov 71.
Regimental Newsltr., 1st FSR, Monthly, May 71.
ARMM's Newsltr., 2d MarDiv, Monthly, Feb 72.
G-2 Info Newsltr., 2d MarDiv, Monthly, Jan 72.
Chapel Chimes, MCAS Kaneohe, Monthly, Oct 70.
Zero-In on Safety, MCAS Kaneohe, Monthly, Aug 70.
Public Works Advisor, MCAS Kaneohe, Quarterly, Oct 71.
Safety Through Training, 2d MAW, Bimonthly, Sep 70.
Training Newsltr., HQMC, As Required, Aug 71.
USMC Drug Scene, HQMC, As Required, Feb 71.
Focus, HQMC, Quarterly, Jul 70.
Training Newsltr., 1st Mardiv, Quarterly, Nov 70.
Pass The Word, FMFLANT, Monthly, Dec 70.
General Library System, MCB CamLej, Semimonthly, Jul 71.
MarCor Exchange Newsltr. HQMC, Bimonthly, Jan 71.
Med Dept. Newsltr., 1st MarDiv, Monthly, Jun 71.

DEFENSE COMMUNICATIONS AGENCY,
Washington, D.C., April 13, 1972.

MEMORANDUM FOR THE ASSISTANT SECRETARY OF DEFENSE—MANPOWER AND RESERVE AFFAIRS

Attn: Periodical Evaluation Task Force, Office of Information for the Armed Forces.
Subject: DOD Periodicals.
Reference: (a) OASD(M&RA) Memo, subject as above, 18 Jan 72 (RCS DD-M(OT) 725).
(b) DCA Memo, 210, subject as above, 15 Mar 72.
(c) DCA Memo, 210, subject as above, 31 Mar 72.

1. As a follow up to reference (c) attached are survey report forms for periodicals discontinued by Defense Communications Agency Field Activities as follows:
a. DCA Alaskan Region DCA Alaskan Region Newsletter
b. DCA Western Hemisphere Area DCA-WEST HEM Monthly Communications Summary (COMSUM)

2. Also attached is survey report form covering a periodical entitled DCA-Europe Newsletter (Crosstalk) published by the Defense Communications Agency European Area.

ARTHUR E. HAYES,
Chief, Administrative Division.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., Mar. 8, 1972.

Memorandum for The Assistant Secretary of Defense (Manpower and Reserve Affairs).
Subject: DoD Periodicals.

In response to your memorandum of 4 February 1972, the following information is provided:

Defense Industry Bulletin published by the Defense Supply Agency (DSA) has been consolidated with the Defense Management Journal published by the Office of the Assistant Secretary of Defense (Installations and Logistics). This consolidation was effective 15 December 1971, and was culminated due to similar material published by both periodicals and in the interest of cost reduction.

Attached is the form, "Request for Initial Approval/Annual Review of Periodical," (Report Control Symbol DD-M(OT)725) which provides the requested data applicable to the publication of the Defense Management Journal.

BARRY J. SHILLITO,
Assistant Secretary of Defense, Installations and Logistics.

DEFENSE INTELLIGENCE AGENCY,
Washington, D.C., Feb. 25, 1972.

MEMORANDUM FOR THE ASSISTANT SECRETARY OF DEFENSE (MANPOWER AND RESERVE AFFAIRS)

Subject: Review of Periodicals, RCS DD-M(OT) 725.
References: a SecDef Memo, 3 January 1972, subject: DoD Periodicals.
b. Assistant SecDef Memo, 18 January 1972, subject: DoD Periodicals.

1. Periodicals published within the Defense Intelligence Agency have been reviewed for applicability, purpose, accuracy, good taste and legal sufficiency.

2. Enclosed are those periodicals which support the DIA mission and meet the DoD criteria. One periodical not attached, *Trends and Developments in Foreign Technology Weapons and Systems*, is in compartmented intelligence channels. The unclassified review for this periodical is enclosed. Another periodical, *Defense Intelligence Digest*, was abolished after publication of the February 1972 issue.

3. New periodicals will be reviewed and approved as set forth in DoD guidance. Point of contact for coordinating, controlling and distributing periodicals within this Agency is the Administrative Officer, Directorate for Support.

EDWIN P. LEONARD,
Colonel, USAF,
Deputy Director for Support.

DEFENSE NUCLEAR AGENCY,
Washington, D.C., March 15, 1972.

MEMORANDUM FOR: PERIODICALS EVALUATION TASK FORCE, OASD (M&RA)

Attn: Captain Nugent, USN.
Subject: Periodicals Discontinued, Started, or Combined During Fiscal Years 1971-1972.

1. Reference OASD(M&RA) Memorandum of March 9, 1972, subject as above.

2. This Agency is in the process of creating a periodical which will be published by the Chief, Civilian Personnel Management and Equal Employment Opportunity Office. The periodical will be a "Civilian Personnel Newsletter", to be distributed monthly commencing on or about April 1, 1972.

3. The "Request for Initial Approval/Annual Review of Periodical" for the above periodical will be submitted when all the required information is obtained.

CHARLES P. COX,
Colonel, USA,
Director for Pers & Admin, J-1.

DEFENSE SUPPLY AGENCY,
Alexandria, Va., Mar. 14, 1972.

MEMORANDUM FOR PERIODICALS EVALUATION TASK FORCE, OASD (M&RA)

Attn: Captain M. J. Nugent.
Subject: Periodicals Discontinued, Started, or Combined During Fiscal Years 1971-1972.

1. Reference: Memorandum, Periodicals Evaluation Task Force, OASD(M&RA), 9 March 1972, subject as above.

2. Report of DSA periodicals discontinued, started, or combined during fiscal years 1971 and 1972 is enclosed.

BRUCE W. KELLER,
Captain, SC USN,
Staff Director, Administration.

LIST OF DSA PERIODICALS DISCONTINUED, STARTED, OR COMBINED DURING FISCAL YEARS 1971-1972

1. Discontinued:
   a. Inside DCAS (HQ DSA).
   b. Industrial Security Newsletter (DCASR, Dallas).
   c. Safety Responsibility (DESC).
   d. DESC APSCAPS (DESC).
2. Started:
   a. DRILS Newsletter (HQ DSA).
   b. Personnel Tel-O-Gram (DCASR Dallas).
   c. A Look at Loss Prevention (DESC).
   d. MILSCAP News (HQ DSA).
3. Combined: a. Defense Industry Bulletin combined with Defense Management Journal.*

NATIONAL SMALL BUSINESS WEEK AND THE ANNUAL SBANE PRESENTATION TO CONGRESS

Mr. McINTYRE. Mr. President, the week of May 15 is National Small Business Week. This country's small business community consists of over 5½ million businesses hiring some 45 percent of the Nation's total work force, and it is only appropriate that we set aside 1 week each year to recognize their contribution to this country's economic strength and vitality.

During National Small Business Week, each year SBANE, the Smaller Business Association of New England, representing over 900 members, comes to Washington and presents to Congress a detailed report on the activities of small business in New England and makes legislative recommendations to aid our small business community. As always, SBANE has made an exceptionally concise and well-defined set of proposed legislative recommendations.

I ask unanimous consent to have printed in the RECORD SBANE's 1972 memorandum to Congress.

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

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*Defense Industry Bulletin was issued by HQ DSA; the Defense Management Journal will be issued by DoD.

ABOUT SBANE

The Smaller Business Association of New England, Inc., is a private, non-profit, nonpartisan association of New England small companies. It was founded in 1938 to promote and protect the welfare of small business throughout the six-state region. This is accomplished by:

(1) grouping together, articulating the needs of small business, and taking common action;

(2) promoting and supporting legislation and government activities beneficial to small business and opposing those activities and legislation detrimental to the interest of the smaller business;

(3) cooperating with other small business groups; and

(4) the education of the small businessman and others in the problems which they must face in order to be successful, and the education of the small businessman as to matters which both threaten and preserve the system of free, profit-incentive, private, competitive enterprise.

The major emphasis in the programs offered to the membership are in the areas of legislation on the national level and education programs.

Besides appearances before various Congressional committees, the Association appears on Capitol Hill once a year for a Washington presentation of specific proposals designed to assist small business.

The Association is also a member of the Small Business Economic Council, which was formed at the request of President Nixon in September, 1970, to promote awareness of small business problems with key administrative officials.

The education activities are many and varied. They include seminars and conferences held throughout New England often sponsored in conjunction with leading New England universities and Federal agencies such as the Small Business Administration.

Best known of SBANE's educational programs for the past 13 years has been the annual "Live-In" Seminar on the campus of the Harvard Business School.

The Association also publishes a monthly magazine, New England Business, containing information and educational features for the small business executive and news about SBANE's monthly activities.

The Association's services also extend to counselling its members on small business problems and serving as a source of business information. Furthermore, the Association provides government liaison, procurement assistance and offers its members group insurance programs and trade missions.

SBANE offices are located at 69 Hickory Drive, Waltham, Massachusetts 02154.

I. SBANE 1972 PROPOSAL FOR PROCUREMENT

First, to promote fairer adjustment of contract disputes with the Government, SBANE proposes legislation creating regional small claims divisions within the Boards of Contract Appeals. We aim to provide a speedy and inexpensive vehicle for settling claims up to $50,000., as an alternative to the undue delay and cost of a BCA proceeding. We also recommend that prime contractors be required to incorporate disputes clauses in their contracts, giving subcontractors a means of appeal to the Government.

Second, to help smaller businesses obtain their fair share of Government spending, we support: (1) the transfer of DOD's small business subcontract set-asides, and (2) enactment of H.R. 9551, authorizing an SBA certificate of competency where a low bidder is alleged to lack "integrity, tenacity and perseverance."

Government contractors often become involved in disputes with contracting officers. Typically, such disputes arise in connection with contract changes, the interpretation of contract clauses, drawings and specifications, or the allowable amounts of costs in cases where a contract has been terminated for the convenience of the Government. The contracts provide that such disputes shall be determined by the appropriate Board of Contract Appeals. The purpose of the BCA proceeding is to provide a quick, inexpensive and efficient administrative remedy as an alternative to court litigation, which (to quote from the Supreme Court's decisions in the Kihlberg and S. & E. Contractors decisions) can be "vexatious and expensive and, to the contractor oftentimes, ruinous."

In the years since the enactment of the Wunderlich Act (41 U.S.C. Secs. 321–322), court decisions have held that BCA hearings must conform to formal litigation procedures. As a result, the process of obtaining a decision from a Board of Contract Appeals normally costs over $5,000. and takes 12–18 months, during which time the contractor is deprived of the use of the funds to which he may be entitled. Moreover, witnesses must travel to Washington, at considerable cost in lost time and travel expense.

We recognize that these delays and expenses are inherent in any full-blown litigation. They may be tolerable to a contractor who is claiming a large sum. But if the amount claimed is small, the contractor is often deterred from prosecuting his claim and is left to the mercies of the contracting officer. He simply cannot afford to seek a remedy, even if his claim is wholly valid. This defeats the initial purpose of providing an administrative review, and results in gross unfairness.

SBANE proposes the enactment of legislation to establish, within the existing Boards of Contract Appeals, regional small claims divisions for the speedy, inexpensive resolution of small contract claims. The salient features of our proposal are as follows:

1. Jurisdiction would be limited to claims totalling no more than $50,000 per contract.

2. Resort to the small claims procedure would be at the contractor's election; he would retain his right to utilize the existing procedure as at present. The contracting agency would not have this option.

3. The small claims divisions would be empowered to make findings of fact and rulings of law.

4. A division's decision would be final and binding upon both parties.

5. The divisions would be staffed by personnel (lawyers and procurement experts) of the same high caliber as the existing Boards of Contract Appeals.

6. All claims would be processed regionally rather than in Washington.

7. Attorneys and other professionals would not appear before the small claims divisions. Cases would be presented by the contractor's employees and the contracting officer.

8. The statute should require the administrative adoption of implementing regulations designed to assure the speedy, informal and inexpensive resolution of disputes.

These procedural rules should include:

(a) elimination of all formal pleadings, to be replaced by a simplified statement and counterstatement of the matters in dispute;

(b) discovery proceedings would not be available:

(c) technical rules of evidence would not apply, and would be replaced by informal methods of proof.

(d) a decision must be rendered within 30 days after the close of hearings.

To further reduce the delays which characterize the present system, we propose that contracting officers be required to render their decisions on small claims within 60 days after notification that a dispute exists.

SBANE believes that these reforms would eliminate the unfairness of the present system. Their adoption would greatly benefit many Government contractors, both large and small, without jeopardizing any legitimate interest of the Government.

SBANE has prepared a bill to carry out its proposal for a small claims procedure. This bill will be filed for us in both Houses of Congress, and we intend to work for its passage and/or for the administrative creation of small claims divisions.

SBANE again urges that Government prime contractors be required to include a contract disputes clause in their purchase orders and subcontracts, giving subcontractors access to the appropriate Government contracting officer and Board of Contract Appeals (including the proposed small claims divisions) for the settlement of disputes between sub and prime. We recognize that Government agencies are reluctant to become involved in disputes to which they are not parties. But many subcontractor claims are directly or indirectly caused by agency action (e.g. termination of the prime contract). At least in those cases, and as a beginning, subcontractors should have recourse to the BCA as an alternative to a lawsuit.

Approximately 400,000 small companies offer products and services which the Federal Government needs. Congress has declared as policy that the Government, acting through the SBA, should insure that a "fair proportion" of its purchases, contracts and subcontracts be placed with small business enterprises.

Yet in fiscal 1971 the small business share of Government procurement spending fell to its lowest levels in 18 years. The volume of state and local procurement through small business is now almost equal to the Federal Government's volume! In 1971 only 17% of prime contract dollars, and less than 35% of subcontracting spending, went to small business. These percentages have been declining steadily since 1967. The following table illustrates that reductions in federal spending have their heaviest impact on those least able to bear it, small businessmen.

THE SMALL BUSINESS SHARE OF THE SUBCONTRACT DOLLAR (MILITARY)

[Dollar amounts in billions]

Fiscal year	Total amount subcontracted	Amount subcontracted to small business	Percentage for small business
1964	$9.3	$3.6	38.7
1965	8.5	3.5	41.2
1966	12.2	5.1	41.8
1967	15.5	6.7	43.2
1968	15.2	6.5	42.8
1969	14.9	6.0	40.3
1970	11.9	4.4	37.0
1971	9.5	3.3	34.7

The SBA is not likely to be able to reverse this trend because it has been reducing the manpower allocated to its procurement program. Administrator Kleppe has testified before the House Small Business Committee that loan administration is the agency's Number One priority and that personnel are being transferred from procurement and other programs to the loan program. Of its more than 4,000 employees, SBA has only 143 working on procurement, including 43 Procurement Center Representatives. Obviously, such a handful cannot monitor the Government's millions of procurement transactions each year so as to protect the interests of small business.

But a ready source of additional help is at hand. The procuring agencies themselves, most notably the Department of Defense, have hundreds of "small business specialists" whose primary job is to represent small business. But at the same time their primary responsibility is to the agency which employs them. In such a split role, these specialists are rendered far less effective than they would be in an independent status.

SBANE believes that DOD's small business specialists should be working primarily to help small business gain a fair share of the defense contract dollar. Accordingly, we recommend that they be transferred from DOD to SBA.

Another SBA activity—its voluntary small business subcontracting program—has not been working well. This effort is too important to be allowed to falter. The answer, as SBANE sees it, is to make it mandatory.

A Navy Department experiment proves the feasibility of mandatory subcontracts procurement. The Navy invited bids on a fixed price contract for the MS 56 mine, with the requirement that the prime contractor place first tier subcontracts with small firms in amounts totalling 25% of the contract price. The prime contractor had to identify its proposed first tier small business subcontractors by name, describing each item to be subcontracted and the estimated dollar amount of each subcontract. The result? The Department of the Navy reports that the prime contractor exceeded the contractual requirements without increased cost, and that the mandatory provision did not diminish competition or increase the problems of contract administration.

SBANE therefore recommends that Congress require Government procurement agencies to develop and test mandatory small business subcontracting procedures in order to determine their feasibility in each instance.

SBANE supports H.R. 9551, introduced by Chairman Evins of the House Small Business Committee and by Congressmen Corman and Conte. This bill would expand SBA's power to issue certificates of competency to cover the case where a low bidder is unjustifiably rejected by a procuring agency on the amorphous grounds that he lacks "integrity, tenacity and perseverance." These vague criteria have been used to unfairly exclude small businesses. Such inequities can and should be cured by binding SBA review. H.R. 9551 ought to pass.

II. SBANE 1972 PROPOSAL FOR OCCUPATIONAL HEALTH

Small businessmen want to be safe and to provide a healthy work environment for their employees, as mandated by the Occupational Safety & Health Act. But we believe that this legislation is needlessly harsh and burdensome to small business in several respects. We recommend Congressional action to temper the Labor Department's rigid implementation of OSHA, and the enactment of some portions of S. 3262 so as to grant a moratorium to small companies, to provide compliance assistance, and to introduce badly needed flexibility into the enforcement of the Act.

The Occupational Safety and Health Act of 1970, commonly known as "OSHA" (Public Law 91–596) was intended to promote safe and healthful working conditions for the nation's working men and women. SBANE heartily supports that goal, but we believe that OSHA is seriously defective in its present form.

First, the regulations are too complex and voluminous for the small employer to cope with. When published, they filled up 744 columns of the Federal Register. There are seven pages dealing with stepladders alone! The Labor Department's handbook is nearly 300 pages in length, and offers no help in figuring out which regulations are applicable and which are not. Every conceivable detail is covered. The small employer has never faced any regulatory scheme so demanding and bewildering. He may not even know that the law exists. Even if he does, he typically lacks the skill, manpower and expertise needed to inform himself of its requirements. Yet those requirements apply to him as much as to the largest industrial plant in America.

