H.R. 15374. A bill to provide that certain group health benefits plans shall be considered approved plans for the purposes of chapter 89 of title 5, United States Code; to the Committee on Post Office and Civil Service.

By Mr. STAGGERS:

H.R. 15375. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal year 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMPSON of New Jersey:

H.R. 15376. A bill to amend the Service Contract Act of 1965 to revise the methods of computing wage rates under such act, and for other purposes; to the Committee on Education and Labor.

By Mr. WHITEHURST:

H.R. 15377. A bill establishing a commission to develop a realistic plan leading to the conquest of multiple sclerosis at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF:

H.R. 15378. A bill to amend the Internal Revenue Code of 1954 to provide an additional itemized deduction for individuals who rent their principal residences; to the Committee on Ways and Means.

By Mr. BEGICH:

H.R. 15379. A bill to prohibit the use of certain small vessels in U.S. fisheries; to the Committee on Merchant Marine and Fisheries.

H.R. 15380. A bill to amend the National Science Foundation Act of 1950 so as to provide for a program relating to earthquakes; to the Committee on Science and Astronautics.

By Mr. DU PONT:

H.R. 15381. A bill authorizing demonstration programs for beach erosion control at certain locations along the shores of Delaware Bay in the State of Delaware; to the Committee on Public Works.

By Mr. ESCH:

H.R. 15382. A bill to insure congressional review of tax preferences, and other items which narrow the income tax base, by providing now for the termination over a 3-year period of existing provisions of these types; to the Committee on Ways and Means.

By Mr. ESCH (for himself, Mr. FRENZEL, Mr. MCKINNEY, and Mr. MOSHER):

H.R. 15383. A bill to provide for an end to the U.S. involvement in hostilities in and over Indochina, to secure the withdrawal of all U.S. forces therefrom, and to express the sense of the Congress for a cease-fire and an arms embargo therein; to the Committee on Foreign Affairs.

By Mrs. GRASSO:

H.R. 15384. A bill to provide for the establishment of a Commission on Revision of Federal Taxation; to the Committee on Ways and Means.

By Mr. LINK:

H.R. 15385. A bill to amend the Rural Electrification Act to provide that telephone excise taxes imposed on rural telephone service shall be used for purposes of the rural telephone loan program; to the Committee on Agriculture.

By Mr. SHIPLEY:

H.R. 15386. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Wabash Valley Basin environmental conservation program; to the Committee on Agriculture.

By Mr. TIERNAN:

H.R. 15387. A bill to provide certain amounts of broadcast time for candidates for President and Vice President of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. WYMAN:

H.R. 15388. A bill to amend the Clean Air Act to modify the emission standards required for light duty motor vehicles and engines manufactured during or after model year 1975; to the Committee on Interstate and Foreign Commerce.

By Mr. BADILLO:

H.J. Res. 1217. Joint resolution to authorize the assignment of Neighborhood Youth Corps members to employment in the private sector; to the Committee on Appropriations.

By Mr. BINGHAM:

H.J. Res. 1218. Joint resolution relating to sudden infant death syndrome; to the Committee on Interstate and Foreign Commerce.

By Mr. BROTZMAN:

H.J. Res. 1219. Joint resolution to mandate consideration of comprehensive legislation reforming and recodifying the Federal income, estate, and gift tax laws; to the Committee on Rules.

By Mr. MACDONALD of Massachusetts:

H.J. Res. 1220. Joint resolution proposing an amendment to the Constitution of the United States to provide that a citizen shall not be ineligible to the Office of the President by reason of not being native born if he has been a U.S. citizen for at least 12 years and a resident within the United States for 14 years; to the Committee on the Judiciary.

By Mr. PODELL:

H.J. Res. 1221. Joint resolution to protect the bill of rights for middle-class housing residents; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. WHALLEY introduced a House concurrent resolution (H. Con. Res. 628) expressing the Nation's gratitude and appreciation to Dr. Wernher von Braun on the occasion of his retirement from the National Aeronautics and Space Administration, which was referred to the Committee on Science and Astronautics.

PETITIONS, ETC.

Under clause 1 of rule XXII,

247. The SPEAKER presented a petition of Richard Richeson, et al., Joliet, Ill., relative to redress of grievances; to the Committee on the Judiciary.

SENATE—*Wednesday, June 7, 1972*

The Senate met in executive session at 10 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

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

Almighty God, in whose will is the destiny of men and nations, draw the people of this land together in a new comradeship of purpose to fulfill the vision of our fathers. Enable us to provide not only work and homes and food but a life where true religion and education flourish, where art and music come to full expression. Expel all that corrupts or defiles the divine image in men, that the more perfect order may come in a land of freedom and faith. May the President, the Congress, all holders of public trust, and all the people be joined in common dedication to serve the higher way of righteousness and justice, that Thy kingdom may come and Thy will be done on earth.

And to Thee shall be all glory and praise. Amen.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senate adjourned in executive session last night, hence it is convening in executive session today. Under the unanimous-consent agreement, the following business will be transacted, as in legislative session.

Before the Chair's distinguished colleague from Montana is recognized, the Senate will receive a message from the President.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) 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.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 6, 1972, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 799.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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

SUITABILITY OF INDIAN PEAKS AREA FOR INCLUSION IN WILDERNESS PRESERVATION SYSTEM

The Senate proceeded to consider the bill (S. 1198) to authorize the Secretary of Agriculture to review as to its suitability for preservation as wilderness the area commonly known as the Indian Peaks Area in the State of Colorado which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, at the beginning of line 3, strike out "That (a) the Secretary of Agriculture in administering the provisions of subsection (b) of section 3 of the Wilderness Act" and insert "That (a) the Secretary of Agriculture, in accordance with the provisions of subsection 3(d) of the Wilderness Act of September 3, 1964 (78 Stat. 892), relating to public notice, public hearings, and review by State and other agencies"; on page 2, after line 16, insert:

(b) During the review period provided by this Act and for a period of three years after his recommendations are submitted, the Secretary shall manage and protect the resources of the Indian Peaks study area in such a manner as to assure that the suitability of all or any part of the area now suitable for potential wilderness designation is not impaired.

And, at the beginning of line 24, strike out "(b)" and insert "(c)"; so as to make the bill read:

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Agriculture, in accordance with the provisions of subsection 3(d) of the Wilderness Act of September 3, 1964 (78 Stat. 892), relating to public notice, public hearings, and review by State and other agencies, shall review, as to its suitability or nonsuitability for preservation as wilderness, the area (or any portion thereof) located partially in Arapaho National Forest and partially in Roosevelt National Forest, containing approximately seventy-five thousand acres, lying generally south of the southern boundary of Rocky Mountain National Park, Colorado, and commonly referred to as the Indian Peaks Area, and shall report his findings to the President on or before the expiration of the two-year period following the date of the enactment of this Act. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation of such area or portion thereof as "wilderness", together with maps and a definition of boundaries. Any recommendation of the President to the effect that such area or portion thereof should be designated as "wilderness" shall become effective only if so provided by an Act of Congress.

(b) During the review period provided by this Act and for a period of three years after his recommendations are submitted, the Secretary shall manage and protect the resources of the Indian Peaks study area in such a manner as to assure that the suitability of all or any part of the area now suitable for potential wilderness designation is not impaired.

(c) The review required by this Act, including any reports and recommendations with respect thereto, shall, except to the extent otherwise provided in this Act, be conducted in accordance with the applicable provisions of the Wilderness Act,

SEC. 2. There is hereby authorized to be appropriated such amount as may be necessary to carry out the provisions of this Act.

Mr. ALLOTT. Mr. President, I support S. 1198, a bill to authorize the Secretary of Agriculture to review as to its suitability for preservation as wilderness the area commonly known as the Indian Peaks Area in the State of Colorado.

I introduced S. 1198 with the cosponsorship of my colleague from Colorado (Mr. DOMINICK) on March 11, 1971. An identical measure (H.R. 5932) was introduced in the House of Representatives on that same day by Mr. BROTZMAN with the cosponsorship of Mr. MCKEVITT.

As amended, the bill would authorize and direct the Secretary of Agriculture to conduct a study of the Indian Peaks Area in Colorado under the same procedure as is outlined in the Wilderness Act for existing primitive areas, and to report his recommendations within 2 years after the enactment of the act. The need for such legislation is due to the fact that under the Wilderness Act, the Secretary of Agriculture is authorized to review only areas classified as primitive on the date of its enactment.

It is expected that the study will not only reveal the necessary information for the Secretary to recommend appropriate boundaries for the area, but also to determine the number and location of access points. Because the Indian Peaks Area is quite close to Metropolitan Denver, having a population in excess of 1 million, it may be appropriate to devise a special management plan to protect the wilderness values from general overuse, heavy localized user traffic, and sanitation problems, since the area is a part of the watershed supplying municipal water to communities along the Front Range.

The area is truly beautiful and derives its name from many mountain peaks named for various Indian tribes. It is worthy of serious consideration as a part of the wilderness system. Support for this legislation in Colorado has been enormous. I have received hundreds of expressions of support, both written and oral. In addition, the Colorado Legislature has memorialized Congress urging the enactment of this bill.

The Committee on Interior and Insular Affairs, after adopting some minor clarifying amendments, unanimously ordered the bill (S. 1198) reported, and I urge the Senate to pass the measure, as amended, today.

The amendments were agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-833), explaining the purposes of the measure.

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

PURPOSE

The legislation would authorize and direct the Secretary of Agriculture to conduct and complete a study of the "Indian Peaks" area to determine its suitability or nonsuitability for preservation as wilderness. The Indian Peaks area is 30 to 40 miles west of the Denver metropolitan area, and straddles the Continental Divide. It is located partially in Arapaho National Forest and, partially in Roosevelt National Forest in the State of Colorado. The area contains approximately 75,000 acres, and borders Rocky Mountain National Park on the South.

DESCRIPTION OF THE AREA

The Rocky Mountain National Park in Colorado is known for its rich natural scenic values. Its Trail Ridge Road near Estes Park has afforded millions, over the years, with their first breathtaking exposure to the inspiring majesty of the Continental Divide and the Rocky Mountains.

Within the panorama which unfolds before the visitor to the Rocky Mountain National Park, lies an area to the South of the Park, transversing the Continental Divide, which has come to be known as the Indian Peaks area:

The Denver Post on December 22, 1970 said of this area:

"Once proposed as part of Rocky Mountain Park and managed as a virtual wilderness area by the Forest Service, Indian Peaks is in sharp contrast to the sprawling high tundra prominent in the park. Access is by horseback or on foot. The Forest Service prohibits vehicles.

"Its ragged peaks, sheer walls rising above forests that have not been logged—bear proud names: Arapaho, Navajo, Apache, Paiute, Kiowa, Arikaree, Ogallalla, Pawnee, Shoshoni. Many of these are over 13,000 feet high."