Second, if the employer seeks help and advice from the Department of Labor he is faced instead with a prompt walk-around inspection of his premises, and a mandatory citation is issued on the spot, carrying a penalty of up to $1,000 for each serious violation alleged. This is the fault of both the Labor Department and the Act itself. This statute is peculiar in our law for the Draconian rigidity that is written into it on matters both substantive and procedural. Rigid, insensitive implementation by the Labor Department has only made matters worse.

To illustrate statistically how voluminous the citations are becoming, consider the following box score compiled by the National Safety Council:

In the seven-month period, July 1, 1971, through January 31, 1972, the OSH Administration conducted 16,162 inspections in 14,741 establishments. Of these, only 3,089 (21% of the total) were found to be in compliance with the OSH standards. As for the remainder, 11,856 citations were issued alleging 42,942 violations. The proposed penalties amount to $1,003,250. The number of employee complaints regarding occupational safety and health hazards submitted to the OSH Administration through the end of January totaled 1,519. The number of cases contested before the Occupational Safety and Health Review Commission is nearing 700.

Third, the Act very unwisely adopts whole bodies of pre-existing criteria and guidelines, set up by private organizations and called "national consensus standards." Under OSHA, these were put into effect wholesale, without any review in legislative hearings or in administrative rule-making proceedings. The Administrative Procedure Act was explicitly bypassed. As a result, many small businessmen must try to comply with requirements that have no applicability or feasibility as applied to them, and regarding which they have never had a chance to be heard.

Fourth, a good-faith effort to obey all of OSHA's requirements could literally bankrupt a small company. The SBA has the responsibility for administering special 5⅛% 30-year loans to help small businesses to comply with OSHA. Its Administrator, Thomas S. Kleppe, foresees that many small businesses will be forced to borrow SBA funds beyond their capacity to repay: "The size of the loan for upgrading to the new standards might be just enough to break the back of the small business." Moreover, we are concerned that only 3 such loans had been granted as of April 15, 1972. It appears that SBA and the Department of Labor could better publicize their availability.

SBANE believes that major changes are in order. To that end, our organization is collaborating with the staff of the Senate Labor and Public Welfare Committee by polling our members to document the Labor Department's harsh inspection practices.

Legislative relief is also needed. Some 40 bills have been filed, most notably S. 3262—H.R. 13943, initially introduced by Senator Curtis and now awaiting committee action. The Curtis bill is specifically designed to enable smaller businessmen to live with OSHA. SBANE endorses some of its features, including:

(1) delaying the effective date of OSHA for one year for employers having fewer than 100 employees. This will provide small businessmen with the time they need for familiarizing themselves with the applicable requirements and for making their plans to comply.

(2) requiring the Secretary of Labor to determine the applicability of each OSHA standard to each class of business in each industry. If the Secretary determines that the application of a given standard to a particular class of business would be unreasonable, it will not be applied.

(3) providing technical assistance to small employers to help them comply with OSHA.

(4) permitting the Secretary of Labor to enter into compliance agreements with violators. This will replace a vindictive mandatory penalty for the first offenses with some essential flexibility in the administration of the law.

These provisions and others like them should have been written into OSHA in the first place. We are dismayed that they were not, and we urge that the defect be cured. The alternative is the forced closing of small businesses and increased unemployment. Confusion and unnecessary expense are not the hallmarks of good legislation and they do nothing to further its desirable objectives.

In summary, we quote from a letter recently addressed to SBANE by a concerned member. It is representative of many similar comments:

"In attempting to operate safely as now defined, I have obtained two publications that are guidelines for self-inspection. Each guideline runs to several hundred pages. I would suggest [changes] with an eye to protecting the shop that cannot afford staff people specifically for attention to such details. We want to be safe. We want to comply with the new law. We need time. The "one man band" small operation is sure to come up a loser under the present set up."

III. SBANE 1972 PROPOSAL FOR THE SMALL BUSINESS ADMINISTRATION

Since 1953 Congress has vastly multiplied the SBA's responsibilities without giving it corresponding increases in its manpower and funds. The agency must be strengthened in these respects. The SBA's assistance to small business is being increasingly diverted to minority enterprises to the exclusion of others. Congress should separate the 8(a) program from SBA's other programs and establish guidelines to protect small businesses as a whole from becoming the victims of a well-intended desire to promote minority ventures, particularly with respect to 8(a) contracts and loan guaranty funds. Small business specialists should be transferred from the Department of Defense to SBA, where they can function more effectively.

There has been a widespread trend during the last few years toward small business. A leading magazine poll of high school students reveals that over 70% expressed an interest in either owning their own business or working for a small company. Business schools are finding small business courses over-subscribed and students demanding more. College placement departments reveal intense interest among graduates toward small business employment. More and more people in this country today want to "do their own thing."

Publications and consumer studies point out the abuses of concentrated power in American industry. Books like America, Inc. and the revelations of such consumer groups as Nader's Raiders clearly signal the dangers inherent in corporate concentration. It has become quite fashionable to shake a finger at the giant corporation. Unfortunately, the whole American free enterprise system is sharing the blame for the abuses of the few. It is equally unfortunate that everyone talks about the problem without defining the obvious solution. The answer, as we see it, is to launch a massive program to foster the healthy growth of small business and encourage the creation of new competitive enterprises.

When the Small Business Act was passed in 1953, it seemed clear that Congress intended the Small Business Administration to be the organization that would work to ensure a healthy, competitive business environment. And yet there has been a constant process of departure from the initial commitment. There are several factors in this process.

First, the agency has been loaded with

numerous additional responsibilities but without additional manpower allocations needed to carry out its new programs.

Second, larger business has been "getting into the act" and crowding out the smaller businesses from the very programs that were established specifically to aid small business. For example, the size standards for the small business set-aside program have been increased, notably in the aircraft and munitions industries—a company with as many as 1,500 employees can use SBA's limited resources and can compete with little companies for what is supposed to be the guaranteed small business share of the procurement dollar.

Third, Congress simply refused to grant SBA's requests for additional manpower while other segments of the economy get all the staff they need, and more.

To illustrate this last point, we cite the following census statistics, furnished to us at our request by the SBA. Here is a graphic demonstration of disproportionate support given to the Department of Agriculture over that given to the SBA.

Total U.S. labor force, August 31, 1971—81 million.

Farms, 2,895,000.

Farm employment, 4,528,000.

Percent of total labor force in agriculture, 5.6%.

Department of Agriculture employees (9/15/71) 123,589.

Small businesses, 5,000,000.

Small business employees, 35,000,000.

Percent of total labor force in small business, 43.2%.

SBA employees (9/15/71), 4,026.

Note the shocking disparity between SBA's manpower and Agriculture's. Agriculture represents less than 1/7 as many workers as SBA, yet it has 30 times the number of employees! In fiscal 1972, the Agriculture Department will spend $37 per farm for every dollar SBA spends per small business!

The SBA's massive efforts to help minority group enterprises—while certainly worthy and long supported by SBANE—have resulted in the diversion of so much manpower and money that other vital programs of the SBA (e.g., Procurement and Management Assistance) have suffered terribly. The House Small Business Committee has recently held hearings on this situation.

For example, for the past 2-3 years the Government has heavily emphasized the 8(a) program. Under Section 8(a) of the Small Business Act, the SBA is empowered to step into any procurement program of any federal agency and become the prime contractor, letting all subcontracts. Section 8(a) was intended to benefit all small business, but SBA has used it exclusively for the benefit of minority business. The SBA has devoted some 30–50% of its procurement efforts to arranging 8(a) subcontracts for minority enterprises—at a time when its procurement program was already seriously understaffed. 174 SBA personnel work exclusively on 8(a) procurement, while many others are carrying heavy support duties. The remaining Procurement and Management Assistance staff are unable to function effectively. And many Government agencies—notably the Federal Aviation Agency, the General Services Administration, Department of Defense and the Veterans Administration—have been following SBA's lead with considerable fervor, by taking the initiative to recommend 8(a) treatment of more and more of their contracts.

Even more distressingly, the procurement dollars expended on 8(a) contracts are not new funds. They are primarily taken from the small business set-aside program, at the expense of non-minority smaller firms. Result: one small business advances at the expense of another. Net gain to small business as a whole: nil.

To illustrate this mushrooming 8(a) activity, consider the following statistics:

Fiscal year	Number of 8(a) contracts	8(a) amount
1968	8	$10,493,000
1969	29	8,840,000
1970	199	22,520,000
1971	811	66,120,000
1972 (1st 8 months)	660	51,000,000
1972 (12 months' goal)	1,600	100,000,000
1973 (goal)	2,500	175,000,000

Thus, from 1968 to 1973, the 8(a) contracts will have increased over 300 times in number and more than 16 times in dollar volume—virtually all of it diverted from small-business set-asides.

Minority assistance was conceived as seed money to help new enterprises get started. Instead, the funds have been repeatedly funneled as subsidies to a handful of companies long after they should have made way for other, newer ventures. Of the 582 companies receiving 8(a) contracts 1968–1971, 10 firms have received $31,000,000—nearly 29% of the total contract funds—and a single company has been awarded $9,500,000, almost 9%!

Similarly, the general economic slowdown of the past 2 years has caused banks and other financial institutions to restrict their lending to ever fewer and "safer" products and management, particularly in the high-technology field. In such times SBA should be providing loan guaranty funds to fill this gap, as it has in the past. Instead, it has favored minority companies to the virtual exclusion of others. Because of this approach, small businesses in general will continue to encounter difficulty in obtaining secondary financing, despite help from Congress via P.L. 92–213, empowering SBA to guarantee the loans and debentures of all SBICs.

SBA's lack of personnel and narrowly focused emphasis means that the agency is doing little more than servicing its borrowers and its programs geared to minority businesses. Both of these activities primarily help new businesses in their early, formative stages. Older small businesses have different needs and problems as they reach higher levels of maturity. Such companies, having emerged as competitive factors in the marketplace, should also be assisted by SBA. But as its Procurement and Management Assistance program dwindles, SBA is becoming unable to provide the badly needed expertise. So, ironically, the minority enterprises will eventually suffer along with everyone else.

Unless remedial action is taken promptly, we foresee that the Government's assistance to small business will be more imagined than real, and that there will be a continuing decline in small business opportunities to do business with the Government.

SBANE strongly recommends the following corrective measures:

1. The SBA's 8(a) program should become a separate department within the SBA with proper manpower of its own.

2. Guidelines should be established by Congress to define the amount of set-aside and loan guaranty funds which SBA can divert to 8(a) subcontractors.

3. The SBA's procurement experts should be re-allocated to its overall procurement program where they were originally assigned and where they have the training and experience to provide invaluable assistance.

4. The small business specialists currently serving the Department of Defense should be transferred to the Small Business Administration (see SBANE's proposal on Procurement).

5. Congress should take a serious look at SBA's requests for increased funds and manpower.

IV. SBANE 1972 PROPOSAL FOR RESEARCH AND DEVELOPMENT

SBANE endorses, with certain reservations, three proposals made in the President's Message on Science and Technology. These include:

(1) The new Experimental R&D Technology Incentives Program.

(2) A revitalization of the role of the Small Business Investment Corporation, and a lengthening of the time for certain small business tax incentives.

(3) Realistic attitudes on patent rights.

The New England economy has been dependent upon its small, high technology companies for much of its growth and prosperity since World War II. During the past few years defense and aerospace cutbacks have severely affected this segment of our economy and resulted in widespread professional unemployment. Alternative opportunities to redirect our technological resources have been grossly insufficient. Finally, in the 1973 Federal Budget and the President's recent Message to Congress on Science and Technology, we see some indication of positive steps that could benefit our floundering high technology businesses.

Over the past three decades government-sponsored research in military and aerospace have produced the most sophisticated defense capability in the world and have allowed us to be the first nation to send men to the moon. However, the Government has assumed that research and development directed toward domestic needs would take care of itself in a free enterprise economy. We are now finally becoming aware that the normal economic incentives are frequently insufficient to encourage industry to increase productivity and to meet societal needs.

The 1973 Federal Budget contains $40 million for a new program to provide incentives for non-Federal investment in research and development. The program is to be administered jointly by the National Science Foundation and the National Bureau of Standards, with the lion's share of the money going to the National Science Foundation. The NBS part is called the Experimental Technology Incentives Program and NSF calls it the Experimental R&D Incentives Program. The objective of this program is "to experiment with incentives for increasing non-federal investments in R&D and for increasing the efficiency and speed of conversion of R&D to new or improved products, processes, and services which contribute to improvements in the quality of life, employment opportunities, economic growth, productivity, and foreign trade." We heartily support these objectives and most of the suggested mechanisms for achieving them.

However, this program represents the only budgetary outgrowth of a major effort conducted last fall and winter by the White House staff to redirect our technological capabilities to address civilian needs. The public had been led to expect funding in the billions for civilian-oriented new technological initiatives, but only $40 million appears in the budget. Not only were many other sound programs dropped from consideration, but also the $40 million to provide new incentives to industry is grossly inadequate for the scope of this program. The $40 million budget for this program looks even more insignificant when one recognizes that

(1) most of the funding is through the National Science Foundation which both traditionally and by program design will be contracting principally with universities, and

(2) the budgetary figure is a proposed allocation, not an expenditure.

Thus, assuming an average three-year contract, the total expenditures, including both administration and contracting with industry at the National Bureau of Stand-

ards, will be less than $5 million in the fiscal year 1973. That seems like a lot of hoopla for such small funding. We suspect that the public relations cost of this program to the taxpayer exceeds the funding available to industry.

It is small wonder that the program is directed toward finding incentives for non-Federal funding of R&D; the proposed Federal contribution for fiscal 1973 is clearly inadequate. An explanation for NBS's emphasis on non-Federal funding is that "Industry's willingness to invest is the best assurance that the opportunity has realistic commercial applications." Most businessmen do not make investment decisions based on whether there are realistic commercial applications, but rather on whether they can get a reasonable return on their investment. They consider factors such as risk, lack of a proprietary position, capital requirements, and difficulties in penetrating the market. We believe that the emphasis on non-Federal contributions may seriously restrict the utility of this program as a means for making American industry more productive.

In the President's Message to Congress on Science and Technology he also proposes investment and tax incentive that SBANE actively supports. Over a decade ago, legislation was passed permitting the Small Business Administration to loan money to Small Business Investment Corporations (SBIC). However, the upper limit of $10 million of outstanding loans was soon reached, and the limit was not subsequently increased, thus reducing the effectiveness of this Act. The President has now recommended that the upper limit be increased to $20 million and that the ratio of this Government support to an SBIC's equity be increased in order to encourage investment in high technology and processes. We feel that this is a sound approach to encouraging new ventures, but that $10 million additional funding can only be considered an interim amount. We also support the following proposals:

(1) Extension of eligibility to exercise qualified stock options from five years to eight or ten years.

(2) Reduction of the holding period of non-registered stock from three years to one year, and

(3) Extension of tax-loss carry-forwards from five years to ten years.

We hope the legislative process can move fast enough to see these proposals become law before the end of 1972.

In his recent message to Congress the President also indicated that the Government patent policy toward private use of Government-owned patents is being liberalized, so that exclusive licenses will sometimes be granted to private firms. This is certainly a step in the right direction; we only hope that the intent will not be thwarted by bureaucratic conservatism. In general, the small business man is extremely reluctant to be the first to develop and exploit new technologies unless he has a protected proprietary position. If he does not have patent protection or proprietary "know-how", he recognizes that, if the market proves to be good, the giant company with tremendous marketing and manufacturing resources will jump in and easily undercut his business. We feel that not only with Government-owned patents, but also with all Government-industrial contracting, the Government should decide on patent rights based on what will best allow the effective exploitation of the invention rather than what will best preserve the Government's rights.

In summary, sound and creative new programs to stimulate R&D in private enterprise are before the Congress this year. However, the funding levels requested are unrealistically low, and certain parts of these programs should be changed or reoriented. We now urge both the Congress and the Administration to convert their words into meaningful action.

V. SBANE 1972 PROPOSAL FOR TAXATION

SBANE calls for favorable action on the Bible-Evins Tax Bill (S. 1615 and H.R. 7692), especially its provisions for additional first-year depreciation, for equalized treatment of fringe benefits, and for operating loss carry-overs for electing small business corporations. It urges enactment of the Interstate Taxation Act as a first step toward tax simplification, via a uniform method of state taxation. We also support S. 544 in part, insofar as it would extend the availability of deductions for net operating losses to 10 years. SBANE recommends creation of the post of small business analyst in the Treasury Department to ensure that the small businessman's viewpoint will be considered. We also propose that small corporations be offered a special status to help them avoid double taxation.

Senate Bill 1615, introduced by Senator Alan Bible, is a comprehensive plan for tax reform and simplification. It encompasses a total package of meaningful change which will give significant tax incentives to small business without creating serious adverse revenue effects.

In the past we have recommended the passage of a number of Senator Bible's proposals. We are gratified that some of the more important proposals, such as the restoration of the investment credit and adoption of the ADR depreciation system, have been implemented.

One of the most pressing problems facing smaller business is the ability to generate the necessary capital funds for expansion. For this reason SBANE supports the proposal to increase the amount of additional first-year depreciation from $10,000 to $20,000.

Recent taxation legislation has resulted in a major disparity between the fringe benefits afforded the employees of unincorporated businesses and electing small business corporations vis-a-vis the employees of large corporations. A ceiling of $2,500 has been placed on the amount that can be taken. Senate Bill 1615 proposes equalized treatment of fringe benefits and SBANE urges its enactment.

SBANE does not favor Senator Bible's proposal for adjusting normal corporate tax rates so as to shift a larger portion of the burden to large companies. Instead, we again call for the enactment of our proposed sliding scale surtax exemption. Under the SBANE plan, there would be a basic $50,000 exemption from the present surtax for corporations with earnings of $50,000 or less. This exemption would gradually be reduced to the current level of $25,000 for companies having taxable incomes in excess of $100,000. SBANE's plan offers the advantage of providing meaningful tax reductions for smaller businesses without significantly increasing the tax of larger corporations.

The Bible-Evins bill also contains a number of proposals that only conform the tax treatment of similar items between corporations, electing small business corporations, and partnerships. Of these, the most significant and worthy of support allows for the carryover of unused operating losses of electing small business corporations. This proposal has considerable merit. In the past, shareholders of these corporations have not been allowed to utilize operating losses in excess of basis. In subsequent periods when the shareholder had positive basis, the unused losses were not available for deduction. This is contrary to the rules which apply to partnerships, where a current deduction is allowed for any unused operating loss not claimed in prior years due to insufficient basis.

SBANE strongly supports enactment of the Interstate Taxation Act, designed to provide a uniform method of state taxation as a first step toward tax simplification. This legislation would have a decided, positive effect in encouraging interstate commerce, in that it would remove the single largest roadblock facing small businesses wishing to engage in such commerce. As things stand now, small businesses encounter a virtual jungle of uncertainty in determining if they are indeed subject to state tax, and if so, in computing the tax. A single example illustrates the almost incredible nature of the problem: due to varying methods for determining taxable property, it is not uncommon for the aggregate of the allocation factors for all the states in which a corporation does business to total more than 100%; accordingly, many corporations actually pay state taxes on more than their entire income or capital! The Interstate Taxation Act would help put a stop to situations such as this. In prior years this bill has passed the House, only to die in committee in the Senate. Our Association feels that it deserves to be reported out of committee and enacted into law.

A related problem is the proliferation of federally required tax forms. We are all literally buried in piles of paper. Each attempt at simplification of paper flow seems to result in the addition of a simple new form to cure the ills. This form, although intended to help, is usually added to the already existing forms and actually increases paper work! In time the simplified form becomes more and more complex until someone comes along with a further simplification idea and the cycle resumes. Senator McIntyre of New Hampshire has been holding hearings on this serious burden. SBANE has participated in those hearings because we have seen new businesses drowning in a flood of paper requirements that severely interferes with the drive toward becoming a healthy small business. We hope that members of Congress will recognize that the best approach to resolving this mounting problem is to examine the necessity, rather than the mere utility, of every Government form.

The Administration's small business tax relief bill (S. 544) strikes us as being "too little, too late." However, we re-emphasize our strong support for its proposal to extend from 5 to 10 years the period during which a net operating loss can be carried forward by individuals and by small business corporations. The present 5-year limit is exceedingly unfair to certain small companies. As an example, we cite the plight of small technical products firms, formed in the mid 1960s. Typically, such enterprises experienced several years of losses while becoming established. Then they encountered the economic downturn of 1970–71, which particularly affected sales of capital equipment. As conditions began to improve in late 1971 and early 1972, these companies began to realize profits, only to find that they no longer have a loss carryover deduction from their start-up years. Congress should recognize their plight and extend this needed relief.

Although many believe that America's economy is dominated by large national and multi-national industrial companies, the fact is that without the small businessman our economy would not provide the average American with the life style we all so eagerly strive for. We are all well aware of the ability of big business to make its position known to government. By contrast, it is extremely difficult for the smaller businessman to have his thoughts and desires heard. We believe that the small businessman can be given an effective voice in the councils of government by establishing the position of Small Business Tax Analyst in the Treasury Department. The main function of such an official would be to review tax legislation and problems from the viewpoint of small business, and to articulate that point of view in the day-to-day workings of the Treasury. We

emphatically endorse this feature of the Bible-Evins bill.

SBANE proposes the adoption of legislation which would enable a small business to elect to be treated as a regulated small business corporation, which would be defined as any domestic corporation (other than a personal holding company) whose stock was owned at least 90% by individuals, with net assets of $1,000,000 or less determined as of the end of the prior year. An electing regulated small business corporation would be exempt from taxation of its income so long as at least 90% of its taxable income was distributed to its shareholders during the current year or before the filing date of its Federal income tax return. The taxable income of a regulated small business corporation would be computed in the normal manner except for the elimination of the dividends received deduction for nonaffiliated corporations.

SBANE urges the adoption of this legislation to negate the stifling effects of double taxation on small businesses. This classification of corporations would further the congressional intent demonstrated in the enactment of the Subchapter S election. There are many small business corporations which do not qualify for Subchapter S status or whose stockholders do not need or cannot avail themselves of the loss deductions because of their small original investment in the corporation. By electing to be treated as a regulated small business corporation, the stockholders would be taxed on the taxable income of the corporation after deduction of net operating loss carryovers. Since this proposal reduces the present incentive to maximize corporate compensation and other related deductions, we believe it would provide the further advantage of reducing controversies with the Internal Revenue Service.

We cannot leave the subject of taxation without expressing our appreciation to Congress for its wisdom in enacting the export tax deferral program. By means of Domestic International Sales Corporations, many small companies can now gain entry to foreign markets that would otherwise have remained closed to them.

QUORUM CALL

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

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

The 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. SPONG). Without objection, it is so ordered. The extended time for the consideration of morning business has now expired.

SUPPLEMENTAL APPROPRIATIONS, 1972 CONFERENCE REPORT

The PRESIDING OFFICER (Mr. SPONG). Under the previous order, the Senate will proceed to consider the conference report on H.R. 14582.

Mr. ELLENDER. Mr. President, I submit a 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. 14582) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. SPONG). Is there objection to the present consideration of the report?

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

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of May 11, 1972, at p. 16873.)

The PRESIDING OFFICER. There is a time limitation on this conference of 1 hour, to be equally divided between the Senator from Louisiana (Mr. ELLENDER) and the Senator from North Dakota (Mr. YOUNG), and that includes the time on any amendments in disagreement.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that, for the time being, the time be equally charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Who yields time?

Mr. ELLENDER. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 10 minutes.

Mr. ELLENDER. Mr. President, I wish to say that we have up for consideration the conference report on the supplemental appropriation bill.

This is a large and an important supplemental appropriation bill and the amount agreed to in the final conference is $4,347,698,270.

This bill was in conference a large part of the day of May 4, 1972, and practically the entire day of May 11, 1972.

There were 50 separate Senate amendments, and I believe that we performed very well from the point of view of the Senate.

There has already been printed in the record a tabulation which shows the amounts of the budget estimates, the amounts recommended in the House bill, the Senate bill, and the final amounts agreed to in conference on each of the 13 chapters in this bill. I will confine my remarks to a few of the more significant items.

Title II of this bill includes $2,340,194,728 for increased pay costs as a result of Executive Order 11637 of December 22, 1971, which adjusted the salary rates upward of civilian employees of the Federal Government; Executive Order 11638 of December 22, 1971, which provided an adjustment upward on a comparable basis for members of the uniformed services; and as a result of the substantial increase for members of the uniformed services voted by the Congress, becoming effective in November 1971.

The deductions of $45,796,120 under the House bill and of $11,349,000 under the Senate bill in title II, agreed to by the conferees, relate to Department of Defense pay cost items and are possible due to the most recent recomputations in some line items and to absorptions of additional funds in other line items through savings realized from program changes.

Under title I, the conference agreement totaled $2,007,503,542—an increase of $439,041,032 over the House bill but a reduction of $704,470,169 under the Senate bill.

One of the largest single increases made in this bill by the Senate was $320 million for the subscription to the International Development Association. The conference committee decided to delete this appropriation, with the understanding that the first of the three annual installments of $320 million under the new authorization would be provided in the regular annual appropriation bill for fiscal year 1973.

The Senate was able to prevail in connection with the Constitution and land acquisition item under the Forest Service in chapter VI, thus providing $170,000 for the Alexandria, La., Forestry Center for installation of an emergency water supply system before fire breaks out and threatens the area.

For manpower training under chapter VII, the House had provided $95 million and the Senate amendment increased the sum to $247 million. The conference committee is recommending an appropriation of $156,550,000, including $15 million for the summer recreation program and $141,550,000 for the Neighborhood Youth Corps' summer jobs program.

Senate amendment 19 provided an appropriation of $40 million for the National Cancer Institute, and the House conferees agreed to accept the full amount.

For higher education, the Senate had provided $300,400,000. In conference, the Senate was able to secure approximately one third of this sum—or $100 million. The total appropriation includes $45 million for educational opportunity grants, $23,600,000 for national defense grants, $25,600,000 for work-study student loans, and $5,800,000 for additional projects specifically for veterans under the Talent Search, Upward Bound, and Education Professions Development Act programs. These sums are to be used in the 1972–73 academic school year.

Mr. President, that provision is included in the supplemental bill because we would like to be sure that they are able to use the funds in the coming academic year.

The conference committee agreed to recommend an appropriation of $20 million for the Office of Economic Opportunity program for emergency food and medical services, as authorized by section 222(a)(5) of the Economic Opportunity Act of 1964.

Under chapter VIII, the legislative branch, the conferees agreed to recommend the sum of $650,000 for the expenses of the Inaugural Ceremonies in January, 1973, as proposed by the Senate amendment.

For the Federal Railroad Administration, grants to Amtrak, the Senate amendment provided $270 million. The conference committee has reduced this

sum of $170 million, with the understanding that should an authorization in excess of this amount be ultimately approved by the Congress, the additional authorized amount can be considered at a future date.

One matter of great interest in this bill was amendment No. 50. The House language had limited the use of administrative and nonadministrative expenses of the Federal Home Loan Bank Board, thus precluding the use of funds for relocating the district bank for the fourth district from Greensboro, N.C., or for the supervision, direction, or operation of such bank at any other location. The Senate had deleted this restriction. However, in view of the position of the House conferees the Senate receded on this amendment.

Mr. President, the evidence produced in the conference indicates that in Greensboro, where the bank had been established, over $2 million had been spent in order to provide the necessary building to accommodate that bank. We thought it was just a waste of money to transfer this institution from where it presently is to another area.

As I said earlier, Mr. President, the grand total of this bill, as recommended by the committee of conference, is $4,347,698,270. This is $518,249,119 below the budget estimates; $393,244,912 above the House-passed bills; and $715,819,169 under the Senate version of the bill.

Mr. President, I urge the adoption of the conference report.

Mr. President, I will be glad to answer such questions as I can.

Mr. JAVITS. Mr. President, would the Senator yield me 5 minutes?

Mr. ELLENDER. I yield 5 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, it will be remembered that a large group of Senators, 27 in number including myself, had to work very hard in respect of the appropriations for the Neighborhood Youth Corps summer jobs and recreation program, pitching that effort very heavily on the problems of youth, both white and black, and also among other minorities where the unemployment rates are extremely high in poverty neighborhoods. For black youths it is as much as 37.4 percent. And generally speaking, in poverty neighborhoods for all groups it is 27.5 percent.

In response to that effort, the Senate Appropriations Committee, exercising a most commendable discretion this time, went all the way with us and allowed the full amount needed for the summer jobs programs to the extent that the U.S. Conference of Mayors certified that the amount could be adequately used and absorbed. They differed with us only on the duration of the summer job opportunities, limiting it to 9 weeks instead of 10 weeks. They provided 947,928 opportunities. The administration wanted an aggregate of 609,300 job opportunities through a supplemental bill. The administration sought a very modest increase, we thought, in what had already been provided, falling very far short, as far as we were concerned, in what they were seeking.

Mr. President, so that the facts and figures may be fully before the Senate, I ask unanimous consent that the testimony of the 27 Senators, which I had the privilege of presenting to the Senate Appropriations Subcommittee, be printed in the RECORD.

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

THE TESTIMONY OF SENATOR JAVITS

Mr. Chairman, I am appearing on behalf of myself and 26 of my Senate colleagues, to urge that the Subcommittee recommend a supplemental appropriation of $291.4-million, under the Manpower Development and Training Act of 1962 for the Neighborhood Youth Corps summer job program, and for related transportation and recreational activities to meet the needs of poor youths in urban and rural areas, during the coming summer. In this request I am joined by Senators Lloyd Bentsen, Quentin N. Burdick, Robert C. Byrd, Howard W. Cannon, Clifford P. Case, Alan Cranston, Thomas F. Eagleton, J. W. Fulbright, Fred R. Harris, Philip A. Hart, Hubert Humphrey, Henry M. Jackson, Frank E. Moss, Edmund S. Muskie, Bob Packwood, Claiborne Pell, Abraham Ribicoff, Robert Taft, Jr., John Tower, John V. Tunney, Harrison A. Williams, Jr., Robert P. Griffin, George McGovern, Walter Mondale, William B. Saxbe and Richard S. Schweiker, each of whom joined with me in a letter dated April 17, 1972 to the Subcommittee in this regard.

If added to the $175.7-million now available, the supplemental appropriation would bring to $467.1-million the aggregate amount available for the coming summer.

As you know, the Administration has requested an additional supplemental appropriation of $95-million for a total of $270.7-million, the same amount as last year, or $196.4-million below the amount which we request.

The following is an itemization of our request in each of the major components of the program, which is administered by the Department of Labor:

$268.3-million for the Neighborhood Youth Corps job program which provides work experience with public and non-profit private agencies, for poor youth between the ages of 14 to 21, giving them earnings enabling them to complete or to continue their education. Under the program, which begins this June, each youth is employed for 26 hours a week at $1.60 an hour over the period of the program. The amount we request, together with the $175.7-million available, would fund 947,928 ten-week job opportunities; the Administration would apply $82.2-million of its requested supplemental for this purpose, to fund an additional 194,000 nine-week opportunities or an aggregate of 609,300 nine-week opportunities, the same funding and opportunity levels as last year.

$1.2-million for related transportation necessary for poor youth to participate in the job program, the Administration would provide $1.5-million out of existing manpower and transportation funds.

$21.9-million for the recreational support program—providing opportunities to children eight through thirteeen years of age; no funds are now available for this program. The Administration has requested a supplemental appropriation of $12.8-million for this component, again the same amount as was made available last year.

Our requests are based in each instance upon what the National League of Cities—U.S. Conference of Mayors, representing most of the Nation's cities, has documented as required for this summer.

I ask unanimous consent that there be included in the record a copy of a letter from the National League—U.S. Conference charts documenting these needs on a city-by-city basis: in the job program they show a need for 410,035 opportunities in the fifty largest cities and 537,893 in other areas.

For example, in New York City there is a documented need for 77,500 slots, compared with the aggregate of 40,541 which could be provided if only the Administration's supplemental request is granted. Seattle, Washington needs 5,000 slots; only 2,682 could be provided under the Administration's request.

The situation in smaller cities is similar. For example, Jersey City, New Jersey needs 2,454 positions compared with the 1,498 which could be provided under the Administration's proposed funding levels.

It should be noted that the National League of Cities' figures represent in each case the number which may be effectively used. Actually, the number of youth who could benefit if funds had been made available earlier is much greater. For example, there are 1.7 million youth who could benefit in the job program—almost twice the aggregate number to be covered if our request is granted.

We submit that the supplemental appropriation of the amounts for the Neighborhood Youth Corps summer program, and related transportation, is essential to meet the very difficult employment situation among poor youth. While the current national unemployment rate is at 5.9 percent, the most recently available statistics show a jobless rate among teenagers in poverty neighborhoods of 25.7 percent, with the rate among black teenagers in such areas at 34.7 percent.

Experience indicates that even if the overall employment situation improves, as we hope it will, poor youth will still continue to have unemployment ranging from four to five times the norm. There are substantial signs that increases in the number of returning veterans, economic cut-backs, and other factors will aggravate further the youth unemployment situation in the coming summer.

Mr. Chairman, in my opinion there is no domestic problem more shocking than that of youth unemployment—except the drug problem to which it relates all too often.

We cannot afford to continue to dash the employment aspirations of so many at such a crucial age.

Unfortunately, we will not be able to look substantially to other public or private resources to deal with the problem. The Emergency Employment Act of 1971, which will provide approximately 130,000 public sector job opportunities in this fiscal year and a similar number in the coming year will not focus upon the needs of poor youth; according to a preliminary survey taken by the Department of Labor only 14 percent of those now covered are in the age group below 21 years of age. Moreover, despite efforts which we hope will be successful, it is likely that general economic conditions will continue to make it difficult for the private sector to take up the slack through such voluntary job programs as those conducted by the National Alliance of Businessmen. The National Alliance—which has a goal of 175,000 jobs for this summer—was able to provide only 150,000 in each of the last two summers, even during times when economic conditions were generally more favorable. I ask that a copy of a letter from the National Alliance of Businessmen be included also in the hearing record.

We do not consider it advisable to cut the program to nine weeks, as proposed by the Administration. It was reduced to a nine-week program for the first time last summer only as a temporary compromise made in the last hour to make very inadequate funds spread as far as possibe. From the standpoint of the poor, the difference between ten and nine weeks is more than academic. Poor youth depend upon the wages derived from the program to contribute to the costs of returning to school

and, in many cases to the support of their families.

I urge full and early consideration this year so that public and non-profit sponsors will be able to plan effectively and provide youth with meaningful alternatives to continued frustration and restlessness.

Mr. Chairman, while these sums will not meet the total need they are substantial and they will help enormously. I should point out that they will be returned to some extent in that they will permit many parents now on welfare to engage in employment or training since their children will be occupied during the day. Over the long term they should decrease the possibility that youth participants will fall into welfare dependency themselves or find a way of life grounded in juvenile delinquency, drug addiction or crime, which is of such a high cost to society.

As members know, these programs have been of particular concern to me throughout the years, and I have felt it necessary each year—in the context of the supplemental appropriation bill—to seek more funds.

I am most grateful for the consideration that has been extended by the members of this Subcommittee in past years to this program. While we have disagreed on the amounts or what might be a reasonable figure to fight for in Conference with the House, the members have been most solicitous and understanding.

Mr. JAVITS. Mr. President, the matter has now been resolved in this conference report and, naturally, considering the need we cannot jump up and down about the result. But as far as conferees are concerned, I would like very much to express the appreciation of all 27 of us to the conferees for the result achieved.

Mr. President, what happened was that it is, practically speaking, split down the middle, and instead of the Senate allowance of $247 million or the House allowance of $95 million, they compromised on $156.5 million.