A general description of the area as prepared by the Wilderness Workshop of the Colorado Open Space Council follows:

Maps: USGS Topographic 7.5 minute series: Allens Park, 1957; Ward, 1957; East Portal, 1958; Monarch Lake, 1958; Isolation Peak, 1958; Shadow Mountain, 1958. Commencing at the SE corner of Rocky Mountain National Park; thence generally S through peak 10,810 to a point ¼ mile N of the jeep road in the valley of the Middle St. Vrain Creek; then W parallel to and ¼ mile N of said road to a point N of the end of said road; then S across Middle St. Vrain Creek to a point ¼ mile S of the same jeep road; then generally SE parallel to and ¼ mile from said road to a point on the trail leading from the road to Coney Creek; thence generally S parallel to and including the Buchanan Pass Trail to the intersection of said trail and the Blue Lake Trail; thence SW to a point ⅛ mile downstream from the NE end of Long Lake; thence S to the crest of Niwot Ridge; thence W along the ridge to the boundary of the Boulder City Watershed; thence following the N,W, and S boundaries of said watershed to a point on the line between sections 28 and 29. T1N, R73W; thence SE to peak 10,616; thence S to peak 10,485; thence W through peak 12,081 and point 11,958 to point 11,156; thence S to a point ¼ mile S of the North Fork of Middle Boulder Creek; then SE parallel to and ¼ mile from said creek to a point due N of Chittenden Mt.; thence S through Chittenden Mt. to a point ¼ mile S of the South Fork of Middle Boulder Creek; thence W parallel to and ¼ mile from said creek and continuing in this general direction to the Continental Divide at a point ¼ mile N of Rollins Pass; thence W to the boundary of the private property in section 30, T1S, R74W; thence N along said boundary to the NE corner of the property in section 18, T1S, R74W; thence NW to peak 11,145; thence NNW down the ridge to Cabin Creek; thence NE up the

ridge to peak 11,725; thence generally N through peaks 11,801 and 11,831 to peak 11,722 on the ridge which divides Meadow Creek and Arapaho Creek; thence NW along the ridge through peaks 11,281 and 10,925 to peak 9,810; thence N along Mill Creek to Arapaho Creek and continuing to its intersection with Buchanan Creek; thence due N to the 9,400 foot contour; thence generally NW to the intersection of Roaring Fork and the 9,200 foot contour; thence due W to the Shadow Mountain National Recreation Area boundary; thence W and N following said boundary to its intersection with the S boundary of Rocky Mountain National Park; thence E along the above boundary to the point of beginning.

DISCUSSION

The legislation, as amended, would require the Secretary to review the area and report his finding as to the area's suitability for preservation as wilderness to the President within 2 years after the enactment of the act.

The study is to be accomplished in accordance with the procedures established in the Wilderness Act (Public Law 88–577, 78 Stat. 890) and therefore, the area should receive the protection presently afforded to "primitive" areas during the study period. The committee adopted an amendment to ensure that such protection is granted to the area.

It is anticipated that the study will not only reveal information necessary to determine the area's suitability as a wilderness area, and to properly designate its boundaries, but, also, to determine the number and location of the access points. Because the Indian Peaks area is quite close to the metropolitan Denver-Boulder area, having a population in excess of one million, it may be that a special management plan will be found to be appropriate. Consideration should be given to such problems as general overuse, heavy localized user traffic, sanitation and other dangers inherent in the fact that part of the area is the watershed for municipal water supplies.

In carrying out the study to be authorized by this legislation, the Secretary is expected to include in his recommendation only areas which meet the definition of wilderness as defined in subsection 2(c) of the Wilderness Act and hereinafter quoted:

DEFINITION OF WILDERNESS

(c) A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least 5,000 acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

Furthermore, the Secretary is expected to fully consider and apply the provisions of subsection 4(c) of the Wilderness Act quoted below:

PROHIBITION OF CERTAIN USES

"(c) Except as specifically provided for in this act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area."

NEED FOR LEGISLATION

The need for such legislation stems from the fact that under the Wilderness Act, the Secretary of Agriculture is authorized to review only areas classified as "primitive" as of the date of enactment. When Congress enacted the Wilderness Act, it adopted a new policy with respect to areas designated as "wilderness," "primitive," "wild," and "canoe," as well as certain roadless areas under the jurisdiction of the Secretary of the Interior. All such areas were ultimately to be incorporated into one system—the Wilderness Preservation System. Additions to the System were to be incorporated only after the provisions of the Wilderness Act were fulfilled, which includes an act of Congress for final designation as "wilderness." Of course, Congress, under its plenary powers relating to the territory or other property belonging to the United States, could act directly to create "wilderness areas" on Federal lands, but by following the procedure provided by this legislation and the basic Wilderness Act, Congress will have the benefit of a full wilderness study before acting.

Further, by following the full wilderness review procedure as prescribed by this legislation, the objections, to the effect that a study had not been conducted, previously voiced by the Forest Service in connection with other wilderness legislation (such as S. 493, to add the Minam River Canyon area to the Eagle Cap Wilderness) are fully met.

HEARINGS

The bill (S. 1198) was introduced by Senators Allott and Dominick on March 11, 1971, and hearings were held by the Senate Subcommittee on Public Lands on May 5, 1972. Several witnesses were heard and about 200 communications were received. All were favorable.

RESOLUTIONS

The Forty-eighth General Assembly of the State of Colorado adopted House Joint Memorial No. 1002, memorializing Congress to "* * * enact the necessary legislation directing the Secretary of Agriculture to study the Indian Peaks Area of Colorado for its wilderness values and make recommendations to Congress concerning its inclusion in the National Wilderness Preservation System * * *"

Resolutions of support were also received from the City Council of the city of Longmont, Colo., the Board of County Commissioners of Boulder County, Colo., and the City Council of the City of Boulder, Colo.

COMMITTEE AMENDMENTS

The committee adopted three amendments which are discussed below.

The Department of Agriculture recommended a clarifying amendment with respect to complying with the review and hearing procedure set forth in subsection 3(d) of the Wilderness Act. Since it is the intent of the bill that the full review procedure as set forth in the Wilderness Act be followed, the committee adopted the amendment for purposes of clarification. The amendment is as follows:

On page 1, lines 3 and 4 and the word "act" on line 5 were stricken and the following was inserted in lieu thereof:

"That (a) the Secretary of Agriculture, in accordance with the provisions of subsection 3(d) of the Wilderness Act of September 3, 1964 (78 Stat. 892) relating to public notice, public hearings, and review by State and other agencies."

The Department of the Interior, in its report, recommended an extension of time for the completion of the mineral survey, and the Department of Agriculture recommended deletion of the language requiring completion of the study within 18 months after enactment, which would have rendered the prescribed study period as an indefinite period. The committee felt that it was in the best interests of the area, the wilderness program, all interested parties, and the Nation, generally, to prescribe a reasonable study period and agreed to an amendment to set the reporting date at 2 years after enactment. The amendment is as follows:

On page 2, line 4, strike out the words "eighteen-months" and insert in lieu thereof the words "two years".

It was the intent of the author of S. 1198 (Senator Allott) that the Indian Peaks area would be managed as "wilderness" during the study period, and of course, that such protection would continue for areas recommended for inclusion in the wilderness preservation system until its permanent status was determined by an act of Congress. However, by adopting the amendment recommended by the Department of Agriculture discussed earlier, some doubt was raised. The committee adopted a clarifying amendment which would insure wilderness management during the study, and provide for a continuation of such management for such lands as are recommended for inclusions in the wilderness system, for a period of 3 years after the submittal of the Secretary's recommendations.

The amendment will also assure the final disposition of the wilderness status of all of the lands within the area by the end of 5 years after enactment. Federal lands determined to be not suitable for wilderness classification will be returned to general multiple-use management by the Forest Service. The amendment follows:

On page 2, between lines 12 and 13 insert the following new subsection and redesignate subsections "(b)" as "(c)".

(b) During the review period provided by this Act and for a period of 3 years after his recommendations are submitted, the Secretary shall manage and protect the resources of the Indian Peaks study area in such a manner as to assure that the suitability of all or any part of the area now suitable for potential wilderness designation is not impaired.

COSTS

No cost estimates were supplied by either the Department of Agriculture or the Department of Interior; however, the costs of the study are expected to be nominal and the agencies will probably be able to absorb such costs in the general operating budget.

COMMITTEE RECOMMENDATIONS

The Committee on Interior and Insular Affairs recommends that S. 1198, as amended, be enacted. The adoption of all amendments and of the motion to report S. 1198 to the Senate with a recommendation of enactment was by the unanimous agreement of the members of the committee present.

ECOCIDE IN VIETNAM

Mr. MANSFIELD. Mr. President, published in the Los Angeles Times today is a commentary by Mr. Robert F. Goheen, president of Princeton University, entitled "Vietnam's Sad Lesson for the U.S." In Newsweek magazine for June 12, 1972, there is a small insert entitled "A Small War's Toll."

I read it in part as follows:

"It would be fabulous if the war in Viet-

nam cooled down," said one U.S. delegate to the Stockholm conference last week. "It would help us a lot if we didn't have to defend charges of ecocide." But the war was very much on, the charges were being shouted in the streets of Stockholm, and if what was happening in Vietnam wasn't ecocide, it would serve until the real thing came along.

The most publicized damage of the war was done by the herbicide spraying that started in 1961 in an effort to deprive the Viet Cong of food and cover. By the time the program was halted a year ago, it had utterly destroyed one-fifth to one-half of South Vietnam's mangrove forests, killed perhaps half the trees in the hardwood forests north and west of Saigon and stripped a total of 5.5 million acres.

After the spraying stopped, the stripping operation continued with huge "Rome Plow" bulldozers denuding 800,000 more acres at 1,000 acres a day. Bombs and shells also took their toll; between 1965 and 1971, bombing had created about 26 million craters with an average depth of 25 feet and diameter of 40 feet.

Mr. President, I ask unanimous consent that these two articles be printed in the RECORD in full.

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

VIETNAM'S SAD LESSON FOR THE UNITED STATES

(By Robert F. Goheen)

Against the apparent endlessness of this country's involvement in Indochina under current policies, where massive air and naval commitments replace withdrawn ground forces, there may be a gleam of hope in the proposed joint resolution before the House Foreign Affairs Committee providing for an end to the engagement of all U.S. forces there.

I bring no specialized skill to the consideration of the question. Expert neither in constitutional law nor national defense strategy, I was once a student of history and find myself today especially struck by the grim parallels to be found in the undoing of brilliant, powerful Athens some 2,400 years ago, as told by Thucydides. From the vantage point of a university, my lot more recently has been to be a concerned observer of the tensions straining our American society—not least among them the issues of war and peace and national honor hinged on our heavy continuing military involvement in Indochina.

Even if not an infallible source of light, a university is, I suggest, a good place from which to view these matters. On the one hand, you are among people intent on trying to take the long view, on assessing the course of history and the options before us, in as clear-eyed, reasoned, and unprejudiced ways as are possible in this imperfect world. At the same time, you are in (sometimes uncomfortably) close touch with the sentient generations coming on, who with all their energy and idealism are the nation's best hope for a better, less torn, less ravaged future—all the frequent impatience, intemperance and self-conceit of the young notwithstanding.

Many of them have come to see more quickly and clearly than the general run of us what our forceful intervention in the affairs of the Vietnamese means not only for the people of that war-torn land but about us.