Mr. ELLENDER. Mr. President, if the Senator will yield, the House allowed $95 million.

Mr. JAVITS. Yes, and the Senate figure was $247 million. That is right. The compromise was just about down the line, as far as the committee is concerned. It allowed some $15 million for summer recreation instead of the $12.8 million proposed by the House or the $21.9 million proposed by the Senate; and $145.5 million for Neighborhood Youth Corps summer job program instead of $82 million proposed by the House or the $223.9 million proposed by the Senate.

As far as transportation is concerned, it allowed some of the funds to be used for that purpose, if necessary, and agreed with the House, subject to concurrence by the two Houses, that the money would be available until September 30, 1972. This will provide about 750,000 9-week jobs with provision for recreation and transportation, as I have just indicated.

I wish to thank the conferees very much for the result which has been attained with great particularity. I thank the Senator from New Hampshire (Mr. COTTON), the Senator from Washington (Mr. MAGNUSON), the Senator from North Dakota (Mr. YOUNG) who is the ranking minority member of the committee, the Senator from Louisiana (Mr. ELLENDER), the Senator from New Jersey (Mr. CASE), who is a member of the Committee on Appropriations, who took a very special part in this effort. I wish to note it is the best we have done in this group of Senators who have been so deeply interested in summer jobs, in all the years in recent times that we have been fighting this battle. I deeply feel that Members will see how helpful this is, especially in the teeming cities, like my own New York City, and they will receive the gratification which the country can give to dedicated men who achieve results like this.

I have been a member of the Committee on Appropriations and I know how dug-in people can become on the other side, so I have a double appreciation of this result.

Mr. YOUNG. Mr. President, we could not have had better supporters in conference than the Senator from Washington (Mr. MAGNUSON), the Senator from New Jersey (Mr. CASE), and the Senator from New Hampshire (Mr. COTTON). They fought long and hard for the things the Senator from New York is particularly interested in. They got the best possible.

Mr. JAVITS. I am sure of that and I am very grateful.

Mr. MAGNUSON. Mr. President, I shall make only a few brief remarks.

The total appropriations allowed in conference for chapter VII of the second supplemental appropriation bill for the Departments of Labor, and Health, Education, and Welfare is $1,203,451,000. This sum is $141,850,000 above the budget estimates, is $306,962,000 under the total sum recommended by the Senate and $224,550,000 above the amount allowed by the House.

Mr. President, as usual this was a difficult conference. We were pitted against both the House conferees and the administration as they pressed for figures that were much lower than ours. In the face of such opposition, all the Senate conferees worked hard to provide as much of the Senate increases for chapter VII of this bill as were possible—and in the areas of greatest need.

We are just as disappointed as some members that we could not do better in providing a larger sum in some areas. I am particularly disappointed that we were not able to provide more money for jobs and training of younger people through the Neighborhood Youth Corps and the student aid programs under the Office of Education. Nonetheless, I believe that the views of this committee and the Senate did exert some influence in stimulating the administration to offer a supplemental request—however minimal—for student aid; and I think we can point with some pride to the fact that this bill does include a total of $259 million for the Departments of Labor and HEW to provide jobs and educational opportunities that would otherwise be closed to needy youngsters.

NEIGHBORHOOD YOUTH CORPS

In recognition of the extremely high jobless rate among teenagers, the Senate provided funds which, when added to funds already available, would have provided about 950,000 job opportunities for economically disadvantaged youngsters in urban and rural areas. The conference bill, while falling short of the Senate proposal, will provide additional jobs for about 750,000 youngsters this summer. This is 150,000 more jobs than proposed by the administration and the House. These youngsters will be provided a worthwhile work experience this summer. They will be off the streets and will be provided with earnings which will enable them to complete or continue their education.

FOLLOW THROUGH

The Senate recognized the need to follow up and reinforce the educational benefits received by preschool youngsters in Headstart programs. The Senate bill included $9 million to prevent the termination of 26 ongoing projects which are providing services to 8,300 educationally disadvantaged grade school children. Both the House and the administration favored termination of these projects. Nevertheless, we were able to fight to get at least $3 million restored which will allow continuation of the best projects for at least 1 more year. We are hopeful that many of the remaining projects will be able to be continued under funds appropriated for the educationally deprived children under the Elementary and Secondary Education Act.

HIGHER EDUCATION STUDENT AID

Here the Senate recognized the ever-increasing cost of higher education for increasing numbers of students. The Senate bill added $300 million in order that approximately the same percent of student aid requests could be met in the fall of 1972 as in the fall of 1971. The Senate especially recognized the need for counseling large numbers of returning veterans so that these young people might make maximum use of their GI benefits. This need was apparent to the Senate since only about one-fifth of the veterans are using their GI benefits.

The conference bill includes $100 million for these purposes. These funds will provide over 165,000 additional scholarships and loans to needy youngsters this fall—most of whom would not otherwise be able to begin or continue their education. The funds will also provide increased counseling to our returning veterans. This is very important "seed" money because it can make the difference between a veteran returning to school to make something of himself and leading a more productive life or being relegated to a life of enforced idleness in a high unemployment economy. It is easy to see how counseling at this crucial juncture can pay great dividends for our veterans and our Nation. Nonetheless, the administration failed to request funds for this item, and it was only because of the hard work of the Senate conferees that this item is in the final bill.

EMERGENCY FOOD AND MEDICAL RESERVES

The Senate included $30 million to allow the Office of Economic Opportunity to restore this program to 70 percent of the 1971 level. The Senate added these funds in recognition of the need to provide outreach, transportation and related services to allow some 2 million hungry

and sick Americans in urban and rural areas—especially areas of continuing high unemployment—to fully participate in existing food stamp and commodity programs. The Senate conferees pointed out that the administration's recently announced food program did not involve any real increase in resources—merely a shift in existing funds—a "rob Peter to pay Paul" act. Further, the administration's proposal in contrast to the Senate proposal, would not focus on areas of high unemployment, but would involve merely more of the same. The Senate proposal, in contrast, would concentrate on reaching out to the poor, especially the rural poor, and making existing food stamp and food commodity programs available to them.

Consequently, the Senate conferees were successful in persuading the House to include at least $20 million in the conference bill for this purpose. Since these funds in no way duplicate the recently announced administration food "plan," the Senate fully intends and directs that these funds shall be spent. The next move is clearly up to the Office of Management and Budget on the release of this money.

NATIONAL CANCER INSTITUTE

The conference bill includes the full request of $40 million for construction of cancer centers and training of additional cancer research scientists. This supplemental will allow the National Cancer Institute to get a "running start" on building up the facilities and staff necessary for an all-out effort to conquer this dread disease.

CONCLUSION

Mr. President, in closing, let me state that I thought chapter VII of the Senate bill was a good one. The conference report before, you, today, provides for an amount that should prove very helpful.

The amounts provided for some items are not entirely to my satisfaction; however, in the main, there will be adequate funds to meet necessary expenses of the Departments of Labor, and Health, Education and Welfare, and Related Agencies in fiscal year 1972, and we will be back in this coming fiscal year to see if more can be done.

Mr. ELLENDER. Mr. President, I yield 15 minutes to my good friend from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, the conference report carries an item of $650,000 for the Joint Committee on Inaugural Ceremonies for 1973. I understand from the committee that the amount was determined in the following fashion: The 1969 expenditures were $347,656. The Architect's estimate for the upcoming inauguration started with that figure. Then, it was increased by a figure of $114,135, that being what is called the increased cost factor of 32.8 percent, or one might say 33 percent during the 2 years 1970 and 1971. Then, for the year 1972 the increased cost factor is placed at 12 percent. In addition to that, provision is made for snow removal and for administration expenses.

The total is $570,206, plus $50,000 for the Sergeant at Arms and $30,000 for the joint committee, bringing the total estimated inaugural expenses to $650,000.

There are several aspects of this matter that have impressed me. One is that the cost for the 2-year period——

Mr. ELLENDER. Mr. President, if the Senator will yield I wish to say to my good friend from Virginia that I think the increase is for 1969, 1970, 1971, 3 years, and the 1972 increase was 12 percent.

Mr. HARRY F. BYRD, JR. I thank the Senator from Louisiana. The worksheet given me by the committee shows 1970 and 1971 increased cost factor of $114,135.

Mr. ELLENDER. The worksheet given to you is not clear. It was really for 3 years.

Mr. HARRY F. BYRD, JR. Three years.

Mr. ELLENDER. Yes.

Mr. HARRY F. BYRD, JR. I thank the Senator.

The increased cost factor for that 3-year period was 33 percent. Now, we come to 1972, when the cost factor is supposed to have been decreased and inflation is supposed to be more under control and we have a cost factor of 12 percent. So for 3 years we had 11 percent and for the present year 12 percent. That does not indicate to me that inflation is under control. As a matter of fact, inflation is not under control and these figures submitted by an official Government agency show that inflation is not under control.

That is justification for asking for $650,000 to finance the new inauguration which will take place in January 1973. I think the President of the United States, whoever he may be, should have an appropriate inauguration. I think whatever sum is necessary to give to him an appropriate inauguration should be appropriated by Congress.

However, Mr. President, I do wish to point out that during the 3-year period 1969 through 1971 the costs are estimated to have increased by 33 percent or 11 percent per year, whereas in 1972 the increased cost factor is placed at 12 percent. It would certainly indicate clearly there has not been any leveling off or reduction in the inflationary aspect.

Now, as the Senate considers the $650,000 appropriation to finance the inauguration of the next President of the United States, perhaps a bit of history might be of interest.

In 1944 my immediate predecessor in this office was the late Harry Flood Byrd, Sr. He was chairman of the Committee on Rules and Administration of the Senate, and as such was chairman of the Joint Inaugural Committee. Franklin Delano Roosevelt was seeking his fourth term, to which he was subsequently elected. Plans were being made for the inaugural ceremonies for January 1945. Senator Byrd advised President Roosevelt that as chairman of the Inaugural Committee he wanted to cooperate fully with the President, and would introduce legislation appropriating whatever amount of money President Roosevelt desired for the inaugural ceremonies.

The President notified Senator Byrd that the amount of money to be appropriated was a decision for Congress to make, whereupon Senator Byrd recommended a figure of $100,000.

Later President Roosevelt called a press conference and said he had no idea of spending such a gigantic sum of money on his inauguration, and all he needed was $25,000, and he would show the economy-minded Senator from Virginia how to economize.

So Senator Byrd then came back to the Senate, revised his request downward from $100,000 to $25,000, which the Senate and the Congress approved. That approval was given by the Congress on September 23, 1944.

In November of 1944, immediately after the election, the present senior Senator from Virginia was in San Diego, Calif., waiting to go to the Pacific as a member of Naval Patrol Bombing Squadron 13.

Senator Byrd, Sr., flew to California to spend a few days with my wife and me, and while he was there he got a telephone call from Gen. Edwin M. "Pa" Watson at the White House. General Watson said that they had been doing some refiguring on the cost of the inaugural ceremonies and that $25,000 would not be adequate.

Senator Byrd informed General Watson that any figure the President wanted for the inauguration, if he would write a letter, he, Senator Byrd, would recommend such amount to the Congress.

Two days passed, and General Watson called again and he said that he had talked with President Roosevelt and that President Roosevelt was reluctant to write such a letter because he thought Senator Byrd might publish it. Senator Byrd told General Watson to tell the President not to be in doubt about that; that he certainly would publish it and would put it in the CONGRESSIONAL RECORD.

Another day passed, and General Watson called again and said that he hoped Senator Byrd would not insist upon a letter from the President. Senator Byrd did insist.

The next day General Watson called again, and he said it was vitally important that Senator Byrd return immediately to Washington, because it was necessary to make sure the financial matters for the inauguration would get straightened out.

While it was inconvenient for him to do so, Senator Byrd did return to Washington. President Roosevelt would not give in by writing a letter requesting an additional appropriation, nor would Senator Byrd give in by making such a request until he got such a letter from the President.

As a result of these two strong-minded men locking horns, the inauguration of 1945 was the most austere, I suppose, in the history of the U.S. Government. I got the figures from the Archives and the records show that of the $25,000 congressional appropriation, only $526.02 was used, with $24,473.98 being returned to the Treasury.

So that was probably a somewhat happy day for the taxpayers, but per-

haps not so happy a day for some of the folks in the White House.

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

Mr. HARRY F. BRYD, JR. I am delighted to yield to the distinguished Senator from Louisiana.

Mr. ELLENDER. In his investigation as to the costs of the 1944 inaugural, did the Senator learn who was the Santa Claus, because they certainly could not do that for $500. Someone must have made a contribution.

Mr. HARRY F. BYRD, JR. That aspect I have some hesitancy putting into the RECORD. These other records I can substantiate, but I am not able to substantiate an answer to the question asked by the distinguished senior Senator from Louisiana. For that reason I have some hesitancy in making a statement, but my understanding is that there were some supplemental funds or contingency funds available from which an additional amount was utilized.

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

Mr. HARRY F. BYRD, JR. I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I commend the Senator for his statement and certainly want to add my words of admiration and appreciation to his distinguished father and others who so consistently practiced economy.

I happen to remember the 1945 inauguration. It will be recalled that at that time we were still involved in a very serious war in Europe and in the Pacific. I do not believe there was a parade, and my recollection is that the inauguration took place at the White House, just outside, and it was a very austere occasion, no doubt brought about by financial need as well as the fact that the Nation was involved in a very grim war situation.

Mr. HARRY F. BYRD, JR. Yes. The Senator from Nebraska brought out a very interesting point. The Nation was involved in war. The inauguration took place only 3 or 4 months before the ending of the war in Europe and about 7 months before the ending of the war in the Pacific, and that, too, of course, had a bearing on the cost. Nevertheless, the facts bear out that plans were being made then for a much more elaborate inaugural ceremony than eventually developed. It was held in the South Portico of the White House.

Mr. President, I say again that, whoever may be President of the United States at any particular point in our history, the American people want him to have adequate appropriations from the Federal Treasury so that he may have an appropriate inauguration. If the committee feels that the $650,000 figure is an appropriate one, then I do not contest the figure other than to point out that the figures used to substantiate the sum which is being requested are figures which indicate very clearly to me that inflation is not being got under control, because both the committee and the Architect ascertain that costs have gone up 33 percent over the 3-year period of 1969, 1970, and 1971, and they project that the cost will go up 12 percent during 1972—each of these figures being compared with 1969.

The PRESIDING OFFICER. The Senator from Louisiana has no further time to yield. However, under the consent agreement, the Senator from North Dakota (Mr. YOUNG) has 49 minutes remaining.

Mr. YOUNG. Mr. President, I yield to the Senator from Louisiana whatever time he wishes.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. ELLENDER. I thank the Senator.

Mr. President, I wish to commend the Senator from Virginia for giving us the interesting historical background on the swearing in of the late President Roosevelt in 1945. I happened to be here, and that happened to be his fourth inauguration. I think other factors that contributed to the fact that it was a short ceremony and that not much money was spent on it was that it was the first time a President ever took office for the fourth time and it was during World War II.

But I am pleased, Mr. President, with the attitude of the Senator from Virginia. As chairman of the committee, I shall request that an accounting be taken of all expenditures made and that it be submitted to the Senate after the inauguration.

I thank the Senator from North Dakota.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I have nothing further to add.

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

Mr. ELLENDER. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 5 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert: "$67,835,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 6 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert: "$4,380,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 12 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment, insert the following: "*Provided*, That there shall be advanced in fiscal year 1972, upon request of the board of directors of any regional corporation established pursuant to section 7 of said Act, $500,000 for any one regional corporation, which the Secretary of the Interior shall determine to be necessary for the organization of such regional corporation and the village corporations within such region, and to identify land for such corporations pursuant to said Act, and to repay loans and other obligations previously incurred for such purposes: *Provided further*, That such advances shall not be subject to the provisions of section 7(j) of said Act, but shall be charged to and accounted for by such regional and village corporations in computing the distributions pursuant to section 7(j) required after the first regular receipt of monies from the Alaska Native Fund under section 6 of said Act: *Provided further*, That no part of the money so advanced shall be used for the organization of a village corporation that had less than twenty-five Native residents living within such village according to the 1970 census".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 22 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"HIGHER EDUCATION

"For an additional amount for "Higher Education," $100,000,000, including $45,000,000 for educational opportunity grants, $25,600,000 for college work-study programs, and $23,600,000 for student loans under the National Defense Education Act: *Provided*, That the funds appropriated herein shall remain available until June 30, 1973."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 23 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert: "$20,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 27 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment, insert the following:

"CHAPTER IX

"PUBLIC WORKS

"DEPARTMENT OF THE INTERIOR

"Southwestern Power Administration

"Operation and Maintenance

"For an additional amount for 'Operation and Maintenance', $180,000, to be derived by transfer from the appropriation for 'Construction,' Southwestern Power Administration

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 33 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert: "$170,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 38 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: "*Provided further*, That the appropriations for the Federal office building (superstructure), Chicago, Illinois; the Courthouse and Federal office building (superstructure), Philadelphia, Pennsylvania; and the Federal Bureau of Investigation building (superstructure), Washington, D.C., shall be available only upon the approval of the revised prospectuses by the Committee on Public Works of the Congress."

Mr. ELLENDER. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 5, 6, 12, 22, 23, 27, 33, and 38.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

Mr. ELLENDER. I ask unanimous consent that the requirement this conference report be printed as a Senate report be waived inasmuch as, under the rules of the House of Representatives, it has been printed as a report of the House of

Representatives. The reports are identical.

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

FOREIGN RELATIONS AUTHORIZATIONS ACT OF 1972

The PRESIDING OFFICER (Mr. SPONG). Under the previous order, the Chair lays before the Senate the unfinished business, S. 3526, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment (No. 1200) of the Senator from Michigan (Mr. GRIFFIN).

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a time limitation of 1 hour on amendment No. 1194, by Mr. HARTKE, to S. 3526, the time to be equally divided between and controlled by Mr. HARTKE, the author of the amendment, and the distinguished Senator from Arkansas (Mr. FULBRIGHT).

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the pending amendment by Mr. GRIFFIN be temporarily laid aside; that the Senate proceed to the consideration of amendment No. 1194; that the time on any amendments to the amendment come out of the time on the amendment; and that at the conclusion of the hour, or at the conclusion of the vote or votes on amendment No. 1194, or upon the yielding back of the time on that amendment, the amendment by Mr. GRIFFIN then be restored to its original status as the pending amendment before the Senate.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the amendment by Mr. CHURCH and Mr. CASE also be laid aside temporarily, under the same specifications.

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

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum—the time to be equally charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

The clerk will report the pending amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) proposes an amendment numbered 1194, at the end of the bill——

Mr. ROBERT C. BYRD. Not the Senator from West Virginia. The Senator from West Virginia is not proposing the amendment.

Mr. President, I suggest the absence of a quorum, under the same understanding as before.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Louisiana (Mr. LONG) may be recognized for not to exceed 2 minutes, without the time being charged against the amendment which has not yet been reported.

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

WELFARE REFORM

Mr. LONG. Mr. President, some days ago the Finance Committee announced its decision to replace the welfare expansion portions of H.R. 1 with provisions designed to provide employment opportunities for people. The committee felt that providing jobs and employment incentives was far preferable to providing funds for more and more people to have a guaranteed income from welfare, even though those people could appropriately be expected to go to work.

The idea of providing low-paying jobs rather than a welfare dole is not new. Elliot Richardson, Secretary of HEW, chose to describe these as WPA-type jobs.

Mr. President, the people of this country have had a chance to think about this issue down through the years. If they must make the choice between providing someone with a low-paying job or providing the same amount of money in welfare for doing nothing, I am sure the people of this country would overwhelmingly favor providing a low-paying job.

Secretary Richardson and his group undertook to place some false, misleading, and high estimates on what it would cost to provide work opportunities for people. The committee feels that the type of approach we advocate will cost no more in the short run than the real cost of the welfare expansion program, and only a fraction as much in the long run as the HEW recommendation for a guaranteed annual income for doing nothing.

The approach of the committee was applauded in an editorial published in the Nashville Banner on May 4, 1972, entitled "Welfare Reform Needs Workfare." It attached to its editorial an article which was published in the Wall Street Journal, entitled "Was the WPA Really So Awful?"

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial from the Nashville Banner and the reprint of the article from the Wall Street Journal.

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

WELFARE REFORM NEEDS WORKFARE

Workfare is better than welfare—as a program responsibly treated in behalf of the genuinely needy is better than a handout extravaganza of monstrous consuming outrage. With that dual fact, advanced at the legislative level by Sen. Russell B. Long, chairman, the Senate Finance Committee has agreed overwhelmingly; and the taxpaying public concurs emphatically.

Judgment dictated rejection of the proposed guaranteed annual income for the welfare clientele—the administration's plan, a format more calculated to crystallize, magnify and perpetuate the abuses in question than to modify and ultimately overcome them by emphasis on the work—or self-help—ethic.

The rejection was by a committee vote of 10 to 4, a bipartisan stand, reflecting the fact that on this issue lawmakers have heard from home. What they have been hearing coincides with the state-level policies asserted by Gov. Ronald Reagan in California and Gov. Nelson Rockefeller in New York. The realistic message there, in both states, is that these—as Exhibits A and B in the costly and mounting outrages of abuse by welfare-riders—want workfare to replace welfare as such. Clearly they have recognized, too, the more than implied responsibility for job-training where necessary, and state-provided jobs where other work is not readily available.

The substitute plan approved by the Senate Finance Committee is in no sense inhumane, and would not ignore—as a public obligation—the bona fide cases of need. The substitution of work opportunities for handouts applies to adult welfare persons not physically incapacitated nor otherwise prevented from working.

It is not indifferent to the necessity of child care. It does tend to underscore the fact of parental obligation, too.

By present estimates it would take approximately 1.2 million adults out of the present welfare system and put them under a new Federal Employment Corp., where they would have to work to get any further payments.

If that is "make work" in the sense of public projects of a useful nature, initiated for precisely this purpose, it assuredly would be an improvement over the philosophy—fast becoming an ideology—of paying these for doing nothing.

On this page today is reprint of an article from the Wall Street Journal, answering the deprecating charge that the proposed alternative is "another WPA." It reminds of what the WPA accomplished. The reminder is apt in Tennessee, as well.

In Nashville, through that agency was built the airport, "Berry Field," named for the late Col. Harry S. Berry who was state administrator for the Works Progress Administration. Here also is Cheatham Place, the PWA-built housing and slum clearance

project, and Andrew Jackson Place. Here was landscaping in Shelby Park, restoration of Fort Negley, and participation in work and beautification projects at The Hermitage.

In Tennessee WPA employment was from 30,000 to 40,000 persons; 31,000 miles of highway were built, and 3,198 bridges. There were education programs also, employing teachers. These are some of the projects carried out, constructively, under that program.

With concern for the taxpayers' purse responsible lawmakers are going to have to act to reduce, not proliferate, the overall costs. The expensive magnitude of it as well as the disgraceful abuses, are reasons for the overwhelming demand for its reform.

In the Senate view workfare is better. The people agree.

WAS THE WPA REALLY SO AWFUL?

(By Paul Lancaster)

NEW YORK.—Through a program that gives local governments money to add workers, Washington is moving gingerly into the business of combating unemployment directly by creating jobs. But proposals for broader job programs, including public works, still trip up on a ghost from the 1930s, the WPA.

Implicit in warnings against "another WPA"—the initials stand for Works Progress Administration—is the notion that when a government program is motivated by the desire to make work, the participants won't make anything useful. But a glance around this city, where an army of WPA workers labored in the Depression, shows that's not necessarily the case.

The businessman arriving in town at LaGuardia Airport is making use of a major WPA project. So is the visitor arriving at Newark Airport, which the WPA expanded and modernized. The Wall Street executive who takes a cab from midtown Manhattan to his office travels down the East River Drive, another undertaking in which the WPA had a hand.

Sports-minded New Yorkers enjoy golf courses and tennis courts built by workers employed by the WPA and earlier New Deal job programs. Residents who frequent Central Park have such workers to thank for the playgrounds around the edge of the park, the delightful little zoo, the bridle path, the red brick boathouse where they rent rowboats—even the concrete benches. Besides these visible reminders of federal "make-work" programs, there is much that is less obvious now but that kept the city from falling apart during the Depression, such as new sewers and sidewalks and repairs to museums, libraries and other public buildings.

Today's unemployment rate of under 6 percent looks insignificant by the standards of the '30s, when as many as a quarter of all workers were jobless. Nevertheless, a substantial number of the five million Americans now classed as unemployed are growing just about as desperate as their Depression counterparts—perhaps more so in some cases because they see so much affluence around them.

Many have been out of work for long stretches and seemingly have little prospect of landing a job in industry soon even if the pace of business continues to pick up. Their ranks include unskilled urban blacks as well as highly trained engineers and technicians displaced by defense and aerospace cutbacks. For some of the hard-core unemployed, public employment may offer the only hope.

So far, Washington's efforts to create public jobs have been sharply limited. The bill enacted last summer to expand local government payrolls by providing federal funds for the hiring of new teachers' aides, policemen and the like creates only 150,000 jobs all told, and critics say many of these aren't going to the people who need them most. Before accepting this relatively modest program, President Nixon twice vetoed bills that would have created many more jobs. One veto message assailed "WPA-type jobs."

It's not hard to find grounds for criticizing the WPA. Some of the $10 billion that agency cost the federal government between its launching in 1935 and the closing of its books in 1943 went for such questionable items as the wages of local politicians' household help. In a number of instances WPA funds financed the construction of facilities that wound up in private hands. There were also frequent complaints that the Democrats used WPA jobs to buy support in elections.

Nor is there any denying the waste and inefficiency that gave rise to the term "boondoggle." A final government report on WPA activities conceded that some of the agency's airport and dam construction had proved "ill-advised" and "overdone." The same report notes that the WPA built 2,309,000 public privies, raising the question of whether privy building might not have been overdone, too.

The cartoons depicting WPA workers leaning on their shovels had a basis in fact. Indeed, in 1938 a crew of WPA ditch-diggers here in New York walked off the job because the foreman wouldn't let them lean on shovels. The men had been in the habit of working in pairs, one with a pick and one with a shovel. When the pick man was working, the shovel man rested, and vice versa. The foreman ordered each man to use pick and shovel interchangeably to speed the work. The workers called the order "inhuman" and struck before eventually complying.

Given the immense scale of its operations, however, perhaps the remarkable thing is that the WPA managed as well as it did. At one time or another, 8.5 million Americans were on its payroll, earning an average of $54 a month. And the list of their accomplishments is impressive.

WPA workers built 67,000 miles of urban streets and built or improved 572,000 miles of rural roads. They built or improved 8,000 parks and 12,800 playgrounds. They erected 5,900 schools and renovated 31,000 others, and they built or improved more than 1,000 libraries.

Some of their efforts at least moderated the environmental problems that concern Americans so much today. WPA crews built or modernized more than 1,500 sewage treatment plants. Unemployed miners on the WPA rolls in West Virginia, Ohio, Pennsylvania and Kentucky sealed thousands of abandoned coal mines, thereby reducing the stream pollution caused by acid drainage from the mines. Other conservation projects included the reseeding of depleted oyster beds and the planting of 177 million trees.

No section of the country failed to benefit. Jersey City got a 22,000-seat stadium, and Whitley County, Ind., got a new cemetery. Los Angeles got golf courses and swimming pools, and Cumberland, Ky., got a new city hall. Chicago got help with its lakefront park, and Oregon got a ski lodge atop Mount Hood.

Construction accounted for the bulk of WPA employment, but the agency showed considerable imagination in putting jobless professionals and white-collar types to work in fields where they could use their talents. Laid-off teachers set up adult education programs. WPA clerical workers helped streamline record-keeping in municipal tax offices.

Best remembered are the projects in creative fields. WPA writers turned out the celebrated series of state guidebooks still prized as reference works today. WPA artists covered the walls of public buildings with 2,500 murals. Many of the murals have long since disappeared, but some of the painters employed by the art project went on to fame—Jackson Pollock and Willem De Kooning, to mention a couple.

The programs for writers and artists, as well as others for musicians and actors, were directed from Washington, but most of the WPA's construction and maintenance projects resulted from proposals made by local governments. A town said it needed a park. If the WPA approved, it issued tools and a tool shed from its supply section, and the jobless went to work.

Some cities' needs are as great today as they were in the '30s. Just as a starter, much of the work the WPA did needs to be redone; the parks it built are a mess and the public buildings it constructed or refurbished have become shabby. A major urban rehabilitation effort would be one way to employ many of the unskilled jobless profitably.

Finding jobs for the idle engineers and technicians might require imagination of the sort the WPA displayed in putting unemployed professionals to work. But men ingenious enough to build moon rockets could surely make a contribution somewhere. One likely possibility is in helping cities cope with the rising tide of waste through recycling programs and other means.

Today's conditions are not the same as those of the depths of the Depression, of course, and there are questions as to whether the money for a major job-creating effort is available. A proposal by Rep. Henry Reuss, a Wisconsin Democrat, to create 500,000 public service jobs over two years carries a price tag of $6 billion, compared with $2.25 billion over the same span for the current program. But the achievements of the WPA coupled with the glaring needs of the cities today, do suggest that money spent to make jobs would yield the nation at least some return in the form of concrete benefits. And aside from such tangible benefits, a larger public jobs program could hope to lift the spirit of some of those who have come to feel that society has no useful role for them to play.

REFERRAL OF MESSAGE FROM THE PRESIDENT OF THE UNITED STATES TO COMMITTEES ON FINANCE, AND LABOR AND PUBLIC WELFARE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a message from the President of the United States on the Allied Services Act of 1972 be jointly referred to the Committee on Finance, and the Committee on Labor and Public Welfare.

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

The message from the President is as follows:

To the Congress of the United States:

In responding to steady public demand over recent decades for more and more human services, the Federal Government created a host of assistance programs designed to meet a wide variety of human needs.

These many programs were established one-by-one over a considerable number of years. Each of the target problems was examined in isolation, and a program to alleviate each problem was devised separately—without regard to programs which had been, or would be, developed for allied problems.

The result is that a compassionate government unwittingly created a bureaucratic jungle that baffles and short-changes many citizens in need. The unintended administrative snarl wastes tax-

payers' money. And it frustrates needed efforts to treat "the whole person."

The Allied Services Act of 1972, which I am proposing today, would give State and local officials authority to consolidate the planning and implementation of the many separate social service programs into streamlined, comprehensive plans—each custom-designed for a particular area.

Such plans could eventually make it possible to assess the total human service needs of an entire family at a single location with a single application. Most applicants need more than one service, and now must trudge to office after office applying for assistance from one program at a time—with the result that they may not obtain all the services they need, or may be discouraged altogether from seeking help.

The Department of Health, Education, and Welfare administers some 200 different human assistance programs in about a dozen major fields—to help needy citizens with such services as mental health, vocational rehabilitation, manpower training, food and nutrition, special programs for the aged, education, juvenile counseling, alcoholism and drug abuse, housing and public health.

Each of these programs has its own eligibility rules, application forms, management, and administrative policies. Each program usually has its own office location and its own geographical coverage area.

Federal rules and regulations, in short, now keep each social service program locked up in a little world of its own. This is not only wasteful and inefficient—it also prevents State and local efforts to close the gaps in social service delivery systems.

As I stated in my State of the Union Message this year, "We need a new approach to the delivery of social services—one which is built around people and not around programs. We need an approach which treats a person as a whole and which treats the family as a unit."

For the uninformed citizen in need, the present fragmented system can become a nightmare of confusion, inconvenience, and red tape.

The father of a family is helped by one program, his daughter by another, and his elderly parents by a third. An individual goes to one place for nutritional help, to another for health services, and to still another for educational counseling.

They are not the only victims of fragmented services—others include the taxpayers, and the public officials and government employees seeking to operate these diverse programs. Vast amounts of time, money, and energy are expended in administrative procedures which overlap and duplicate—rather than being efficiently organized to help people.

The Allied Services Act of 1972 would give State and local governments greater legal freedom and planning tools needed for the long-overdue job of modernizing the delivery of social services into consolidated programs. This process would begin at the option of elected State and local officials, and would be highly responsive to their needs.

It would permit knowledgeable State and local people to break through rigid categorical walls, to open up narrow bureaucratic compartments, to consolidate and coordinate related programs in a comprehensive approach to related social aid problems—designed to match widely-varying State and local needs.

Under the Act, the Federal Government would make dollars available for the costs of developing consolidated plans, and it would also be prepared to underwrite the administrative start-up costs when the comprehensive services program went into effect.

To encourage and facilitate such unified services, the Secretary of Health, Education, and Welfare would be empowered by the Act to approve the transfer of up to 25 percent of any existing program's funds into any other purpose or programs involved in an approved local allied service plan—a logical flexibility now hindered by Federal program regulations.

The Secretary also could provide a waiver of any existing program regulation which barred or hampered an existing program from participating in such activity.

The Allied Services Act charts a new course for the delivery of social services. It is a complex reform proposal with many major ramifications for many established groups—government and private—on the Federal, State, and local levels.

The consideration and eventual passage of this legislation by the Congress would only be a start. At the same time, human service delivery reform would have to be debated all across the country by affected governments and groups, in order to decide how they would make best use of the proposed freedoms and incentives in their particular areas.

This is one more effort by my Administration to make government more sensible, more responsive and more effective at the local level—where most citizens actually meet the practical impact of government.

In this important proposal, as in my recommendations for Revenue Sharing, we would summon forth the creative energies and the local expertise of State and local officials, rather than keeping them strapped in a straitjacket of inflexible Federal regulations.

They would be freed—and thus would be challenged—to direct the development of customized, comprehensive social services plans to treat the special needs, resources and desires of their particular areas.

Such efforts should result in government built for people, geared for across-the-board performance, and designed for results rather than bureaucratic ritual.

If we bring this about, we shall not only be providing better social services—we also shall be taking a giant step toward the restoration of the people's confidence in the common sense of performance of their government.

RICHARD NIXON.

THE WHITE HOUSE, *May 18, 1972.*

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time not be charged against anyone.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1194

Mr. HARTKE. Mr. President, I call up my amendment No. 1194 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk proceeded to read the amendment.

Mr. HARTKE. 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, ordered to be printed in the RECORD, is as follows:

At the end of the bill, add the following new title:

TITLE VIII—STUDY COMMISSION RELATING TO PEACE AND INTERNATIONAL COOPERATION

FINDINGS AND PURPOSE

SEC. 801. The Congress declares that the United States has an urgent and continuing responsibility to seek international peace and has undertaken obligations to seek international peace under the Kellogg-Briand Pact of 1929, the Nuremberg Charter of 1945, and article II, paragraphs 3 and 4, of the United Nations Charter. It is the purpose of this title to establish a study commission which will submit findings and recommendations to determine the most appropriate way to meet these responsibilities and obligations and to provide the means to seek and achieve the peaceful resolution of international conflict.

COMMISSION ON PEACE AND INTERNATIONAL COOPERATION

SEC. 802. (a) To carry out the purpose of section 801 of this Act, there is established a Commission on Peace and International Cooperation (hereafter referred to in this title as the "Commission").

(b) The Commission shall be composed of the following twelve members:

(1) four members appointed by the President, two from the executive branch of the Government and two from private life;

(2) four members appointed by the President of the Senate, two from the Senate and two from private life; and

(3) four members appointed by the Speaker of the House of Representatives, two from the House of Representatives and two from private life.