Among today's students, the few wild-eyed protesters who have again set themselves to obstruction and loud posturing represent neither the extent nor full nature of the moral concern which now runs wide and deep among college-age young Americans all across the country. The relative peacefulness of the majority this spring should not be construed an acquiescence in national policy. It bespeaks more often deep frustration about the constituted authorities, whom they seem to feel to be both unresponsive to their humanitarian concerns and apparently powerless to disentangle the country from its protracted devastating involvement in Indochina. There is much latent dynamite there. There is also immense desire and potential for human good.

Like the people of most nations holding great power, we Americans have been used to thinking self-righteously about our involvement in wars, even though the record is a mixed one. It is hard for us who love our country to face up to a candid recognition that it is engaged in action that is irreparably damaging and to no good effect. Therefore, most of us have been slow to accept the fact that our nation has unwittingly been caught up in a tragedy which has already cost more than 1 million lives—some 46,000 of them American; the rest, persons equally human and no less the children of God. We have been slow to see that almost all of us must in some degree or another share the blame. We have been slow to recognize ourselves as actors in a drama to which there can be no happy ending—a drama chillingly like the ancient Greek tragedies of human arrogance and catastrophe. Step by step, with no chief villain, with no architect of evil secretly in control, we and our elected leaders have made, supported or acquiesced in decisions that have multiplied to now surely unconscionable heights the brutality and the suffering which war always brings.

Piling the arrogance of power on top of our ignorance of a strange and distant land, we have stumbled and forced our way under three national administrations into the lives and affairs of another people endowed with a culture very different from our own—acting as though their interests were our interests, and if not, that they should be! On this presumption we have helped to magnify manyfold their ability to do damage to one another, and involved ourselves in a heavy course of destruction. The fact that other large nations have also been meddling in Vietnamese affairs does not alter these facts.

Much has been made of our national honor and not enough, I think, of the dishonor we do ourselves when we bomb to save face. It is as though persistence in a grievous wrong could cover up the mistakes which led us into this tragedy. We now need not to save a face which has become arrogant to the world, but to let that face show the deep lines of hard lessons learned and of human compassion.

On our home shores, too, we are experiencing the infectious spread of violence, and we have begun to see an erosion of the nation's morale and confidence because of this dreadful war. Yet, there is hope that a movement toward contrition, a stirring of respect and compassion for other people, a candid recognition of former blindness and pride may halt that erosion. Under the grace of God, we Americans still have, I believe, the capacity for that sort of magnanimity. There is at least a chance that we can be honest and courageous enough to recognize that we have gone astray and need now to point ourselves back once more to the great humanitarian ideals of our Judeo-Christian heritage.

The Congress can begin to provide leadership in this by setting a date certain for the termination of all American military involvement there and cutting off funding beyond that date. For over a decade a series of Administrations has given us lesson after lesson in the futility of trying to end the kind of conflict we are involved in in Vietnam by enlarging and extending it. The recent magnification of the scale of the conflict by both the North Vietnamese and ourselves portends no new turn, only this same old lesson.

It is time to recognize that we cannot Vietnamize the Vietnamese to our purposes. They must be allowed to unravel and put back together their own affairs according to their own best interests, as best they can. If that means turmoil and more lives taken, the process cannot possibly be more devastating than the course of action to which the President apparently still has us committed in Vietnam.

But let me add the hope that if the Congress does move to force the end of the American military involvement in Indochina, it will simultaneously challenge us to aid in the task of reconciliation and renewal with no less intensity of spirit and no less expenditure of resources than the war has called forth from this nation these past dozen years and more.

A SMALL WAR'S TOLL

"It would be fabulous if the war in Vietnam cooled down," said one U.S. delegate to the Stockholm conference last week. "It would help us a lot if we didn't have to defend charges of ecocide." But the war was very much on, the charges were being shouted in the streets of Stockholm and if what was happening in Vietnam wasn't ecocide, it would serve until the real thing came along.

The most publicized damage of the war was done by the herbicide spraying that started in 1961 in an effort to deprive the Viet Cong of food and cover. By the time the program was halted a year ago, it had utterly destroyed one-fifth to one-half of South Vietnam's mangrove forests, killed perhaps half the trees in the hardwood forests north and west of Saigon and stripped a total of 5.5 million acres.

After the spraying stopped, the stripping operation continued with huge "Rome Plow" bulldozers denuding 800,000 more acres at 1,000 acres a day. Bombs and shell also took their toll; between 1965 and 1971, bombing had created about 26 million craters with an average depth of 25 feet and diameter of 40 feet.

"There is nothing in the history of warfare to compare with it," Wisconsin Sen. Gaylord Nelson recently told Congress. "Never before has a land been so massively altered and mutilated . . . The cold, hard and cruel irony of it all is that South Vietnam would have been better off losing to Hanoi than winning with us."

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, is there further morning business at this time?

The ACTING PRESIDENT pro tempore. No, there is not.

COMMUNICABLE DISEASE CONTROL AMENDMENTS ACT OF 1972

The ACTING PRESIDENT pro tempore (Mr. METCALF). Under the previous order, and in accordance with the previous unanimous-consent agreement, the Chair now lays before the Senate S. 3442, which the clerk will report.

The assistant legislative clerk read as follows: S. 3442, to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and vaccination assistance, 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 had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

TITLE I—COMMUNICABLE DISEASE PREVENTION AND CONTROL

SEC. 101. (a) Section 317(a) of the Public Health Service Act is amended to read as follows: "There are authorized to be appropriated $90,000,000 for the fiscal year ending June 30, 1972; $90,000,000 for the fiscal year ending June 30, 1973, and each of the next four succeeding fiscal years to enable the Secretary to make grants to States, and in consultation with the State health authority, to agencies and political subdivisions of the States, under this subsection. In the awarding of such grants, the Secretary shall give consideration to the relative extent of the problems relating to one or more of the diseases referred to in subsection (b)(1) and to the design of the public health program to assure effective performance in preventing and controlling such diseases. Such grants may be used for meeting the cost of communicable disease control programs and their attendant laboratory services, including the cost of studies to determine the communicable disease control needs of the communities and the best means of meeting such needs.

(b)(1) Subsection (b) of such section is amended by striking out the word "subsection" and inserting in lieu thereof "section".

(2) Subsection (b)(1) of such section is amended by striking out the phrase "on the recommendation of the National Advisory Health Council".

(c) Subsection (f) of such section is amended by striking "assisted under this section".

(d) Such section, as amended by this Act, is further amended by adding at the end thereof the following new subsections:

"(h)(1) The Secretary is authorized to make grants to, and enter into contracts with, public and private nonprofit agencies, organizations, and institutions for the purpose of making the citizens of the United States aware of the consequences of the diseases described in subsection (b)(1) and the programs available which will avert such consequences.

"(2) For the purpose of carrying out this subsection, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and each of the next four succeeding fiscal years.

"(i) Except for section 318 of this Act, notwithstanding any other provision of law unless enacted after the enactment of this Act expressly in limitation of this section, no funds appropriated pursuant to the authorization of any section of the Public Health Service Act other than this section shall be available for communicable disease control or vaccination assistance programs of the type authorized under this section."

SEC. 102. Section 314(e) of such Act is amended by striking "$157,000,000" and inserting in lieu thereof "$179,000,000."

SEC. 103. Section 1001(c) of the Public Health Service Act is amended by striking out "$90,000,000" and inserting "$127,300,000" in lieu thereof.

TITLE II—VENEREAL DISEASE PREVENTION AND CONTROL

SEC. 201. This title may be cited as the "National Venereal Disease Prevention and Control Act".

SEC. 202. (a) The Congress finds and declares that—

(1) the number of reported cases of venereal disease has reached epidemic proportions in the United States;

(2) the number of patients with venereal disease reported to public health authorities is only a fraction of those treated by physicians;

(3) the incidence of venereal disease is particularly high among individuals in the 20–24 age group, and in metropolitan areas;

(4) venereal disease accounts for needless deaths and leads to such severe disabilities as sterility, insanity, blindness, and crippling conditions;

(5) the number of cases of congenital syphilis, a preventable disease, in infants under one year of age increased by 33⅓ per centum between 1970 and 1971;

(6) health education programs in schools and through the mass media may prevent a substantial portion of the venereal disease problem; and

(7) medical authorities have no successful vaccine for syphilis or gonorrhea and no blood test for the detection of gonorrhea among the large reservoir of asymptomatic females.

(b) In order to preserve and protect the health and welfare of all citizens, it is the purpose of this Act to establish a national program for the prevention and control of venereal disease.

AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT

SEC. 203. (a) Part B of title III of the Public Health Service Act is amended by adding immediately after section 317 thereof the following new section:

"PROJECTS AND PROGRAMS FOR THE PREVENTION AND CONTROL OF VENEREAL DISEASE

"SEC. 318. (a) The Secretary is authorized to conduct, and render assistance to appropriate public authorities and scientific institutions in the conduct of research, training, and public health programs relating to the prevention and control of venereal disease.

"(b)(1) The Secretary is authorized to make grants to States, political subdivisions, universities, hospitals, and other public and nonprofit private institutions, agencies, institutions, or organizations, for projects for the conduct of research, demonstrations, or training for the prevention or control of venereal disease.

"(2) For the purpose of carrying out this subsection, there is authorized to be appropriated the sum of $15,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

"(c)(1) There is authorized to be appropriated the sum of $30,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years, to enable the Secretary to make grants to State health authorities to assist the States in establishing and maintaining adequate public health programs for the diagnosis and treatment of venereal disease. The sums so appropriated shall be used for making payments to States which have submitted, and had approved by the Secretary, State plans for the provision of public health services for the diagnosis and treatment of venereal disease.

"(2) In order to be approved under this subsection, a State plan for the provision of public health services for the diagnosis and treatment of venereal disease must—

"(A) provide for the administration or supervision of administration by the State health authority;

"(B) set forth the policies and procedures to be followed in the expenditure of the funds paid to the State under this subsection;

"(C) provide that the public health services furnished under the plan will include the provision of statewide laboratory services which include Darkfield microscopes for the diagnosis of both gonorrhea and syphilis, and will otherwise be in accordance with standards prescribed by regulations, including standards as to the scope and quality of such services;

"(D) contain or be supported by assurances satisfactory to the Secretary that (i) the funds paid to the State under this subsection will be used to make a significant contribution toward providing and strengthening public health services for the diagnosis and treatment of venereal disease in the various political subdivisions in order to improve the health of the people; (ii) such funds will be used to supplement and, to the extent practical, to increase the level of funds that would otherwise be made available for the purposes for which the Federal funds are provided and not to supplant any non-Federal funds which would otherwise be available for such purpose; and (iii) the plan is compatible with the total health program of the State;

"(E) provide that the State health authority will from time to time, but not less often than annually, review and evaluate its State plan approved under this subsection, and submit to the Secretary appropriate modifications thereof;

"(F) provide that the State health authority will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of such reports;

"(G) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursements of and accounting for funds paid to the State under this subsection; and

"(H) contain such additional information and assurances as the Secretary may find necessary to carry out the purposes of this subsection.

"(3) From the sums appropriated to carry out the provisions of this subsection, the several States shall be entitled for each fiscal year to allotments determined, in accordance with regulations, on the basis of the incidence of venereal disease in, and the population of, the respective States; except that no State's allotment shall be less than $75,000 for any fiscal year.