(c) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(d) Seven members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(e) Each member of the Commission who is not otherwise employed by the United States Government shall receive $145 a day (including traveltime) during which he is engaged in the actual performance of his duties as a member of the Commission. A member of the Commission who is an officer or employee of the United States Govern-

ment shall serve without additional compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

DUTIES OF THE COMMISSION

SEC. 803. (a) The Commission shall study and investigate the organization, methods of operation, and powers of all departments, agencies, independent establishments, and instrumentalities of the United States Government participating in the formulation and implementation of matters relating to peace and international cooperation and shall make recommendations which the Commission considers appropriate to provide improved governmental processes and programs in the formulation and implementation of such matters, including, but not limited to, recommendations with respect to—

(1) the reorganization of the departments, agencies, independent establishments, and instrumentalities of the executive branch participating in such matters;

(2) improved procedures among departments, agencies, independent establishments, and instrumentalities of the United States Government to provide improved coordination and control with respect to the conduct of such matters;

(3) other measures to promote economy, efficiency, and improved administration of such matters; and

(4) the best methods by which the United States Government should seek to achieve peaceful resolution of international conflicts and international cooperation.

(b) The Commission shall submit a comprehensive report to the President and Congress, not later than June 30, 1974, containing the findings and recommendations of the Commission with respect to its study and investigation. Such recommendations may include proposed constitutional amendments, legislation, and administrative actions the Commission considers appropriate in carrying out its duties.

POWERS OF THE COMMISSION

SEC. 804. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, of any such subcommittee, or any designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102 through 104 of the Revised Statutes (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

(b) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, suggestions, estimates, and statistics for the purposes of this title. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

STAFF OF THE COMMISSION

SEC. 805. (a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at GS–18.

EXPENSES OF THE COMMISSION

SEC. 806. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

Mr. HARTKE. Mr. President, the amendment that I have sent to the desk would amend the pending bill to provide for a study of the need for a Department of Peace.

In the last session of Congress, I introduced legislation that would provide for a Department of Peace as an executive department of the Government. That proposal represented a call to the new idealism which holds that future wars can be avoided only if we care enough to try. It would establish a new Department to develop long-range policies for peacekeeping. For presently, there is no institutional advocate for peace in our Government.

A major argument against the establishment of a department of peace has been that such action is unnecessary—that the State Department and the various agencies conducting U.S. foreign policy promote the cause of peace. However, many of those engaged in the conduct of foreign policy have stated that their function is neither to foster peace nor prevent war but to promote the national interest of the United States as defined by the President, the Secretary of State, and their colleagues and collaborators. Apparently the understanding is that their duty has nothing to do per se with peace or war. To paraphrase the classic dictum of Karl Von Clausewitz:

War is politics continued by other means.

Diplomacy is war continued by other means—namely, a quest for national advantage in competition with rivals and potential or actual enemies. The only thing that is clear from all of this is that it is unclear to Government officials and United States citizens as to who is the advocate of peace and international cooperation in the U.S. Government. Therefore, the need for a study to determine who does and should conduct the peace efforts of the United States is abundantly clear.

Title VI of the present bill provides for the establishment of a study commission to investigate the formulation and implementation of United States foreign policy. But I am not certain that the type of study which I have called for would come under the purview of title VI, since title VI, as I read it, contemplates only a review of existing institutions and functions rather than looking to any sharply new direction in the overall purpose of our foreign policymaking. And it is precisely that new direction in purpose that characterizes the call for a department of peace.

Mr. President, I wish to call attention to the fact that when I first made a statement and called for the establishment of a Department of Peace and had a news conference with respect to the measure, that same day President Nixon had a news conference. He was asked what his comment would be about a Department of Peace. He said:

We already have a Department of Peace in the Department of State, and a Department of Defense.

That raised eyebrows of many Americans and many people throughout the world.

At this point I would like to ask the proponents of the pending bill, if I may have the attention of the Senator from Arkansas, the chairman of the Committee on Foreign Relations, an opinion as to whether or not such a study as I have called for would be conducted under title VI of the present bill. In other words, I want to know if it would come within the purview of the present bill, and if so, under what circumstances would it be included under the pending bill?

Mr. FULBRIGHT. I think most certainly what the Senator has in mind, as I understand his amendment, is definitely contemplated in title VI of the bill under the Study Commission Relating to Foreign Policy.

One of the objectives of such a commission is to study not only the appropriate governmental processes but also the formulation of policy. Section 603 states on page 34:

DUTIES OF THE COMMISSION

SEC. 603. (a) The Commission shall study and investigate the organization, methods of operation, and powers of all departments, agencies, independent establishments, and instrumentalities of the United States Government participating in the formulation and implementation of United States foreign policy and shall make recommendations which the Commission considers appropriate to provide improved governmental processes and programs in the formulation and implementation of such policy, including, but not limited to, recommendations with respect to—

Then the Senator will notice the five specific areas for study. I wish to call particular attention to the fifth item which states:

Other measures to promote economy, efficiency, and improved administration of foreign policy.

It is a rather broad statement.

We had in mind for one objective, very much the same thing the Senator has proposed.

This has been an idea that has been considered for a number of years. The committee is very interested in reestablishing the role of the Department of State as distinguished from the National Security Council, of reestablishing its prestige and its importance. So the duties of the commission, as we provided, will encompass the study of the problems regarding the establishment of peace and how to resolve, by peaceful means, international conflicts.

I, of course, approve of the Senator's objective, but I just think the provision in the bill is ample to achieve that objective.

Mr. HARTKE. I would like to make this point to the chairman of the Foreign Re-

lations Committee. In the first place, I am not interested, really, in realining the present institutions. There is a great attack upon institutions per se in this country, and the attack upon those institutions is because they are not promoting the best interests of the United States—at least in my view of what should be the ultimate purpose of the United States, and that is to promote world peace. Certainly, this is not new, but it is something in which the United States has been derelict in recent years. We are being portrayed throughout the world as a nation without a goal and without a soul. The reason for that is that we have no one dedicated, no agency dedicated, no institution dedicated, no personality that can be readily identified as an individual who is dedicated to promoting world peace and peaceful purposes.

If I look upon section 603, I call attention to the fact that the commission which is envisioned in section 603 deals with the powers of all departments—it does not deal with anything new—agencies, independent establishments, and instrumentalities of the U.S. Government. This, in and of itself, refers to existing institutions which I think anyone who is acquainted with the Vietnam tragedy would have to say are in utter disarray and complete failure.

Then in line 23, I call the attention of the chairman of the committee to the word "participating." This is a very limiting factor. It does not envision anything new. It is merely a continuation of the old.

Mr. FULBRIGHT. Mr. President, will the Senator yield before he passes from that?

Mr. HARTKE. Yes, I am glad to yield.

Mr. FULBRIGHT. I call the Senator's attention, in connection with that, to subsection (b), which provides that "the commission shall submit a comprehensive report," and so forth, and provides that those recommendations "may include proposed constitutional amendments, legislation, and administrative actions the commission considers appropriate in carrying out its duties."

It is very clearly contemplated that if the commission feels it is proper to have a new organization or institution or a constitutional amendment, or whatever is desired, that is within the purview of the commission to study. The point is that the commission has to develop some new ideas. That could relate, as I say, to anything from constitutional amendments to the creation of a new department.

Mr. HARTKE. My distinguished friend, the chairman of the Foreign Relations Committee, knows I hold him in high esteem, certainly in his dedication to world peace, but the fact remains that there is not in this legislation any definition or any real penetration of the need for doing something affirmatively toward world peace. It deals with foreign policy. If the Senator were to ask any person in the United States what the foreign policy of the United States was, if he could define it at all, he would say, "We have demonstrated to the world that we are a nation that believes that might makes right."

Mr. FULBRIGHT. That would be a result of current policy or from reading the newspapers. What does the Senator expect them to say?

Mr. HARTKE. I expect them to say that, and I expect them to say that about this legislation unless it contemplates affirmative action rather than a continuation of the present structure.

On line 24, page 34 of the bill, it deals with foreign policy. When we talk about foreign policy in the common vernacular of the United States, we do not deal with something new. We do not deal with innovations. We do not deal with imagination. We do not deal with idealism. The foreign policy of the United States, as defined in the marketplace by the common man in the United States, is that we do not intend to be a Nation that is going to suffer its first defeat militarily. Those are the words of President Nixon. He says he has the polls to back him up in his overall policy. When we come back to section 603, on line 3 of page 35, it says "of such policy." It does not deal with something new. It deals with the past.

If there is something that this country needs, it needs some kind of thinking into the future. We are in the last third of the 20th century.

Mr. FULBRIGHT. The only reason for this provision is that it would contemplate some new policy. The Senator is saying we are creating this commission to endorse existing policy. That is an absolute non sequitur. Obviously, we would not have been interested in it except that we are dissatisfied with the current policy. Obviously any reasonable person would interpret this to mean that we are looking for some new policies and some better way to make and conduct policy than we now have. If we were content with what it is now, we would not do anything about it.

Mr. HARTKE. Let me ask the Senator who there is in the administrative side of the U.S. Government today who is charged with the responsibility to develop plans, policies, and programs for peace.

Mr. FULBRIGHT. Well, at the moment it is commonly believed that the National Security Council has that responsibility.

Mr. HARTKE. The National Security Council?

Mr. FULBRIGHT. That is what we are led to believe.

Mr. HARTKE. The last time they called the National Security Council it was when we were invited to a Democratic caucus, in which it was stated we should try to find out what is going on with respect to the spectacular announcement that the President was going to bomb North Vietnam and that he was going to mine Haiphong Harbor. That was the National Security Council's action.

Mr. FULBRIGHT. That was the President's action.

Mr. HARTKE. But it is the National Security Council.

Mr. FULBRIGHT. They report to him, not to the Congress.

Mr. HARTKE. I understand. As the chairman knows, I was in the caucus, and I made it clear that I thought we should be participating in the foreign affairs and in the decisions of the Nation, especially with respect to Vietnam. At the time it was suggested that the chairman of the conference and the majority leader, together with the chairman of the Foreign Relations Committee and the chairman of the Armed Services Committee, should make a little request, in the words of one Senator—which we did not do—of King Richard I. That was later dropped. But it was suggested that should be done before there was an announcement and before action was taken in Vietnam.

At that time the chairman would ask if we could report back at 4 o'clock in the afternoon, before the President would go before the Nation, even though he had not at that time announced he was going to take such action. The chairman of the conference and the majority leader said it was hoped they would be able to await some type of accommodation to discuss this with the President. As the chairman of the Foreign Relations Committee knows full well, the majority leader was summoned, as though he were a servant of the administration, to meet at 8:30 in the evening, at which time the decision of the National Security Council was announced to those in attendance, and then, as though they were synchronizing their watches, they said, "At this moment we are mining the harbor of Haiphong."

If that is an affirmative mandate for the National Security Council to secure peace, that is the type of affirmative mandate I am looking for.

There is nothing in this bill which in any way whatsoever puts forth that type of affirmative mandate to study methods, programs, policies, and plans whereby this Nation can really have world peace. Is there anything that the Senator can point to that would be contradictory to what I have said?

Given the history, it seems to me we have shunted aside far enough. As far as I am concerned, I say we might as well disband the Senate, because we are operating under Executive mandate. I think it will require some type of affirmative policy, rather than merely an addendum whereby we say "shall study the existing organization," and may include other items. I think there ought to be an affirmative mandate here to discuss methods, policies, programs, how to proceed and how to promote peace, how we are going to deal with other nations, how we are going to deal with existing private institutions, organizations, and individuals, so that we can have an interchange for peace; how we are going to use the authority in the Atomic Energy Act, for example, for peaceful use of atoms. We have not heard about that since Eisenhower was President, as a matter of fact.

In other words, what we are talking about here is changing the whole course of our Nation to seize the initiative for peace, not to simply quietly agree that we cannot do anything about this man in the White House unless we get a new President.

I would hope that in some way we could incorporate in this bill some affirmative mandate, some policy by which we would at least put the Senate on record that we are in favor of peace. I find it rather repulsive to hear that it is the Chinese

and the Russians who are held out to the rest of the world as being the nations seeking peace.

This is not a new concept, as the Senator well knows. For example, in a very important article written back in 1960, entitled "Government Organization for Arms Control," the distinguished junior Senator from Minnesota (Mr. HUMPHREY) made the following very incisive point:

> The role of the Senate in the ratification of treaties is a vital one. The requirement of a two-thirds vote means that very large support and understanding of the position of the executive branch on any treaty that is negotiated must be forthcoming from the Senate. A two-thirds vote also means that the subject of any treaty must transcend partisan politics. Seldom does the political party in control of the executive branch have the strength in the Senate to command or expect the support of 67 Senators.

Then he went on to say:

> The executive branch should not wait until a treaty has been negotiated before it consults the Senate. If it does, the Senate has the awkward choice of either a routine approval of the treaties submitted to it or of refusing consent to the product of months and perhaps years of labor and negotiation.

This deals with the ratification of treaties. But it deals with the same fact, that there is no institution in government today which is dedicated to the promotion of peace.

Benjamin Rush, at the time that he was active, in Revolutionary days, said it was not illogical to suggest that the United States should have a department of peace, even though we were then engaged in the Indian wars, because we had created a Department of War in a time of peace.

All I am saying to the chairman of the Committee on Foreign Relations is that unless there is an affirmative declaration in this bill which says, very simply, that we are interested in peace, I think it could easily be interpreted that we are primarily interested in engaging in imperialistic conquest. The present situation demonstrates the complete bankruptcy of our foreign policy for the last 25 years. We need a new direction.

Mr. FULBRIGHT. Mr. President, if the Senator will yield, I do not see any really substantial difference. The Senator's amendment does not in any way affect the present powers of the National Security Council. He is recommending the establishment of a study commission to submit findings and recommendations, the same thing that the bill recommends. He uses the words—to provide—the best methods by which the U.S. Government should seek to achieve peaceful resolution of international conflicts and international cooperation."

On page 35 of the bill, it says:

> (2) more effective arrangements between the executive branch and Congress, which will better enable each to carry out its constitutional responsibilities;

I think it is clear that one of the things we have in mind is to find better ways to achieve the peaceful resolution of international conflicts. That would clearly be one of the objectives.

We would not, by passing a bill saying we are for peace, have the slightest effect upon what the underlying policies really are. It is the policies and the persons responsible for their implementation that bring about peace. We could pass a resolution saying we are for peace, but does the Senator think that would promote anything at all?

We have to change what we actually do, and this is done through the institutions of government, as we put it here, which will better enable us to carry out our constitutional responsibilities by better, more effective arrangements between the executive branch and Congress. We had in mind exactly what I think the Senator does, and that is that the relationship between Congress and the Executive has broken down; there is no communication in the field of foreign policy. We all recognize that; that is really the reason for the provision in the bill. I do not see how the Senator's amendment adds anything to the provision in the bill. If he thinks the word "peace" inserted somewhere in there would make a big difference, I think we might find a place to put in such a word. But I see no point in adding the entire amendment to the committee's provision, because it does exactly the same thing: It authorizes a study of ways to better organize our system to bring about a more rational and peaceful world. That is what its objective is.

Mr. HARTKE. Let me emphasize to the Senator once again that rhetoric in this society is very important. I am not so sure all of us would agree that rhetoric should be as important as it is. Communications are very important, and because of the fact that they are, I think we ought to communicate from this body to the President and to the world that we want a nation which will be dedicated in the future to peace; and there is no way at the present time that we can do that, with the President in his present posture, because he is demonstrating to the world that he means peace through additional bombing, he means peace through utilization of military power, he means peace through utilization of napalm. I do not believe in that, and I know the chairman of the Committee on Foreign Relations does not believe in that.

I think we need an emphasis on peace, but I will say equally, as strongly as I can, that until we at least have the rhetoric, we are not going to have policy formulation in that direction.

I might say, the rest of the world may go ahead and condemn the totalitarian societies of China and Russia, but the fact is that they have reemphasized day after day that they are seeking for peaceful solutions. That is what I would like to see us do. I would like to see us change our agencies and institutions of government to give some hope, at least, to the young of this Nation and the young in heart that we are going to at least change the policy, not just change the institutions or put together the present organizations which are dealing with the present policy, but absolutely change the whole character and characteristics of America to be what it was originally conceived to be, that is, a Nation which would take the liberty which God gave us, in the words of Thomas Hooker. Or in the words of Winston Churchill, when he said that America was the most gracious of all the Nations in the world, seeking neither tribute nor ransom from friend or foe.

Those words mean something. Words by themselves may not make a change in policy, but I would imagine that in many ways the charge and the encouragement that have been given by forceful statements of policy, either in speeches or in legislation, have really changed the whole course not alone of nations, but of the world.

Would the chairman be willing to include, in section 603(b), the statement that the recommendations would include proposed constitutional amendments, legislative and administrative actions, and the desirability and feasibility of a Department of Peace?

[Disturbance in the galleries.]

The PRESIDING OFFICER. The galleries will be in order.

The time of the Senator from Indiana has expired.

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

The PRESIDING OFFICER. The Senator from Arkansas has 25 minutes remaining.

Mr. HARTKE. I asked this question of the Senator when he was consulting with his aide: Would the chairman be willing to include in section 603(b), after the word "legislation," the words "a study of the desirability and feasibility of a Department of Peace"?

Mr. FULBRIGHT. A Department of Peace?

Mr. HARTKE. Yes.

Mr. FULBRIGHT. No. I think that if the Senator is going to put in anything—and I do not think it is necessary—I mentioned section (5) a moment ago: "Other measures to promote economy, efficiency, and improved administration." Changing that to "Or other measures to promote peace" would be inoffensive and would emphasize what is obviously intended by this provision.

Mr. HARTKE. In other words, the Senator says that "other measures to promote peace——

Mr. FULBRIGHT. The Senator can put in the word "peace" if he wishes.

Mr. HARTKE. "Other measures to promote peace, economy, efficiency, and improve the administration of foreign policy?"

Mr. FULBRIGHT. Yes.

Mr. HARTKE. That would be acceptable under the circumstances.