"(4)(A) From each State's allotment under this subsection for a fiscal year, the State shall be paid a Federal share of the expenditures incurred during such year under its State plan approved under this subsection. Such payments shall be made from time to time in advance on the basis of estimates by the Secretary or by way of reimbursement, with necessary adjustments on account of previous underpayments or overpayments.

"(B) the Federal share for any State shall be such per centum (not in excess of 90 per centum) of the expenditures of such State (referred to in subparagraph (A)) as shall be established by such State.

"(C) 'State' means each of the several States of the United States, the District of Columbia, the Virgin Islands, Guam, American Samoa, Trust Territory of the Pacific Islands, and the Commonwealth of Puerto Rico.

"(D) Any amount so allotted to a State during any such fiscal year (other than the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Commonwealth of Puerto Rico) and

remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only) and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount remaining unobligated at the end of the sixth month following the end of such year for which it was allotted which the Secretary determines will remain unobligated by the close of such next fiscal year may be reallotted by the Secretary, to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this subsection, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under this subsection of this section to the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, or the Commonwealth of Puerto Rico for a fiscal year and remaining unobligated at the end of such year shall remain available to it for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such next two years, which the Secretary determines will remain unobligated at the close of the second of such next two years, may be reallotted by the Secretary, to be available for the purposes for which made until the close of the second of such next two years, to any other of such named States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallotted to any such named State shall be in addition to any other amounts allotted and available to it for the same period.

"(5) Effective with respect to allotments under this subsection at least 70 per centum of a State's allotment under this subsection shall be available only for the provision under the State plan of services in communities of the State.

"(d) (1) The Secretary is authorized to make project grants to States and, in consultation with the State health authority, to political subdivisions of States, for the conduct of venereal disease prevention and control programs.

"(2) For purposes of this subsection, the term 'venereal disease prevention and control program' means a program which includes—

"(A) disease surveillance activities, including the reporting, screening, and follow-up of diagnostic tests and diagnosed cases of venereal disease;

"(B) casefinding and case followup activities, including contact tracing of infectious cases;

"(C) interstate epidemiologic referral and followup activities;

"(D) professional and public venereal disease education activities; and

"(E) such special studies or demonstrations to evaluate or test venereal disease control as may be prescribed by the Secretary.

"(e) Grants made under subsection (b) or (d) of this section shall be made on such terms and conditions as the Secretary finds necessary to carry out the purposes of such subsection, and payments under any such grants shall be made in advance or by way of reimbursement and in such installments as the Secretary finds necessary.

"(f) Nothing in this section shall be construed to limit or otherwise restrict the use or availability of funds which are granted to a State or to a political subdivision of a State under other provisions of section 317 of this Act which are available for the conduct of venereal disease programs from being used in connection with programs assisted through grants under this section.

"(g) For the purpose of carrying out this subsection, there is authorized to be appropriated the sum of $30,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

"(h) Each recipient of assistance under this section shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(i) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the assistance received under this section.

"(j) The Secretary, at the request of a recipient of a grant under this section, may reduce such grant by the fair market value of any supplies, or equipment furnished to such recipient and by the amount of pay, allowances, traveling expenses, and any other costs in connection with the detail of an officer or employee to the recipient when the furnishing of such supplies or equipment, or the detail of such officer or employee (as the case may be), is for the convenience of and at the request of such recipient and for the purpose of carrying out the program with respect to which the grant under this section is made. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies, equipment, or personal services on which the reduction of such grant is based, but such amount shall be deemed a part of the grant to such recipient and shall, for the purposes of this section, be deemed to have been paid to such agency.

"(k) Any grant awarded pursuant to this section shall be subject to the condition that all information obtained by the personnel of the project from participants in the project related to their examination, care, and treatment, shall be held confidential, and shall not be divulged without the individual's consent except as may be necessary to provide service to the individual. Information may be disclosed in summary, statistical, or other form or for clinical and research purposes in such a way as not to identify particular individuals."

The ACTING PRESIDENT pro tempore. Under the unanimous-consent agreement, time on the bill is limited to 20 minutes. The Senator from Massachusetts (Mr. KENNEDY) has 10 minutes and the Senator from New York (Mr. JAVITS) has 10 minutes.

Who yields time?

Mr. KENNEDY. Mr. President, I yield myself such time as I may need.

The pending bill, S. 3442, the communicable disease legislation, on which the Subcommittee on Health held extensive hearings is of great concern to the American people. The bill covers the whole range of communicable diseases which affect so many of our citizens.

The pending legislation has the enthusiastic support of the American Public Health Association, the American Academy of Pediatrics, the American Social Health Association, the New York City Department of Health, the National Respiratory and Tuberculosis Association, and the Association of State Territorial Health Officers.

Regrettably, the administration testified against enactment of the legislation. I would point out to my colleagues that the legislation is authorization for some 5 years, at a total cost of $759 million, to meet the problems of TB, measles, rubella, polio, diphtheria, venereal diseases, and a number of other kinds of communicable diseases which affect so many of our citizens. Mr. President, a great deal can be done to alleviate the pain and suffering and the human tragedy which comes as a result of these diseases. And that is the rationale for the committee's bill.

Mr. President, the Senator from California (Mr. CRANSTON), who worked closely with us in developing this bill, is unable to speak on the floor today as we debate S. 3442. He has asked me to indicate today that he will make a statement regarding this bill on the floor next Monday.

Mr. President, I commend the ranking minority member of the Health Subcommittee, the Senator from Pennsylvania (Mr. SCHWEIKER), for his efforts and cooperation in support of this bill. I also commend the ranking minority member of the full committee, Mr. JAVITS, for his input and his energy. This legislation represents the best judgment of both the Democratic and Republican members of the Health Subcommittee. And it was unanimously reported from the committee. It is a constructive and positive piece of legislation. It is the kind of legislation which, when funded, can do a most comprehensive job in meeting the problems of communicable diseases in this country.

Mr. President, there is also in title II of the bill a provision that includes a special program to combat venereal diseases. That provision was sponsored by the distinguished Senator from New York (Mr. JAVITS). I know that he will elaborate upon that provision. I strongly support title II of the bill.

Mr. President, communicable diseases affect millions of Americans each year and especially present a serious threat to the health of the Nation's children, a most vulnerable population.

The efforts to prevent and control communicable diseases reflect the strengths and weaknesses of our present health care system. Communicable diseases were the leading causes of death at the turn of the century. In 1900, influenza, tuberculosis, and gastritis accounted for nearly a third of all deaths. However, outstanding medical research achievements have today dramatically reduced the mortality rates for infectious diseases. Many effective vaccines have been developed which can eradicate several of our common communicable diseases. Effective drugs are now available to treat the acute infections and thereby prevent serious medical complications. We have the means available, and yet there are serious gaps in the application of such effective remedies to eradicate many communicable diseases.

We are currently committing significant Federal support to scientific research for effective means to prevent and control heart disease, cancer, and stroke: the three leading causes of death in America today. Yet such effective approaches are available for many communicable diseases. It is imperative that the Federal Government play a leadership role in implementing the research tools available. Unfortunately, there often has not been a consistent and coordinated plan to control communicable diseases. Inadequacies in health care delivery have resulted in unnecessary infections with needless human suffering and economic loss.

Title I of this bill authorizes a 5-year program of project grants to State and local governments for assistance in programs for the prevention and control of communicable diseases. For such purposes, $90 million is authorized for each of the next 5 fiscal years.

Despite tremendous strides in vaccination and immunization programs, there continue to be serious gaps in levels of immunization for the Nation's children. In 1964, 87.6 percent of children between ages of 1 and 4 were immunized against polio; 1971 levels are 67.3 percent. Comparable immunization levels in 1971 include: Measles, 61.4 percent; rubella, 51.2 percent; and diphtheria-pertussis-tetanus, 78.8 percent. Overall these figures indicate an increase from 1970 levels, but still they demonstrate a serious lack of protection for many children. Furthermore, comparable levels are lower for the inner city and economically disadvantaged children.

Because of inadequate immunization, reported cases of such diseases continue. There were 75,000 cases of measles reported in 1971 in contrast to 47,000 for 1970. The reported cases of rubella have decreased from 56,600 cases in 1970 to 44,000 cases in 1971. Vigorous immunization programs have significantly reduced the impact of these diseases because of available vaccines, but a concerted effort must continue to immunize all children. Each disease may cause serious medical complications, and it is foolish to gamble with a child's health when vaccines are effective for prevention. The paralysis of polio is well known. Measles may cause encephalitis and mental retardation. Rubella, in the 1964–65 epidemic, resulted in 20,000 brain-damaged children with estimated costs of rehabilitation put at more than $2 billion. Diphtheria, which continues to occur in sporadic outbreaks, can result in health and brain damage and death by suffocation. Mortality rates for tetanus are as high as 70 percent. Whooping cough may easily cause death especially to the child under 1 year of age and also can produce convulsions, brain damage, and chronic lung disease.

In the health area, generally we still have few measures which can produce primary prevention of disease. Yet such tools are available for several communicable diseases.

Effective vaccines are available to eradicate many infections which wreak such havoc on children. There must be a Federal commitment to universal immunization for all children. If we can eradicate smallpox, we can also eradicate such diseases as polio, measles, and rubella. Support must not falter for such programs.

Mr. President, the committee, for example, is especially concerned with the faltering Federal support for tuberculosis control programs. For the first time in decades there are no funds designated at the Federal level for the support of TB programs. In his testimony, Dr. Lee Reichman of the New York City Department of Health documented the effectiveness of the New York City TB project whose present Federal funding is scheduled to be eliminated. If funding is stopped, it will force the closure of eight hospital-based clinics and transfer of 6,500 TB patients to other facilities. Elimination of Federal funding will seriously threaten similar programs throughout the country. The incidence of new cases of TB is now beginning to level off rather than decline and in urban areas may be increasing. In 1970, there were over 37,000 new active cases reported. Tuberculosis caused the death of 5,500 Americans, and remains the No. 1 killer among communicable diseases. The committee strongly endorses the testimony of the witnesses who urged continued strong Federal support for TB control programs and the committee's bill directs the administration to continue these worthwhile programs.

The administration in their testimony before the Health Subcommittee on this bill indicated special authority for communicable diseases, including venereal disease, was not needed: For under section 314(e) of the PHS Act there was ample authority and flexibility to provide for communicable disease programs. This rationale has accounted for administration requests for higher authorization ceilings for section 314(e) for the coming fiscal year to provide for several programs which include communicable disease prevention and control.

Regrettably, Mr. President, the administration has unwisely chosen to fly in the face of clear and unmistakable congressional intent in this respect. The Labor and Public Welfare Committee in its report on the Health Services Improvement Act of 1970 stated:

> The Committee notes with concern the fact that a large proportion of the programs funded under section 314(e) continue to be too narrowly focused rather than focused upon the broader area of the organization and delivery of health services. In large part, of course, this is attributable to the fact that the states have not been as willing as the Congress had hoped, in funding these vitally important though narrower projects with funds made available under the bloc grant program, 314(d). The Congress is in the process of responding to this problem. The Senate has passed and the House will soon take up the Communicable Disease Control and Vaccination Assistance Amendments of 1969 which, if enacted, would authorize separate categorical project grant authority for these programs. At that time the Committee intends the projects funded under section 314(e) be primarily intended to grapple with the organization and delivery of comprehensive health services.

The House Committee on Interstate and Foreign Commerce in its report on the Communicable Disease Control Amendments of 1970 stated:

> As a practical matter, the categorical grant approach which was sought to be eliminated by Public Law 89–749 has not, in practice, worked exactly as planned. In each of its budget presentations each year since the enactment of section 314(e), the Department of Health, Education and Welfare has earmarked specific amounts of the 314(e) fund request for specific programs for the coming year. In other words, the categorical grant approach has continued since the enactment of Public Law 89–749, except that instead of the Congress setting the categories, the categories have been set by the Department of HEW.
>
> One of the purposes of this bill is to restore some control to the Congress of the categories of health programs for which project grant funds are to be made available.
>
> Upon enactment of this legislation, the situation with respect to project grants will be restored to that prevailing in 1967 and 1968, at which time both section 314(e), providing overall authorizations for project grant funds, and section 317 of the Public Health Service Act, authorizing assistance for communicable disease prevention programs, were jointly operative.
>
> Upon enactment of this legislation, the administration will have available to it two separate authorizations for project grants programs—a general project grant authorization for health programs under section 314(e) and a communicable disease project grant authorization under this new legislation.

The most recent evidence, Mr. President, of this flagrant disregard of congressional intent is found in the Secretary of HEW's required report to the Congress on communicable diseases, which was transmitted to the Congress by the President on May 22, 1972. I ask unanimous consent that that report be included in the RECORD at the end of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. KENNEDY. Mr. President, given this sorry record of the administration, Mr. President, the committee has felt obliged to include in its bill a provision which legislatively prohibits the administration from using section 314(e) as a smokescreen to cloud its disregard for an effective Federal effort in respect to communicable disease programs.

In addition to providing program funding for communicable disease controls, title I of this bill provides special support for public education concerning communicable diseases. Public education is a most important element in effective communicable disease control to alert the public on the possible serious consequences of communicable diseases and programs available to combat and prevent such diseases.

Title II of S. 3442 creates a new section 318 of the Public Health Service Act to provide for a special venereal disease prevention and control program, given the fact that venereal diseases have now reached epidemic proportions. The cases reported for venereal diseases represent alarming increases which this Nation has not faced since the post World War II period. Gonorrhea and syphilis are clearly approaching epidemic proportions and there is no indication that the

present escalating trend will be abated in the near future.

Gonorrhea is the most prevalent reportable communicable disease in the Nation. In 1971, 624,000 cases were reported. If unreported cases were included, cases would total more than 2,500,000.

In the past 4 years gonorrhea has increased on the average of 15 to 16 percent per year. Some cities have had nearly 50 percent increases in the past year. Of special concern are the estimated 800,000 women with asymptomatic cases of gonorrhea who constitute a silent reservoir of infection. Prenatal clinic exams have shown one out of twelve pregnant women infected with gonorrhea who were unaware of the infection. Serious complications can result to the newborn of an infected mother—such as severe eye infections. Up to 10 percent of women infected may develop severe infections which can cause infertility and may warrant abdominal surgery.

Syphilis with declining rates of infection for four consecutive years—1965–69—rose 8.1 percent in 1970 and 8.9 in 1971. Reported cases for 1971 were 23,000 with estimates of more than 95,000 if unreported cases are included. Without prompt dignosis and treatment, severe medical disabilities may develop years after the initial infection. Syphilis can cause blindness, paralysis, and insanity. Institutional care for the syphilitic insane amounts to more than $40 million per year.

Mr. President, to meet this health crisis, title II authorizes for each of the next 3 fiscal years:

First. $15 million in project grants for research demonstration or graining for prevention and control;

Second. $30 million in formula grants to states for establishing and maintaining programs for diagnosis and treatment;

Third. $30 million in project grants to States for prevention and control programs.

The committee strongly endorses title II of its bill to begin to meet the overwhelming need for a national program against venereal disease as recently recommended by the President's National Commission on Venereal Disease.

Mr. President, S. 3442 is essential to mandate a concerted attack on a broad spectrum of communicable diseases. This legislation will increase the effort for coordinated plans and programs to prevent and control communicable diseases by research, immunization, treatment and public education. National communicable disease programs have in many instances significantly reduced the toll these diseases exact in human and economic terms. Yet much more needs to be done. This bill provides the impetus for continued congressional commitment to communicable disease prevention and control programs with a goal for (1) universal immunization of children to eradicate those communicable diseases for which vaccines are available; (2) expanded program support to halt the cycle of infection for such diseases as tuberculosis, gonorrhea and syphilis; (3) continued basic research to develop new vaccines and other effective treatment; and (4) program support for public education.

Mr. President, this is a good bill. It was reported to the Senate unanimously by the Senate Labor Committee. It is an extension of expiring legislative authority. I urge my colleagues to vote in favor of S. 3442.

EXHIBIT 1

REPORT TO THE PRESIDENT BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE FOR FISCAL YEAR 1971 ON ACTIVITIES UNDER PUBLIC LAW 91–464, "COMMUNICABLE DISEASE CONTROL AMENDMENTS OF 1970"

Section 317 of the Public Health Service Act, as amended by Public Law 91–464 (84 Stat. 988), authorized the appropriation of $75 million for fiscal year 1971 and $90 million for fiscal year 1972, to enable the Secretary of Health, Education, and Welfare to make grants to States and, with the approval of the State health authority, to political subdivisions or instrumentalities of the States for communicable disease control programs.

TUBERCULOSIS

In fiscal year 1971, Congress appropriated $2 million to implement this legislation. The Department of Health, Education and Welfare decided to use these funds to assist States in completing the phaseout of the tuberculosis control project grant program which had been supported under section 314(e) of the Partnership for Health legislation. In 1970 some $18 million was transferred from 314(e) project grants to 314(d) formula grants for the control of tuberculosis at the State level. This shift in funding mechanism was consistent with the basic concept of the partnership for Health legislation. The basic intent of that legislation was to establish a Federal State relationship in which States receive block-type formula grants to establish or maintain adequate public health services. Project grant funds were intended to support, for a short period of time, new and innovative programs for health services. Since the methods for control of tuberculosis were well known and generally used, it was appropriate that these funds be transferred from special project type funding 314(e) to block type formula grant funding 314(d). Because this change represented only a change in funding mechanism and not in the availability of funds for tuberculosis control activities, the Department did not request funds for tuberculosis control under the Communicable Disease Control Amendments. Knowing that some States would experience financial problems because of the shift, a program of transitional funding was developed in order to maintain tuberculosis control activities. In fiscal years 1970 and 1971, $3.3 million was made available from section 314(e) funds to provide transitional funding in areas which: (1) Still had significant tuberculosis problems and (2) received less financial support under the formula grant distribution than they previously had been awarded under tuberculosis control project grants. The $2 million appropriated under the Communicable Disease Control Amendments of 1970 has been used to continue the phaseout of project support for tuberculosis by forward funding tuberculosis control activities in fiscal year 1972. The funds are being used primarily to support outpatient clinics which had been established with previous grant funds. The major portion of the expenditures is for personnel and supplies needed to complete the treatment of individuals with active tuberculosis and to provide preventive therapy for suspects and contacts of infectious tuberculosis cases.

VENEREAL DISEASES

Venereal diseases remain a continuing problem throughout the United States today. After a 4-year decline in incidence during the mid-1960's when the Nationwide syphilis eradication program was at its maximum, the incidence of syphilis has once again been on the increase. Gonorrhea has been increasing since 1957, but in the last few years, the annual increase has been dramatic—to the point where more than 600,000 cases were reported in 1971. Recognizing the need to act to curb the spread of these and other communicable diseases, the Department submitted a budget amendment requesting a $10 million increase in 314(d) formula grant funds over the original fiscal year 1971 budget request to provide additional assistance to the States. While the States would decide which health services these funds would be used for, the Department expected to encourage the States to use these funds for venereal disease and community immunization programs. The Congress did not act on this request but appropriated $20 million—$16 million earmarked for veneral disease under the authority of the Communicable Disease Control Amendments of 1970. These funds are in addition to the $6.3 million that has been identified for the control of syphilis under section 314(e). These grant funds, a total of $22.3 million, will enable States and communities to initiate gonorrhea control programs and to once again start down the road toward the eradication of syphilis.

IMMUNIZATION PROGRAMS

In recent years, Nationwide immunization levels against some of the major childhood diseases have declined, particularly among the urban and rural poor in the one through four age group. The results of this deterioration of protection became evident during 1970 in outbreaks of diphtheria, continued high levels of susceptibility to poliomyelitis particularly in inner cities, and a continued upswing in the number of cases of measles. To correct this trend the Department in 1971 authorized the use of $6 million in funds that had been appropriated for rubella under section 314(e) for the purchase of measles, poliomyelitis, and the newly licensed rubella-measles vaccine. The $6 million was available because of substantially larger decreases in the cost of rubella vaccine than had originally been estimated. The combined measles-rubella vaccine which permits simultaneous immunization against both measles and rubella will provide a stimulus to the programs. To continue these programs, $4 million for the support of immunization activities was appropriated in 1972 under the authority in section 317. These additional funds together with the $13 million that has been identified under section 314(e) for the national rubella immunization program will make it possible for States and communities to undertake a coordinated national immunization program against measles, poliomyelitis, and diphtheria, as well as rubella.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, I thank the Senator from Massachusetts (Mr. KENNEDY) for his remarks. The Senator from Massachusetts has made so central a part of his career in the Senate the sponsorship of major health legislation including the great way we have to go in the field of health maintenance organization legislation, and ultimately in a national health insurance program.

Mr. President, I too would like to express my appreciation to the ranking minority member of the subcommittee, the Senator from Pennsylvania (Mr. SCHWEIKER), for his very expert and dedicated participation in bringing about this measure.

I wish personally to speak particularly about title II of the bill which deals with venereal disease prevention and control programs.

I am very grateful to the Senator from Massachusetts and to the Senator from Pennsylvania for including the S. 3187 in essence in the pending measure as title II.

Mr. President, I am the author of the National Venereal Disease Prevention and Control Act—S. 3187—which has the bipartisan support of 40 Senators, and I am pleased to commend to their attention, and the attention of all my colleagues, that this bill is incorporated as a separate title of the pending Communicable Disease Control Amendments Act of 1972—S. 3442—of which I am a cosponsor. I strongly urge their support for the measure.

The impact of venereal disease tends to rise and fall as a major element with expenditures to deal with it adequately, hence their vital importance. Venereal disease has reached epidemic proportions. The National Venereal Disease Prevention and Control Act title of the bill authorizes $45 million for the development of new and additional research, diagnosis, and treatment techniques and $30 million in formula grants to States for defined, comprehensive prevention and control programs. Witnesses estimated that there were 2,500,000 cases of gonorrhea and 100,000 cases of infectious syphilis in the United States during 1971. It should be understood that venereal disease is much more than a social disease, it has a tragic debilitating effect on its victims; blindness, paralysis, insanity, and death. Regrettably, the steady decline in the number of reported cases between 1966–69 has now been reversed and the number of cases is the highest since 1950. Federal funding has been substantially reduced and in 1971, 11 States were excluded from receiving any Federal project grant support for combating venereal disease.