Mr. FULBRIGHT. I think it would be. That is perfectly proper. That is clearly implied, I think, in the purposes of this Commission.

Mr. HARTKE. 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. HARTKE. 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. HARTKE. Mr. President, I am prepared at this time to make a modi-

fication of my amendment. My understanding of the parliamentary situation is that a modification of the amendment would require unanimous consent, and I am prepared to withdraw my amendment and make a substitution; but I am not prepared to do so in the event there is going to be an objection to the unanimous-consent request.

The PRESIDING OFFICER. Unanimous consent is required for the Senator to either modify or withdraw the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that I be permitted to withdraw my amendment and offer a new amendment, which, in effect, would add, on page 35 of the bill, in section 603(a)(5), the word "peace" after the word "promote" and before the word "economy."

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object—and I do not intend to object—would this entail any conflict with the previous unanimous-consent agreement with respect to the laying aside of the Church-Case and the Griffin amendments?

The PRESIDING OFFICER. This is a different amendment.

Mr. ROBERT C. BYRD. Mr. President, I would reserve my objection and ask that the Senator modify his request to include the proposition that the previous unanimous-consent order in no way be affected.

Mr. HARTKE. I so modify my request—that is, that it shall in no way affect the previous time order or any other proceedings, under any other amendments or proceedings which have been had heretofore.

Mr. ROBERT C. BYRD. And that the new amendment would have to be disposed of within that overall 1-hour time period provided in the previous agreement.

Mr. HARTKE. I agree to that.

The PRESIDING OFFICER. That is the same as modifying the amendment.

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

Mr. HARTKE. Mr. President, my time has expired. I have no time remaining.

The PRESIDING OFFICER. The Senator is correct. His time has expired.

Mr. FULBRIGHT. Mr. President, I yield myself such time as I may require.

I should like to explain for the record my understanding of what is now the amendment before the Senate. The Senator's original amendment has been withdrawn; and in place of that, on page 35, line 19, after the word "promote," he would insert the word "peace."

I see no objection to this. I believe that a full understanding of the purpose of the language in the bill would include peace. It certainly would be contemplated that this Commission, in studying the processes and programs of our Government would be looking toward the promotion of peace. So I would be perfectly willing to accept this amendment. I think it delineates more specifically what is contemplated and I see no objection to it.

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

The PRESIDING OFFICER (Mr. COTTON). All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Indiana. (Putting the question.)

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Michigan (Mr. GRIFFIN).

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, again, for the record, what is the pending question before the Senate?

The PRESIDING OFFICER. It is on the amendment of the Senator from Michigan (Mr. GRIFFIN) to S. 3526.

Mr. ROBERT C. BYRD. I thank the Presiding Officer.

Mr. President, the leadership has endeavored to inquire as to whether there are other amendments to S. 3526, on which a time limitation might be reached which would permit prompt action on such amendments without a long setting aside of the pending amendment by Mr. GRIFFIN.

The leadership is unable, however, to find any additional amendments which Members would be willing to take up this afternoon or tomorrow with only a reasonably short period of time for the discussion and disposition of those amendments.

Furthermore, there are no other measures on the calendar which are cleared for action today or tomorrow. As to the conference report on the higher education bill, it will not be brought up before next week.

The situation being what it is, then, Mr. President, the only thing that the Senate could do on tomorrow would be to come in and spin its wheels if, indeed, the wheels would turn at all. A few Senators might be on hand or they might not be on hand to make speeches. I have no way of knowing whether Senators would be disposed to discuss the pending business on tomorrow. I doubt it.

That being the case, before changing the date for the next convening of the Senate, I want to express my appreciation to the Senator from Indiana (Mr. HARTKE) and the Senator from Arkansas (Mr. FULBRIGHT) for their willingness to dispose of the amendment which was just disposed of a bit earlier, and I want to express the hope—shared by the distinguished majority leader, I am sure—that committees will, on tomorrow, take advantage of the opportunity to conduct hearings on bills, especially those "must" bills, such as regular appropriation measures, and so forth, which ought to be brought to the Senate soon and placed on the calendar for floor action, thus enabling the Senate to dispose of the "must" legislation—and, in that category, I place the 12 to 14 remaining regular appropriation bills—before the Democratic Convention in July.

Of course, any other "must" legislation that can be disposed of before July should be made ready for floor action as expeditiously as possible.

Then, when the Senate reconvenes, of course, following the Democratic Convention, there will be a period during which the Senate could take up other business, such as H.R. 1 and the catch-all supplemental appropriation bill. So I hope the Senate and the House will not resign themselves to being in session throughout this entire year, and I trust that committees will take advantage of the opportunity for uninterrupted and well-attended meetings to transact business and prepare measures for floor action.

ORDER FOR ADJOURNMENT TO MONDAY, MAY 22, AT 11:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, having said that, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:30 a.m. on Monday next.

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

ORDER FOR RECOGNITION OF SENATOR HRUSKA, FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS, AND FOR CONSIDERATION OF PENDING BUSINESS ON MONDAY, MAY 22, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the recognition of the two leaders under the standing order on Monday next, the distinguished Senator from Nebraska (Mr. HRUSKA) be recognized for not to exceed 15 minutes, after which there be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business, S. 3526.

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 had agreed to the amendment of the Senate to the bill (H.R. 5199) to provide for the disposition of funds appropriated to pay judgments in favor of the Miami Tribe of Oklahoma and the Miami Indians of Indiana in Indian Claims Commission dockets numbered 255 and 124–C, dockets numbered 256, 124–D, E,

and F, and dockets numbered 131 and 253, and of funds appropriated to pay a judgment in favor of the Miami Tribe of Oklahoma in docket numbered 251–A, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 8116) to consent to the Kansas-Nebraska Big Blue River Compact.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

Mr. HARTKE. Mr. President, I ask the acting majority leader a question. At the present time, is my amendment No. 1168, which I intend to call up, in order?

Mr. ROBERT C. BYRD. No, it is not. Does the Senator wish to call that amendment up at this time?

Mr. HARTKE. I would like to proceed with that if I could.

Mr. ROBERT C. BYRD. Mr. President, might I have the attention of the Senator from Florida (Mr. GURNEY) and the Senator from Arkansas (Mr. Fulbright)?

Mr. President, the distinguished Senator from Indiana desires to call up amendment No. 1168. The pending question before the Senate is on the agreement to the Griffin amendment. I shall propound a unanimous-consent request and see if it is the will of the Senators present to proceed with the consideration of amendment No. 1168.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as amendment No. 1168—proposed by the Senator from Indiana (Mr. HARTKE) to S. 3526, the pending business—is called up and made the pending business before the Senate, there be a time limitation thereon of 1 hour, the time to be equally divided between and controlled by the Senator from Indiana (Mr. HARTKE) and the Senator from Arkansas (Mr. FULBRIGHT).

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. GURNEY. Mr. President, reserving the right to object, this request is only for time?

Mr. ROBERT C. BYRD. Yes.

Mr. GURNEY. I have no objection.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the pending amendment, the Griffin amendment, now be temporarily laid aside and that the Church-Case amendment to which the Griffin amendment addresses itself also be temporarily laid aside for not to exceed 1 hour, that the distinguished Senator from Indiana (Mr. HARTKE) may be recognized immediately for the purpose of calling up amendment No. 1168, and that the time on any amendments to the Hartke amendment, debatable motions, or appeals come out of the time allotted to that amendment; provided further that the Griffin amendment be returned to its status as the pending question before the Senate upon the disposition of the Hartke amendment.

THE PRESIDING OFFICER. Does the distinguished Senator from West Virginia also ask that the Stennis amendment be temporarily laid aside?

Mr. ROBERT C. BYRD. Mr. President, would the consideration of the Hartke amendment also necessitate the laying aside temporarily of the Stennis amendment?

THE PRESIDING OFFICER. The Chair is advised that it would be necessary.

Mr. ROBERT C. BYRD. Very well. I also include that in my unanimous-consent request.

Mr. GURNEY. Mr. President, reserving the right to object, and I shall not object, my understanding is that when the Hartke amendment is disposed of, in whatever fashion it is disposed of, the status quo of the parliamentary situation is precisely the same as it was before the Hartke amendment was called up.

THE PRESIDING OFFICER. The Chair is so advised.

Mr. ROBERT C. BYRD. Before the Chair puts the request, might I also ask the Chair, in the event there is a rollcall vote on the Hartke amendment and any other amendments at the close of the 1 hour, thus necessitating a longer period of time than the 1 hour for disposition, and in view of the request that the Griffin amendment be laid aside only for not to exceed 1 hour, if the Chair anticipates any problem?

The PRESIDING OFFICER. The Chair anticipates no problem because if a rollcall vote is in progress, it would continue to its conclusion and the Griffin amendment would automatically be again before the Senate.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Presiding Officer, and I thank all Senators.

The PRESIDING OFFICER. Is there objection to the entire unanimous-consent request by the Senator from West Virginia? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a question?

Mr. HARTKE. I yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, is it the intention of the distinguished Senator from Indiana to ask for the yeas and nays on his amendment?

Mr. HARTKE. Not at all.

Mr. ROBERT C. BYRD. Mr. President, does the able Senator anticipate a rollcall vote on his amendment?

Mr. HARTKE. I do not because of the persuasive voice of the chairman of the Foreign Relations Committee. However, I hope that I can maintain his attention at this time to a matter of important foreign policy.

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

AMENDMENT NO. 1168

Mr. HARTKE. Mr. President, I call up my amendment No. 1168.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. HARTKE. 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 reads as follows:

On page 21, line 7, strike "subsection" and insert "subsections" in lieu thereof.

On page 21, line 17, insert the following:

"(d) No person other than the President of the United States or the Secretary of State shall be authorized to conduct negotiations looking to the termination of an armed conflict to which the United States is a party unless he has been appointed to conduct such negotiations by and with the advice and consent of the Senate.".

Mr. HARTKE. Mr. President, negotiation of a treaty is constitutionally to be shared by the Senate and the President. The Constitution of the United States assumes that the President and the Senate will be associated throughout the entire process of making a treaty.

With this fundamental constitutional principle as a background, I am pleased that section 501(c) of S. 3526 requires that "no person shall be designated as ambassador or minister, and no person shall use the title of ambassador or minister, and no person shall use the title of ambassador or be designated to serve in any position or use any title which includes either of those two words, unless that person is appointed as an ambassador or minister" by and with the advice and consent of the Senate.

While the report of the Foreign Relations Committee which accompanies S. 3526 does not make clear the full intent of section 501(c), its impact will be to require the President to submit for the advice and consent of the Senate the nomination of any ambassador or minister—whether that title be diplomatic or personal.

Unfortunately, Mr. President, section 501(c) would not prevent the existence of a situation such as the one which exists at the Paris peace talks today. On July 26 of last year, I introduced Senate Resolution 156 to restore the Senate to its rightful constitutional place in the treaty-making process of the United States, and thereby facilitate a speedy end to our involvement in the Indochina war. That resolution required the President to submit to the Senate for advice and consent, the nomination of the man he wishes to send as chief negotiator to the Paris peace talks.

Amendment 1168 has the same purpose. It states in unequivocal words:

No person other than the President of the United States or the Secretary of State shall be authorized to conduct negotiations looking to the termination of an armed conflict to which the United States is a party unless he has been appointed to conduct such nego-

tiations by and with the advice and consent of the Senate.

Mr. President, recently the Senate passed the War Powers Act in an effort to preserve the Senate's constitutional warmaking powers. We have neglected however, our constitutional power to make peace, which is the treatymaking power.

The power to make treaties is an important one. Yet, in recent years, there has been a neglect on the part of the Senate to exercise its responsibilities under the Constitution in relation to the treatymaking power.

There is general agreement that the President and the Senate must agree before a treaty can be made. The only question really at issue is whether the two parties shall have a right to be equally informed.

Because the Senate has not given its advice and consent to the U.S. negotiator at the Paris peace talks, the Senate has been effectively excluded from participation in the formulation of negotiating policies for the United States in areas of the most crucial importance to the Nation. The Senate's role in treatymaking, in other words, has been relegated to the very last stage when—and if—the executive submits a signed treaty for ratification.

Mr. President, in support of my amendment I offer the following basic arguments.

First, article II, section 2 of the Constitution states that the President shall have the power, by and with the advice and consent of the Senate, to make treaties. That language could hardly be more precise. To make a treaty includes all the proceedings by which it is made, and the advice and consent of the Senate being necessary in the making of treaties, it must also necessarily be employed in all the proceedings by which a treaty is made.

Second, the war in Indochina is as much a war as any formerly declared war in the history of this Nation.

This is the longest war in our history. It has cost more than 50,000 American lives and something in the neighborhood of $200 billion. The Indochina war is, in fact, a war. The Paris peace talks are being held for no other reason than to produce a negotiated settlement of the war. They are, therefore, an exercise in treaty-making of precisely the sort contemplated in article II, section 2 of the Constitution.

Third, it is the clear requirement of my amendment that the person conducting negotiations for the United States at the Paris peace talks be appointed to conduct such negotiations only by and with the advice and consent of the Senate. This provision applies whether or not such person has been confirmed in the rank as ambassador or minister for another diplomatic assignment. Once again, the treaty-making requirements of article II are ineffective unless they require advice and consent to the appointment of ambassadors and ministers to specific assignments—not for some undefined diplomatic status.

Fourth, the lesson of the past 10 years has been that the Senate cannot afford to have itself excluded from the treaty-making process. Had we known all of the facts to which the President was privy in 1965, it is doubtful that Congress would have approved the Gulf of Tonkin Resolution. Had we known all the facts which have now been disclosed in the Pentagon Papers and in the National Security Study Memorandum, the fruitlessness of the policies of both escalation and Vietnamization would have been apparent.

Mr. President, the events of the past few weeks make it obvious that the Paris negotiations will soon take on a renewed importance. It is certainly the hope of every American that an agreement can be reached in the very near future which will provide for cessation of the conflict in Indochina. Unless we enact the provisions of amendment 1168, however, those negotiations will continue to take place without the participation of the Senate, and any agreement reached between the parties to negotiations will be made without the advice and consent of the Senate. Mr. President, clearly these events are not in keeping with the letter nor the spirit of the Constitution.

While section 501(c) of the Foreign Relations Authorization Act is designed to reassert the Senate's role in the appointment of ambassadors and ministers, it is of no import in reasserting the Senate's role in the treaty-making process. It would permit the President to name—without the advice and consent of the Senate—a chief negotiator to the Paris peace talks. All that would be required would be for the President to give the chief negotiator a title other than ambassador or minister. He could, for instance, be called a Presidential envoy, a representative, an emissary, or a counsel. Any of these terms would permit the circumvention of the provisions of section 501(c). Amendment 1168, on the other hand, is very specific. No person can be authorized by the President to conduct negotiations looking to the termination of an armed conflict to which the United States is a party unless he has been appointed to conduct such negotiations by and with the advice and consent of the Senate. If amendment 1168 is adopted, it will enable the Senate to become a party to the Paris negotiations through the confirmation process.

Because the lessons of recent history have been bitter, I urge my colleagues to support my amendment.

Mr. President, I have some other comments, but I wonder if the chairman of the committee would have some comment on the proposal.

Mr. FULBRIGHT. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I am very sympathetic to the objective the Senator has in mind, which is to follow the Constitution with regard to the appointment of ambassadors. That is what subsection (c) of section 110 on page 21 of the bill would do. It states:

> No person shall be designated as ambassador or minister, and no person shall use the title of ambassador, or be designated to serve in any position or use any title which includes either of those words, unless that person is appointed as an ambassador or minister in accordance with subsection (a) of this section or clause 3, section 2, of article II of the Constitution, relating to recess appointments.

I think all Senators are interested in upholding our Constitution. That is why we put it in to induce future Presidents to follow what we believe to be the proper constitutional interpretation of section 2, article II.

I assume the Senator from Indiana has in mind the appointment of the former Ambassador to Korea, Ambassador Porter, as an ambassador stationed in Paris, not accredited to France, but stationed there, for negotiations with the North Vietnamese.

I share the Senator's belief that when an ambassador is shifted he should be reconfirmed. In other words, if Ambassador X is shifted from Paris to Italy, he is reconfirmed, and that practice has been followed. In this case Ambassador Porter was not appointed and I think he should have been to maintain the regular and proper procedure contemplated by the Constitution.

The Senator will note the language on page 21 of the bill which states:

> On and after the date of enactment of the Foreign Relations Authorization Act of 1972.

In other words, it is prospective. It is not that I do not approve of the appointment of Mr. Porter but I knew if it was not prospective it would be interpreted by the minority party as directed at the President, it would become embroiled in politics, and we would get very serious opposition to it and could not move forward thereon. That is the principal reason it is made prospective in operation.

I can only say to the Senator that the Constitution is not self-enforcing. It was contemplated that each branch would have respect for the other branch.

I share the Senator's feelings that this has not been done. But the real negotiator has not been Ambassador Porter. It has not been any Ambassador. It has been a man without any title, other than as official of the White House.

From what I have read in the press, it is my impression that the real negotiations—certainly the secret negotiations, which probably had more substance to them than those which Ambassador Porter had—were done by Mr. Kissinger. The Senator has read about it. It is public knowledge.

So his amendment would reach that case, from here on. It says "no person." I am not sure this does not go too far. What are "negotiations"? Does that mean the President cannot send anybody to talk to any person whatever? He could not go to talk to individuals in a foreign government without having been approved by the Senate? We get into very difficult situations here. It says no person other than the President or Secretary shall be authorized to conduct negotiations. What are "negotiations"? What is an "armed conflict"? As applied to Vietnam, we all know what it is.

Mr. HARTKE. May I interrupt there?

Mr. FULBRIGHT. Yes.

Mr. HARTKE. Let me point out exactly what I am talking about. I am talking about negotiations. I am dealing very specifically with the question of Vietnam. I think, for all intents and purposes, Mr. Kissinger is the alter ego of President Nixon and has served in the actual capacity of attempting to negotiate a treaty. I am talking about a treaty.