I am pleased to commend to my colleagues' attention that although introduced prior to the final report of the National Commission on Venereal Disease—appointed by the Secretary of Health, Education and Welfare—the venereal disease title of the pending bill following the bill offered with my provisions is substantially responsive to their recommendations. The Commission Chairman, Dr. Webster, testified that the bill's passage was "essential to control the venereal diseases." The bill targets in on two facets of the VD problem which merit our attention—research education.

Unfortunately, only minimal amounts of research in the basic aspects of syphilis and gonorrhea were being carried out in the United States and it is therefore urgent that research, both inside and outside the Department of Health, Education, and Welfare, be initiated with a view to increasing our basic knowledge of the microbiology and immunology of the gonococcus and the treponema pallidum, which cause syphilis. This research should also be directed toward better diagnostic methods for gonorrhea, the effectiveness of prophylaxis of these diseases and ultimately, the possibility of a vaccine for syphilis and gonorrhea. Research is also needed into the effectiveness of current control programs being undertaken. Other countries appear to have achieved good results in VD control with less emphasis on the epidemiological approach and greater emphasis on education and clinical management. It would appear that we know too little about the behavioral motivations of the high incidence groups of their attitudes toward present methods of control or prophylaxis.

Significantly higher funding must also be allocated to public and professional education. Education concerning the venereal diseases should be introduced in the curriculum of public, parochial, and private schools, and the Commission recommends that this be done "no later than the seventh grade." We also must have the Federal Government initiate and support programs of public education and information to the various consumer groups concerned which would include information concerning signs and symptoms, prophylaxis, prevention, and facilities for treatment. There is strong evidence that our approach to public education in the past has been too indirect, too scattered, and, to some extent, unacceptable to the groups toward which it was directed. Also, professional education should not be overlooked. There is little or no instruction concerning the venereal diseases being carried on in the medical schools in this country and as a result of this, young doctors are leaving our medical schools with very little interest in, or knowledge of, the venereal diseases.

In closing, I believe it is most important that we all understand that when we speak about venereal disease, an epidemic of unparalleled proportions, that no level of society is immune. The sad statistics are that VD strikes our affluent suburbs as well as our inner cities. We urgently need this legislation which will allow us to be effective in combating these tragic diseases.

I agree with the Senator from Massachusetts that something will be done "if the measure is properly funded" as it so urgently needs to be, and we will see a material abatement in the grave threat which is represented by venereal disease.

Mr. President, I would congratulate the media for their efforts to focus public attention on the tragedy of the venereal disease epidemic. And they have done it without any of the self-consciousness, shibboleths, and pretentiousness which have for so many centuries surrounded this dread disease. I particularly commend to the attention of my colleagues the public service programing by the Metromedia radio stations in New York, WNEW and WNEW-FM, which discussed the symptoms, prevention, and treatment of venereal disease. The success of that programing was reflected by the thousands of people who were persuaded to seek treatment. I am pleased to announce that the project's success has led Metromedia to deal with the subject once again, and beginning on June 11, they will present on WNEW and WNEW-FM in New York two 1-hour programs and a series of shorter features, produced in cooperation with the New York City Bureau of Venereal Disease Control.

To the great credit of Metromedia, I understand, they will be promoting the program with advertising in newspapers and on television as well as on their own radio stations to provide the project the widest possible public exposure.

Mr. President, I also would particularly like to applaud the campaign of the public broadcasting stations which have moved into the field.

Mr. President, I ask unanimous consent that various publications demonstrating that fact be printed at this point in the RECORD.

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

COMMENTARY ON VD

A nationwide campaign to combat venereal disease, which has reached epidemic proportions throughout the United States, will be launched this fall with the televising of a one-hour special being produced for the Public Broadcasting Service by WNET/13 under a grant from the 3M Company.

The program is expected to be seen on the 219 PBS stations next fall. These stations will be encouraged to follow the hour-long network program with live telecasts of their own designed to provide additional information on their local area as well as triggering community-wide educational and treatment campaigns.

If additional funds become available, printed materials containing information on all aspects of VD will be prepared by WNET/13 to be distributed throughout the nation by PBS stations, by educational institutions, by pharmacists and by physicians. Both the national and local telecasts and the printed materials will be geared to communicate with teenagers as well as adults.

Producing the one-hour national program for WNET/13 is Don Fouser, who will also coordinate the printed materials.

Raymond P. Herzog, president of the 3M Company, noted that the National Commission on Venereal Disease this week declared venereal disease "out of control" and called for a massive drive to combat it.

"The Commission's study estimates that there will be a record 2.5 million new cases of gonorrhea this year and 100,000 new cases of infectious syphilis," Mr. Herzog said. "They expect the number of cases to continue to rise in 1973.

[From the New York Times, Apr. 7, 1972]

PUBLIC TV PLANNING A PROGRAM TO FIGHT VENEREAL DISEASE

(By George Gent)

A one-hour dramatic program to combat venereal disease, with material by such writers as Jules Feiffer, Arnold Schulman, Eleanor Perry, Walter Jones and Israel Horovitz, will be televised nationally on public television, including Channel 13 here, next October.

The program, which was made possible by a $105,000 grant from the 3M Company, will be presented on the 219-station network of the Public Broadcasting Service. Each of the stations will also be encouraged to follow the

program with live telecasts of their own designed to provide additional information on their local area as well as triggering community-wide educational and treatment campaigns. It is expected that physicians in each area will be encouraged to appear on the local segments of the program.

If additional funds become available, printed materials relating to all aspects of venereal disease will be prepared by WNET–13 to be distributed throughout the country by P.B.S. stations, by educational institutions, pharmacists and physicians. Both the national and local telecasts will be directed to teen-agers and adults.

Producing the one-hour national program will be Don Fouser, who will begin filming this summer. The format will be a series of dramatic vignettes designed to impart a variety of information on the subject.

The program, Mr. Fouser said, "will be serious and humorous, poignant and provocative. Each vignette will deal with the human predicament of the individual faced with venereal disease. The audience will learn the difference between various forms of VD—how it is contracted, diagnosed, cured and prevented. And what happens if it isn't cured."

Mr. JAVITS. Mr. President, I commend the willingness of the education system to join in the struggle. Much more of this needs to be done. This is very definitely a struggle to achieve public knowledge concerning the venereal disease tragedy.

I am so pleased to see that a totally new attitude now prevails. Indeed, the legislation itself contemplates assistance for precisely this type of education and information.

So, I join with the Senator from Massachusetts in gratification that the legislation has reached this far and that it will, without much question, become law, and I will certainly join with the Senator from Pennsylvania and the Senator from Massachusetts in a major effort to see that the funding to achieve this result meets the promise made for this organization.

I hope very much that the vote will be unanimous on the adoption of this bill.

Mr. SCHWEIKER. I yield myself 2 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. SCHWEIKER. Mr. President, I join with my colleagues in recommending the support of the Senate for this very important bill. The Senator from New York has done an outstanding job, particularly with respect to title II. And, as has been stated, we have accepted his bill, a bill that was sponsored by a considerable number of Senators, and placed it in the communicable diseases bill as title II.

So, I think a geat deal of the credit logically has to go to the Senator from New York for his interest, for his perseverance, and for his very specific and positive proposals that have been incorporated into the pending bill at his urging and suggestion.

Mr. President, I would like to commend the distinguished chairman of the subcommittee on which I have the privilege of serving as ranking minority member for his leadership in the health field. Since I have become a member of the subcommittee, I have been pleased to work with the Senator from Massachusetts in a very impressive array of health legislative achievements commencing with the all-out attack on cancer bill which was signed into law last year. There is also the very significant comprehensive health manpower training act, which will enlarge our supply of health professionals around the country in a very serious time of critical shortage.

There is also the sickle cell anemia bill which was recently signed into law by the President in the recognition of the need for a cure for that disease and the arranging of our priorities to deal with this problem.

More recently there has been the heart disease bill which has passed the Senate and is now before the House for consideration.

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

Mr. SCHWEIKER. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 additional minutes.

Mr. SCHWEIKER. Mr. President, we now have the communicable diseases bill which will be passed today. After its disposition, we will be considering the sudden infant death syndrome bill which hopefully we will pass. There is also pending before the Health Subcommittee the health maintenance organization bill which is a new way of approaching the health delivery system with a new method for the utilization of our health personnel and resources.

That is a very impressive array of health legislative priorities.

We are very definitely coming to grips with the real problems involving health. We are facing up to them and setting a national framework for the effort that is needed to wage war on these many critical disease and health problems.

I am very pleased to commend the Senator from Massachusetts for his leadership on the subcommittee on which I serve, and to recommend to my colleagues the unanimous support of this bill and the bill that follows it.

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

Mr. TOWER. Mr. President, the Communicable Disease Control Amendments of 1972, S. 3442, of which I am a cosponsor, is an essential piece of legislation if we are to begin the difficult transition to the practice of preventive medicine. It is specifically addressed to those diseases, such as tuberculosis, measles, poliomyelitis, diphtheria, and venereal disease, which can be prevented or controlled. Perhaps no other piece of legislation so aptly addresses the old adage, "an ounce of prevention is worth a pound of cure."

The worth of a communicable disease program was most dramatically demonstrated by our Nation's conquest of "infantile paralysis." Less than two decades ago, the annual arrival of summer brought with it a somber fear of polio epidemics. Since the advent of the polio vaccine and a vigorous vaccination program, we have almost eradicated this crippling disease. Only slightly less dramatic have been our efforts to control tuberculosis, diphtheria, and measles.

The financial investment in prevention and control of these diseases is minute in comparison to the consequences, in terms of social and economic costs, of allowing them to run rampant. For example, measles are not always a benign childhood disease, for there are often serious medical complications such as middle ear infections and encephalitis, which can result in mental retardation. In addition to the financial resources expended for treatment, there is no way to accurately measure the number of school days lost.

The cost of rubella and its toll in human lives is greater. Its effects on the unborn child have been well demonstrated. In the most recent epidemic in 1964 and 1965, there were approximately 10 million cases, resulting in an alarming 15,000 to 20,000 miscarriages or stillbirths and 20,000 children born with defects.

Although these and other communicable diseases could be virtually eliminated, until now we have not developed a continuing and comprehensive immunization and vaccination program. Too often, we are merely responding to an emergency or epidemic situation. Our support must be constant and it must be total. Unfortunately, each time Federal expenditures are reduced in this area, the immunization level declines. This is then accompanied by a rise in the number and the severity of the outbreaks. This vicious cycle can be broken. The Communicable Disease Control Amendments of 1972 are a beginning.

Mr. President, I would like to specifically comment on two provisions of this measure which I feel are particularly important: First, adequate funding for tuberculosis control programs; and second, the specific designation of venereal disease as a target area.

In 1970, there were over 37,000 new active cases of tuberculosis reported. In the same year, this disease caused the death of 5,500 Americans, and it remains the No. 1 killer among communicable diseases. Due to a shortage of funding, however, many ongoing tuberculosis clinics were scheduled to lose their Federal support, including clinics in El Paso, Houston, and San Antonio, Tex. This legislation will enable these needed clinics to continue their operations.

Second, this act encompasses the provisions of the "Venereal Disease Control and Prevention Act of 1972," which I have also cosponsored. Venereal disease has reached epidemic proportions in the United States. Following World War II, we drastically reduced the incidence of syphilis with the introduction of penicillin and the availability of Federal support for State and local VD control programs. Nevertheless, when Federal expenditures were sharply reduced, we witnessed the resurgence of venereal disease, which now threatens to erupt into an epidemic of immense proportions. For example, just last year, there were an estimated 2 million cases of gonorrhea in the United States. We must begin now

to address this problem with increased Federal support for programs of detection, treatment, and education.

Mr. President, I understand that the House of Representatives is acting expeditiously on this matter, and I am hopeful that undue delay can be avoided in bringing this legislation to enactment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have a statement by the distinguished Senator from Georgia (Mr. GAMBRELL) printed in the RECORD.

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

STATEMENT BY SENATOR GAMBRELL

I am pleased that the Senate is proceeding to the consideration of S. 3442 this morning. This bill, which was adopted from a bill I cosponsored, S. 3187, deals with a problem which has been growing in the United States and has increased at an almost uncontrollable rate over the last several years. Venereal disease in our country has reached epidemic proportions and has moved into second place as the most common communicable disease behind only the common cold. It shows no signs of lessening on its own prior to the introduction of effective control and treatment programs, programs which do not exist today.

The problem of venereal disease can no longer be swept under the rug as it once was. This is a problem which must be discussed and dealt with on a serious level. According to recent estimates, during 1972, there will be 2.5 million new cases of gonorrhea and over 100,000 new cases of syphilis. Over one-half million people are now living in this country with untreated syphilis. These victims either do not know they have the disease or they are afraid to seek treatment for fear of being socially ostracized.

The spread of venereal disease has reached all corners of our Nation from Georgia to Alaska and from Maine to California. The problem can no longer be ignored. If left untreated, venereal disease may result in blindness, sterility, brain damage, aortic insufficiency, visceral disorders and even death. The ramifications of the disease are too serious to allow the severity of this problem to go unrecognized.

This bill will provide added national recognition and special funding for an educational program which will increase the national awareness of the severity of the problem. This program will serve to better publicize the severe problems associated with VD, and it will hopefully result in the decrease of the number of people affected by this crippling disease each year.

Mr. JAVITS. Mr. President, I am prepared to yield back our time and vote on the measure.

Mr. KENNEDY. Mr. President, I am pleased to yield our time.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

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

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senator from New Jersey (Mr. CASE), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Connecticut (Mr. WEICKER) are absent on official business.

The Senator from Hawaii (Mr. FONG) is necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Tennessee (Mr. BROCK) and the Senator from Nebraska (Mr. HRUSKA) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Hawaii (Mr. FONG), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Oregon (Mr. PACKWOOD) would each vote "yea."

The result was announced—yeas 72, nays 0, as follows:

[Leg. No. 195]

YEAS—72

Aiken	Fannin	Pearson
Allen	Fulbright	Percy
Allott	Griffin	Proxmire
Anderson	Gurney	Randolph
Bayh	Hansen	Ribicoff
Bellmon	Hart	Roth
Bennett	Hatfield	Saxbe
Bentsen	Hollings	Schweiker
Bible	Hughes	Scott
Boggs	Jackson	Smith
Burdick	Javits	Spong
Byrd, Harry F., Jr.	Jordan, N.C.	Stafford
Byrd, Robert C.	Jordan, Idaho	Stennis
Chiles	Kennedy	Stevens
Church	Long	Stevenson
Cook	Magnuson	Symington
Cooper	Mansfield	Taft
Cotton	Mathias	Talmadge
Curtis	McGee	Thurmond
Dole	Metcalf	Tower
Dominick	Miller	Tunney
Eagleton	Mondale	Williams
Ellender	Moss	Young
Ervin	Nelson	
	Pastore	

NAYS—0

NOT VOTING—28

Baker	Gambrell	McIntyre
Beall	Goldwater	Montoya
Brock	Gravel	Mundt
Brooke	Harris	Muskie
Buckley	Hartke	Packwood
Cannon	Hruska	Pell
Case	Humphrey	Sparkman
Cranston	Inouye	Weicker
Eastland	McClellan	
Fong	McGovern	

So the bill (S. 3442) was passed.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD and Mr. JAVITS moved to lay the motion on the table.

The motion to lay on the table was agreed to.

SUDDEN INFANT DEATH SYNDROME

The ACTING PRESIDENT pro tempore. Under the previous unanimous consent agreement, the Chair now lays before the Senate, Senate Joint Resolution 206, which the clerk will read.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 206) relating to sudden infant death syndrome.

The Senate proceeded to consider the joint resolution, which had been reported from the Committee on Labor and Public Welfare with an amendment on page 2, line 12, after the word "the", strike out "top" and insert "highest."

The ACTING PRESIDENT pro tempore. Debate on this measure is limited.

The Senator from Minnesota is recognized. How much time does the Senator yield himself?

Mr. MONDALE. Mr. President, I yield myself such time as I may need. I do not believe we are going to need the full 20 minutes. I know of no opposition.

May I first commend the distinguished chairman of the Health Subcommittee (Mr. KENNEDY) and the ranking Republican member of that subcommittee (Mr. SCHWEIKER) for their courteous, thorough, and expeditious consideration of this most necessary proposal.

I am pleased to propose for consideration by the Senate today a resolution which I hope will eventually end the suffering of thousands of families who lose babies in this country each year to sudden infant death syndrome or crib death.

My Subcommittee on Children and Youth held a hearing on the subject of SIDS on January 25. On that occasion I heard testimony from officials of HEW, from medical experts, and from parents whose children had died of SIDS. I was appalled to learn that, although SIDS kills at least 10,000 infants each year in this country, the Government does not even list it as a cause of death in infant mortality statistics.

Furthermore, HEW has in the past shown only the most minimal commitment to finding a cause and cure of the disease. In 1971, only one research grant in the amount of $46,258 was directed specifically toward the discovery of an exploration and solution of this hideous disease.

SIDS is a disease that takes a terrible toll on the families it strikes. The in-

fant victims of the disease usually die suddenly and inexplicably, often in their cribs in the middle of the night. They often do not appear to be ill, and when an autopsy is performed, no specific cause of death is found.

Parents, other relatives and friends have no choice but to accept the death of an innocent child without explanation. Parents often cannot avoid the thought that they somehow neglected or abused the child. Police and other public authorities who come in contact with it are often not familiar with SIDS and imply that the parents are guilty of criminal neglect toward the child.

Following the hearing of the Children and Youth Subcommittee, I introduced Senate Joint Resolution 206 in the hope of encouraging HEW to intensify its SIDS research efforts and provide services to stricken families. The resolution was subsequently approved by the Health Subcommittee and the Labor and Public Welfare Committee. I am particularly grateful to Senator KENNEDY for his role in gaining committee approval of the measure.

I ask unanimous consent to have printed in the RECORD at this point the report of the Labor and Public Welfare Committee on Senate Joint Resolution 206 and some letters written by parents who have lost children to SIDS.

These letters offer a moving and poignant description of the experiences of families whose children have died. They are the most convincing evidence I have seen of the need for the passage of this resolution. I hope that all of my colleagues will join me in voting for Senate Joint Resolution 206 today.

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

PARENTS' LETTERS

REPORT OF HANDLING OF MICHAEL DAVANZO, AGE 23 MONTHS—DIED, THURSDAY, SEPTEMBER 17, 1970, AT HOME, 12 NOON

I found the baby limp after a morning nap. I phoned 911. An ambulance and a police car came. During the trip to Jamaica Hospital, the doctor in the ambulance applied oxygen. He asked "When was the last time you saw this baby alive?" At the hospital emergency treatment began immediately. At the same time police and nurses began questioning me. Their questions were: "What did you give him?" "What did you do to him?" "Did he fall?" My mind went blank.

Then I was taken into a private room to be interviewed by a doctor with a nurse. He took the case history and explained that an autopsy would be necessary. It was the law. It would be done in Queens General. On Thursday night when the undertaker called Queens General, he was told the baby was there. However, later it was revealed that baby arrived at Queens General on Friday (9/18) at 3:19 PM. There was no medical examiner in Queens, so the body was removed to Bellevue on Saturday (9/19) at 12:17 p.m. The reason for this delay was said to be that there was no van driver. On Saturday morning we called a television "Action Reporter," Christopher Jones. We were advised to call a woman doctor at Bellevue (by undertaker). This doctor asked if the baby had been sick. The baby had been well, and seen by his doctor 5 days previously. She took the doctor's name. We were advised to pick the baby up at 4:00 p.m. Within a short time, the death certificate arrived. Cause of death was stated as "under further investigation."

My husband and I went through a period of extreme anguish. We wondered if we'd missed an illness. We ate his baby food. We drank his apple juice. We relived our lives (previous to his death) trying to retrace steps and wondering.

In January, I contacted the previously mentioned "Action" reporter. I told him I had never heard anything further about my son's death. In February, a letter arrived stating the cause of death was pneumonia. For a full autopsy report we were advised to send $11. This we did. I called my family doctor and accused him of overlooking the illness. The doctor assured me and said it was crib death.

The cause of death on the autopsy report was "pending further investigation." The report also said "circumstances suspicious or unusual," which made me nervous.

In July, 1971 a letter came from Dr. Helpern. It stated he was sorry for the loss of my child and gave me statistics on how many babies do die suddenly. He asked me to please answer a questionnaire.

I have found it a great help talking to other parents about their experiences. I am now active and hope to prevent other parents from going through the anguish and treatment of almost a full year until they learned their baby has died of Sudden Infant Death Syndrome.

MRS. RONALD DAVANZO.

MISCELLANEOUS LETTERS TO NATIONAL FOUNDATION FOR SUDDEN INFANT DEATH, INC.

DEAR SIRS: I lost my baby last week and they called it a crib death. My heart aches so I just can't explain it. I keep asking if there was something I could of done. Please send me some information.

Some times I feel I am losing my mind. I even fear going home to the place she died. Her crib is still there along with her clothing what should I do? I have only one other child, a four year old. Should I go home and try all over or should I look for another house? I am with my parents now. My husband is a truck driver and he's not home all the time. This means I am alone a great deal.

If you can please help me.

Waiting to hear from you.

———— ————,
Pennsylvania.

GENTLEMEN: I read an article in "The Kansas City Star" about your National Convention and wrote to J. Bruce Beckwith, M.D. who was kind enough to send me literature containing your address.

I lost my son almost 24 years ago in Lima, Peru, with this syndrome. An autopsy was not performed. I have since divorced and my ex-husband has told both my daughters that I killed the baby. I fed him at 3:00 a.m. and at 6:00 a.m. he was dying when I went in to check him. He was still warm and there was no vomitus in his crib. I have seen two psychiatrists but I still have terrible guilt feelings.

I am wondering whether there is a Chapter of the NFSID that I can join in my area. How can I help? There is an occasional local newspaper coverage of an infant death but there is usually no mention of this syndrome.

I would do anything I could to help relieve some tortured parent from going through what I have for 24 years and probably for the rest of my life.

I deeply appreciate the work you are doing and only wish that there had been people like you to help me when my baby died.