Let me ask the chairman of the Foreign Relations Committee, if he cares to respond, does he have any idea what the present negotiating position of the United States is in regard to Vietnam?

Mr. FULBRIGHT. Nothing other than the public statements of the President. The latest was his statement of May 8, when he laid down a new proposal for the negotiations. Now, what Mr. Kissinger may have said to Le Duc Tho, in Paris, I do not know.

Mr. HARTKE. The reason why I asked that question is that it becomes embarrassing to the American people—not embarrassing to the Senate, except as it is a part of the American people, but embarrassing to the people of the United States—that we have a President who has made a public announcement, and the chairman of the Foreign Relations Committee, who is as alert, intellectual, and morally concerned as any man I know, cannot really explain to the American people what the position of the President is.

In other words, we have a situation where the very essence of the future is the involvement of young Americans, who have died in the number of 130 since March 30. Sixty-eight deaths have been admitted and the rest have not been admitted to have died yet. Five thousand Vietnamese have died since March 30, the date of the present military step-up. Yet we do not have a clear-cut statement from the President of the United States as to what is his policy, not 6 months or 4 months from now, but even tomorrow.

I think if indeed we are a self-governing nation, which we proclaim ourselves to be, we should make up our minds to show the President that the Senate is unhappy and is distressed and that we are going to do everything we can to call to the attention of the American people that the President's political future alone is not what is important as the sole determinant of what happens to this country. We have 205 million Americans whose future is more important than what the history writers may say about President Nixon. Maybe he does not have a plan. Maybe he has only a hip-pocket operation. I have to assume that is true, because he said he had a plan to end the war in 1968, which has been the best kept secret of this administration. Six months later, if the Senator will recall, when he called Members of the Congress to the White House, he said he was preparing to disengage in that year. That was the public statement made to Members of Congress in 1969.

I think it is high time that we recognize that we have a situation in our hands which is not only very distressing to the American people but which will cause a psychological disturbance of the type which occurred at Laurel, Md., and which has been expressing itself with increasing fervor in the last few years. The violence is a result of the anxiety and frustration which cannot seem to be cured.

I think it is time that the Senate and the Congress do something about it or go home. I think it is well known that the Senate has no effective means of knowing what is going on in Vietnam.

Mr. FULBRIGHT. The Senate has the means to do something about it, but it does not choose to exercise its power. We had a vote the day before yesterday on a clear-cut issue. The Senate does not choose to use that power. The Senator's feeling about relations between the executive and the legislative branches, as well as the war in Vietnam I share, but the fact of the matter is that a majority of the Senate does not wish to use the power it has, as was demonstrated only 3 days ago. That is not the only case. We had one a week ago Monday, in which the Senate specifically and overwhelmingly rejected the idea that we should have sufficient information to weigh legislation. The Senate, in effect, left it entirely to the Executive to determine whether it wishes to give the committees of the Senate any information or not. The whole essence of the vote on the USIA authorization was whether the Senate is entitled to basic information for use in reaching a judgment. As far as I know, the information is not classified. It is simply called an internal working paper.

So to say the Senate has no power is not the right way to put it. The proper way to put it in that the Senate does not wish to use the power it has.

The majority of the Senate do not agree with the Senator from Indiana or the Senator from Arkansas. It is too bad, but the Senator represents a minority in the Senate.

Mr. HARTKE. But the Senate passed a resolution some time ago asking for a termination of the hostilities.

Mr. FULBRIGHT. The Senator means the Mansfield amendment?

Mr. HARTKE. That is right.

Mr. FULBRIGHT. The resolution asked that our troops be withdrawn, it did not compel it by cutting off the money. It was a plea. The Senate has the power to cut off the money, but a majority has refused to do it so far.

Mr. HARTKE. I will accept that. That is a fair interpretation. I think the Senator from Arkansas is right.

I want to ask, while I have a moment here, is there at this moment some type of cover operation, some kind of secret deal, between the Communist Chinese and the Communist Russians and the Americans as to how they are really going to terminate hostilities in Vietnam?

Mr. FULBRIGHT. The Senator knows I do not know anything about that. I am certainly not a party to any deal. I wish there was a deal, but if there is, I do not know anything about it.

Mr. HARTKE. All I can say is that there is some information which has come to me that there is great fear that such a conclusion has been reached, and that is based on the fact that the mining of Haiphong had no real deterrence to present military activities in Vietnam, that there was not the type of resistance that could have been anticipated if there was going to be a real confrontation between Russia and the United States, that there is a continuation of plans for the summit meeting, that there was a meeting between President Nixon and the Chinese Government, that there were rumors to the effect that an agreement had been reached as to the future handling of the Vietnam situation.

So we are in a position where we are not able to find out from the President whether or not he has made any secret arrangement as to how he is going to ultimately terminate the situation in Vietnam.

Does the Senator have any information on that?

Mr. FULBRIGHT. No; of course I have no information on that. The President has not confided in me. As far as I know, he has not confided in anyone in the Senate.

Mr. HARTKE. Back to the matter at hand, I have discussed the matter with the chairman of the Foreign Relations Committee, and he has indicated to me that he felt that at this time there is sufficient authority within the framework of the present bill to cover some of the matters to which I have referred, and that there is general recognition by the chairman that all of these people should really be confirmed by the Senate——

Mr. FULBRIGHT. Let me make it clear that all men who hold the title of Ambassador—and this would in effect cover the present Ambassador Porter—would be covered by the provision in the bill. The provision in the bill does not cover a case of individuals who are not given the title of Ambassador, who hold no title, but to whom the President has said, "You go talk to somebody in some foreign government and see if you can bring about a settlement."

Take Mr. Sisco. I believe he has been very active in discussing matters with Middle East authorities on both the Israeli side and the Arab side.

He is an Assistant Secretary of State. He is not confirmed as an Ambassador, but as Assistant Secretary of State. Normally they do not conduct negotiations.

When the Senator says "no person other than the President or the Secretary of State," that is a very broad statement. I am not at all sure that the Senator meant to go that far. I thought he had in mind the case of Ambassador Porter, which was one of the situations the committee had in mind when it put the provision in the bill. But I think if we are going to go beyond that it requires some very careful consideration, and I doubt if the Senator would wish to be quite as all-inclusive as that language is—that no one who has not been confirmed by the Senate can negotiate, because the word "negotiate" is a very ambiguous word.

Does it mean they cannot even go out and discuss a matter of a preliminary nature or an immediate nature? What is negotiation? The Senator raises some serious problems, if we take that language as written.

As I say, I had assumed the Senator was thinking of the Porter case. We were

thinking of that case, and that is one reason why we put this in.

Mr. HARTKE. Let me ask the chairman, in view of his apprehension, would it be possible for us to have hearings on Senate Resolution 156 before the Committee on Foreign Relations, so that I could provide a clarification of exactly what I mean?

Mr. FULBRIGHT. Well, at a later time. There is no prospect in the immediate future, because we have some must legislation. Our calendar is very full, with the foreign military aid and sales legislation and other matters. I anticipate that when the pending business is disposed of, we will, of course, have conferences with the House of Representatives. We are getting to the stage where it will be very difficult to schedule hearings on new legislation.

But this question is a current question, and it really involves, I think, what to do about the National Security Council and people who are in positions of that character. I expect that is what the Senator has in mind.

Mr. HARTKE. Mr. President, let me call the attention of the chairman again to the simple fact that I am talking only about those people who are charged with negotiation of a treaty. There may be difficulty in a definition of the term "negotiation," but there certainly is no difficulty in finding that word in the Constitution; and that is the constitutional prerogative of the Senate.

All I am saying is that, if there is any real apprehension on the part of the chairman or of the committee as to how this should be done, I would think that the Senate would want to reassert its power in regard to negotiation. In other words, I am dealing specifically with the treatymaking power under the Constitution. This body has taken quite a bit of time and put a great deal of emphasis upon the warmaking powers. We have spent many days here on the floor of the Senate, and the committee itself spent many days, in having full hearings upon the question of the warmaking powers. What I want to reemphasize, as I did under the previous amendment, is the fact that this Nation has to have a new direction in its thinking. It has to get its head screwed on right, let me put it that way, and stop putting the emphasis on war and start putting it on peace.

For that reason, I want to deal with the treaty-making power, which is the peace section of the Constitution. So I would hope that the Committee on Foreign Relations could at least find a little time to deal with peace, as much as with the war powers of the Senate.

Mr. FULBRIGHT. Mr. President, if I may say so to the Senator, the bill called the War Powers Act was not intended to promote war. The objectives of that bill introduced by the Senator from Mississippi and the Senator from New York was to restrict the almost unrestricted assumption of power by the Executive to prosecute war. I think is is unfair to leave the implication that the bill was intended to promote warfare and more wars around the world. It was not that at all.

Mr. HARTKE. Let me say to my distinguished friend that it is well recognized that it is much easier to create a war than to create peace. We have gotten into this situation; whether it is a declared war or not, it is the longest armed military conflict in which this country has ever been involved, and has probably done more to tear this Nation asunder internally than any other war but the Civil War, and maybe even more than that. I would hope we could devote some time to the treaty-making power, in the interest of establishing that this Nation is going to be dedicated to peace, that it is going to be dedicated to the finding of the humanitarian tolerance in which we profess to believe, rather than finding better machines with which to kill people.

The war powers bill, again, involved the question of reasserting the power of Congress in getting us into war. Again I say, getting into war is one thing, and that seems to be the tendency of this Nation; but the means of getting out of it other than by complete capitulation of the enemy seems to be something we have not yet mastered. I think it is time we as a Nation seek to find the ability to take us somehow out of this conflict and this terrible agony. I think perhaps the President is willing to end the war, but he wants to end it on his terms, and his terms are military victory. The policy of the United States still is that elusive goal called military victory. I would sincerely request—and I do not intend to press it at this time—that the chairman of the Committee on Foreign Relations give attention not only to promoting peace and plans and programs for peace, but more important than that, to making this Nation, as I said a moment ago, seize the initiative for being the promoter of peace, to be the one Nation in the world which can see a way by which each generation does not have to be faced with the elimination of some of its finest young people.

Mr. President, if there is one thing this Nation wants it is an end to this war. Sad as it may seem, most of the people are giving up. It is not alone the young who are giving up. Some of us in this body are on the eve of giving up. It is with increasing frequency that I talk with intelligent people who are now making plans, for the first time, to leave the United States of America—plans to leave because they no longer think the United States stands for the idealistic structure in which it originally was conceived.

I think it is high time that we turn in that direction. That has been the substance of these two amendments. I am not dealing with the question of the technicalities of ending the war in 4 months or 6 months. What I am talking about is my children and my children's children, and all the children's children of this Nation.

I think too often we have become obsessed with the technicalities of ending this war, without thinking about how we are going to forestall the next one. In my opinion, we are sowing the seeds of a revolutionary climate in this country which will be hard to contain. I hope and pray I am mistaken.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER (Mr. WEICKER). The Senator will require unanimous consent to withdraw his amendment at this time.

Mr. HARTKE. I ask unanimous consent to withdraw my amendment, and I yield back the remainder of my time.

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

The question recurs on agreeing to the amendment of the Senator from Michigan (Mr. GRIFFIN).

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1196

Mr. HARRY F. BYRD, JR. Mr. President, at the clerk's desk is an amendment which I offered for myself, the Senator from Florida (Mr. GURNEY), the two Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), and the Senator from North Carolina (Mr. ERVIN). I do not know what the attitude of the leadership is, but, so far as I am concerned, I am willing to call that amendment up now and agree to a time limitation, assuming that it meets with the approval of the Senator from Florida, and vote this afternoon.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. ROBERT C. BYRD. May I inquire from the Senator as to what the nature of the amendment is? He identified it, but I am not sure that I can recognize it.

Mr. HARRY F. BYRD, JR. The amendment is to section 503 of the pending bill. The section to which I refer would repeal legislation which Congress enacted last year. Last year's legislation prevents the President from prohibiting the importation of a strategic material from a free-world country if such a strategic material is being imported from a Communist dominated country. It applies specifically to chrome. Congress, by an overwhelming vote last year, wrote the so-called chrome amendment into law, the President signed it, and it became effective January 1.

It is significant that when the roll was called in both the House and the Senate, Representatives from 46 of the 50 States supported this amendment. The Committee on Foreign Relations has included in the pending authorization bill a provision which would undo what Congress did last year. My proposal would be to delete from the Foreign Relations Authorization Act of 1972 the proposal which was inserted by the committee.

Mr. ROBERT C. BYRD. The proposal inserted by the committee would nullify the action by Congress last year in passing the law to which the Senator refers?

Mr. HARRY F. BYRD, JR. The Senator from West Virginia is correct.

Mr. ROBERT C. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. Amendment No. 1200, the amendment by the Senator from Michigan.

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

Mr. HARRY F. BYRD, JR. I yield.

Mr. GURNEY. I might apprise the acting majority leader as well as the Senate that I have discussed this matter with Senator GRIFFIN. He has no objection to his amendment being laid aside, as it was during the consideration of the Hartke amendments, for the disposition of the Byrd amendment, with his amendment reverting to its status quo parliamentary-wise after the Byrd amendment is disposed of, if it is taken up.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield

Mr. ROBERT C. BYRD. Mr. President, I would have to respond to the distinguished author of the amendment, the able senior Senator from Virginia, in this way:

I supported his amendment last year. I think it was a good amendment; I think it was the right amendment. I intend to support it again whenever it comes up for a vote in the Senate. But I could not accede to setting aside the Griffin amendment this afternoon and taking up the amendment of the able Senator from Virginia, even if I had to interpose an objection at this time myself.

Mr. HARRY F. BYRD, JR. I understand, and I certainly will not press the point. But I did want the distinguished acting majority leader to know that I am prepared today to take up this amendment, if the leadership so desires.

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

Mr. President, I would have to explain for the RECORD that, in the first place, I do not think we could get a time limitation on the amendment this afternoon. And I do not think we could get it for tomorrow. A good many Senators will be out of town tomorrow. So it would be impossible to get an agreement limiting time on the amendment as of now. As a matter of fact, I received word from a Senator earlier today indicating that he would not want the leadership to enter into a time agreement on this amendment during the rest of this week.

Second, I think I would be honorbound to those Senators who oppose the amendment to interpose an objection on their behalf if such a request were made at this time, none of them being on the floor at this moment. I am sure that we could get one of them to the floor quickly, but I do not think anything would be gained by pressing the matter today.

I do appreciate the willingness of the distinguished senior Senator from Virginia to bring up his amendment this afternoon or tomorrow and get action on it; but, under the circumstances, I doubt that this can be done, and I hope the Senator will not press his request today.

Mr. HARRY F. BYRD, JR. I understand fully the position of the able acting majority leader, and I will not press the point.

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

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I assume that this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, again for the record, let me say that the acting leadership on this side of the aisle, together with the leadership on the other side of the aisle, has sought to ascertain whether other amendments could be brought up today and the pending amendment by the Senator from Michigan (Mr. GRIFFIN) set aside temporarily. We find none. We do not find any on which time agreements could be provided for on tomorrow.

There are no measures on the calendar which would require debate and which could be called up today or tomorrow.

The Senate has made some progress, in that the atomic energy bill was disposed of yesterday. H.R. 13150, to provide that the Federal Government shall assume the risks of its fidelity losses, was also disposed of today, as was the supplemental appropriation conference report. An amendment by the Senator from Oklahoma (Mr. BELLMON) to S. 3526 was disposed of yesterday. An amendment by the Senator from Indiana (Mr. HARTKE) was disposed of today. Another amendment by Mr. HARTKE was withdrawn after some debate today.

So, the wheels of the Senate have been grinding slowly but they have been grinding exceedingly fine. There has been some progress made. However, I do not think that the Senate would be justified in coming in tomorrow just for speeches, and committees can have an opportunity to work, with good attendance by Senators.

That being the case, I state the program for Monday next.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday, May 22, 1972, is as follows:

The Senate will convene at 11:30 a.m. After the two leaders have been recognized under the standing order, the distinguished Senator from Nebraska (Mr. HRUSKA) will be recognized for not to exceed 15 minutes; after which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Senate will resume the consideration of the unfinished business, S. 3526. The pending question at that time will be on agreeing to the amendment of the Senator from Michigan (Mr. GRIFFIN).

There could be rollcall votes on Monday. I want to alert all Senators to the possibility that other amendments may come up on Monday, if agreement can be reached with respect to time limits thereon and if agreement can be reached to set the pending Griffin amendment aside temporarily. Rollcall votes could occur on such amendments. Tabling motions would be in order at any time, and rollcall votes could occur on tabling motions.

I would therefore urge all Senators at least to be prepared for rollcall votes, possibly, on Monday next.

ADJOURNMENT TO MONDAY, MAY 22, 1972, AT 11:30 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 adjourn until Monday next at 11:30 a.m.

The motion was agreed to; and at 4:03 p.m., the Senate adjourned until Monday, May 22, 1972, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 18, 1972:

COMMUNICATIONS SATELLITE CORP.

Frank E. Fitzsimmons, of Maryland, to be a member of the Board of Directors of the Communications Satellite Corp., until the date of the annual meeting of the Corporation in 1975, vice George Meany, term expired.

U.S. DISTRICT COURTS

Hirman H. Ward, of North Carolina, to be a U.S. district judge for the Middle District of North Carolina, vice Edwin M. Stanley, deceased.

HOUSE OF REPRESENTATIVES—*Thursday, May 18, 1972*

The House met at 12 o'clock noon.

Rev. Father John Nicola, assistant director, the National Shrine of the Immaculate Conception, Washington, D.C., offered the following prayer:

In the name of the Father and of the Son and of the Holy Spirit, let us pray.

Almighty God, it is with filial devotion that we bow our heads in prayer this day.

In recognition of the unprecedented wealth and bountiful blessings You have bestowed on our great country, we the people and the leaders of the people of the United States of America offer our heartfelt gratitude.