———— ————,
Missouri.

DEAR SIRS: I need your help. My 2 month daughter has died and I love her very much. It was our first child. She was born on January 31, 1971—she died April 1, 1971.

My baby—I carried her for nine months. She weighed 8 pounds 2½ ounces she never lost any weight she gained. When she died she weighed 14 pounds and was very happy. She ate good, slept good.

Our family got the flu. I was wondering if my baby could of gotten the flu without anyone knowing about it. The only thing that happened was that I did not realize till she died that for three days before she died she slept 2 days and I had to wake her up to feed her. Then the next day she was alright. That night I gave her supper then I put her to bed. She seemed restless but everybody told me that lots of babies do cry all night and are all right. She had just been for a check up and she was alright. Well, I picked her up and rocked her to sleep. She was breathing okay. She didn't act like she had a cold or anything. The next morning she was dead.

Now I am a nervous wreck. I don't care if I live or not. The man that checks dead people said there was no sense in doing anything to her because they won't find anything. I am heartbroken.

What I want to know is do you have any idea what could have been wrong with her? They told me it might be "crib death"—what is that—I don't believe that my baby or any baby could die from nothing.

We want to have more children but I am scared to become pregnant because I am afraid it will happen again. I just can't take it anymore. I am on nerve pills. I keep hearing her crying. I don't feel like seeing my friends because when I do I don't know what to say to them. I need your help I am going to end up in a mental hospital if I don't get some help from someone soon. I am so lonely.

———— ————,
New York.

DEAR SIRS: I have just finished reading a story in a magazine about "crib death". I can't begin to tell you how much I appreciated it. On April 16, 1969 we lost our seven week old baby. Coroner's Report Crib Death. I had heard little about these deaths, still we searched magazines, newspapers for anything we could find on the subject, anything to enlighten us to the facts about these deaths. I kept asking myself, did I do anything wrong. Did I over feed him, should I have laid him on his back instead of his stomach, will this happen again. All kinds of endless, torturing questions. Thank God, I had a doctor who explained to me that it was nothing I had done wrong and a husband who assured me that I gave my baby the best care in the world. You know when this thing happens to you it makes you more aware of other infants dying. I pick up a newspaper and see where a baby has died and my heart goes out to these parents, I think if only I could talk to them, help them and their family to learn the facts of these deaths. To tell them it wasn't their fault in any way—that there was nothing they could of done.

You'd be surprised how ignorant the general public is about this, people would ask us what did your baby die from and when we would say SID they'd look at us like we were crazy. For instance, Jedd Roe's case when the detective asked him that silly question. The Coroner showed us a clipping that he carried in his wallet about these deaths, he told us that he had seen marriages break up because one mate would blame the other, why? because most people don't know or have never read about crib death.

Please tell us how we can help others to understand. If there is a volunteer group near my home town put us in touch with them or tell me how to start one. We would sincerely like to help your cause. I thank you for this wonderful article—I hope millions of other people read it. Send us more information if you can.

———— ————,
Kentucky.

DEAR MRS. CHOATE: We thank you for your very nice letter plus all of the articles you enclosed on SIDS. They sure helped to answer questions which needed answering. And you gave us more information than we could have ever hoped for. Thank you from the bottom of our hearts.

There is one thing that left a doubt in my mind. In all the articles they mention a peak age for SIDS. Two to four months, rarely over 6 months. Our daughter was 13½ months old. She had been to the doctor 6 days before she died. He checked her and found her healthy. He gave her a vaccination shot. Six days later she ran a slight fever (100) then after that she was dead. No other signs of sickness, no cough, no runny nose, no sore throat. We had an autopsy performed. The doctor told us "bronchial pneumonia" was all they could come up with. He said it was a common thing to list this as "crib death." He had no explanation as to why, or how. All he said was "the vaccination had nothing to do with it, it was a "crib death." Why would they say "bronchial pneumonia" if it was "crib death"? We asked him for information or who we could write or talk to for answers. He had nothing to tell us.

It wasn't until a few months ago, two years after our daughter's death, that we found out about your organization. It is a long time to go around wondering and feeling guilty. We hadn't known that so many babies die from SIDS. For the longest time after our son was born, we were so frightened it would happen again. We feel relieved now. But I guess it will be some time before I am really secure.

Again, we thank you for your letter and for sharing your baby's death with us. It made us feel less alone. We deeply appreciate your literature and all of the work you are doing.

———— ————,
Massachusetts.

DEAR SIRS: I am 18 years old, my husband is 21. We were married October 12, 1968. June 19, 1969, we had a baby girl. She would have been 3 months old September 19, 1969—the day she died.

We had left her with my mother-in-law for 3 days. We went to pick her up the evening of September 18, 1969. My mother-in-law informed me she thought "————" was catching a cold. She said she had a runny nose.

She was in a playful mood when we arrived home. My husband wanted me to let her stay up later and play. However—I had her on a schedule. She was to go to bed at 9:00 p.m.—she usually woke up at about 7:00 a.m. Then after she had her bath and ate she usually went back to sleep for an hour or two.

I put Vicks on her back, chest and throat—then I put a heating pad under her sheet and turned it on to medium.

I worked from the time she was 2 weeks old until she was about 2½ months. (My husband was in jail at this time, that's why we left her at my mother-in-laws—because he just got out and we wanted to be alone—so we could go places and have fun.)

So, she was used to being with her grandmother and uncles. Naturally she was spoiled and didn't like to go to bed. So she cried until about 10 or 10:30. At 11:00 just before we went to bed my husband went in to check on her. She was asleep on her stomach (she wouldn't sleep on her back). He asked me to come in the bedroom and showed me that she was covered with perspiration, her clothes were soaked. I presumed the heating pad was on too high although it didn't feel too warm when I touched it. I turned it on low. We had just moved to the apartment and didn't have the heat turned on yet so I didn't want to turn the heating pad all the way off.

At about 2:30 or 3:00 I woke up. "————" was screaming—not just crying but screaming. I thought that she just had a bad dream. I went to her room and tried to give a bottle but she wouldn't take it. She just kept on screaming. I went back to bed and she shut up in about 15 or 20 minutes—but all this time she was screaming.

At 6:00 we got up because I was going to take my husband to look for a job. I went in to get her to give her a bath. I picked her up and she was stiff—I dropped her back down. Her little fists were purple and they were gripping the sheet. There was white foam in her mouth.

The coroner said she had been dead probably 3 or 4 hours. I guess she stopped crying when she died. They said it was "crib death" but never did tell me anything more than that. I think she suffocated from the heat of the heating pad. My husband and mother-in-law both told me that it wasn't because of the heating pad and told me to call the autopsy man a few days later when I was off the tranquilizers. He again told me it was "crib death." But no one ever told me what that meant.

We now have a 7 month old baby. When he was 5 months old he was put in the hospital for 3 days for what doctors thought was bronchitis. They found he was only sick from allergy to a drug another doctor has prescribed for his cold while my baby's doctor was away.

The first day he went to the hospital my husband and I got into an argument. He said I never took care of the baby and that it was my fault he was in the hospital.

We were living with my mother-in-law then too (neither her nor my father-in-law could drive so I had to take each of them back and forth to work every day plus I had to do all the housework). So, about all I could do with the baby was give him a bath and my husband took care of him the rest of the time.

Also when he said it was my fault that the baby was in the hospital he said "at least I never killed our little girl". He had never said that to me before and didn't mean to say it then, it just slipped out. But that proved to me that he does think I killed her. Since then, I wonder all the time if it was my fault and if I really did kill her with the heating pad. Maybe my mother-in-law and the autopsy guy know I killed her with the heating pad and are hiding it from me. I don't know why, but I feel that they are lying to me. I am afraid to ask my husband.

(This letter goes on for three more pages pleading for answers to questions related to sleep, eating habits, etc., but is mainly repetitive.)

Well, there are probably more questions I could ask, but I mainly want to know if you think I killed my baby or did she really die from "crib death"? And what is "crib death". Please help me as soon as possible. I don't want to kill my new baby.

———— ————,
Oregon.

LETTERS TO SUBCOMMITTEE ON CHILDREN AND YOUTH

ARLINGTON HEIGHTS,
January 28, 1972:

Senator WALTER F. MONDALE,
Chairman, Senate Subcommittee On Children and Youth, U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: It was indeed a great pleasure meeting and talking to you after the Hearing on Sudden Infant Death Tuesday in Washington. It's quite a good feeling knowing that at last something is really going to be done to investigate and research Crib Deaths in our Country.

Enclosed is the testimony you asked us to submit, which is to be included in the record:

Our son, David, a four month old healthy adopted child, was fed early in the morning of June 28, 1968. (About 5:45 a.m.) After his bottle, I put him back in the cradle, and crept quietly back to bed myself.

Around 7:00 A.M. my husband awoke and we talked for a few minutes. We commented on how good little Dave was that morning, to go back to sleep. When my husband got out of bed, he immediately sensed something wrong. He went over to the cradle and found David laying face down with the light blanket wrapped around his head. He picked up the baby and tried to give him mouth to mouth resuscitation. I picked up the phone and asked the operator to send the fire dept. inhalator squad, because my baby wasn't breathing.

Moments later a hook and ladder fire truck was at our door, followed by the police. (We found out later, that our town didn't have a fire ambulance at that time.) At any rate the police squad car drove our baby to the hospital where he was pronounced dead on arrival.

At Northwest Community Hospital in Arlington Heights, we were handled extremely well. (So much better than the majority of young parents we have since contacted for the N.F.S.I.D.) This fact above all others, forces us to keep working with new families. When all SID parents are given fair and equal treatment, we will feel a sense of great relief.

Anyway, at the hospital, we told them we thought the baby had suffocated in his blanket. They didn't know, but explained that an autopsy would be performed.

Later that morning our pediatrician came out to the house and told us about crib deaths, and how he felt almost certain that the autopsy would prove that our son was a victim of Sudden Infant Death.

An hour later, the funeral home called to say the Cook County Coroner's office (Chicago, Illinois) called and released the body, as this was, in their opinion, an obvious case of pneumonia. We just couldn't understand how they could tell in a telephone call to the hospital, without ever having seen the baby. I became very confused once again. Maybe someone was trying to say pneumonia, just to make me feel better. It just made the guilt feelings stronger.

Pneumonia just couldn't be . . . . At 6:00 AM our son was in perfect health. There was no way he could be dead from pneumonia one hour later!

I immediately felt once again that I had accidently smothered the baby by putting a blanket over him. But it was cool that morning, I reasoned . . . why shouldn't I have covered him? But, maybe if I hadn't, he'd be alive. Thoughts like these raced madly through my mind. We called the pediatrician again, and told him what had happened. I honestly wanted to believe him about Crib Death, but couldn't . . . . . there was this blanket . . . . I just felt totally responsible.

Dr. Manas recommended a private autopsy be done at Evanston Hospital, which he thought would help. (Once again we were more fortunate than most, to have such good counseling from our doctor, and also, the ability of being able to afford a private autopsy.) It was performed that morning, and later that week, the pathologist found the cause of Death to be Sudden Infant Death Syndrome. A small relief to us on one hand, but a new worry just begininng on the other.

When friends and relatives began calling us that afternoon to offer sympathy and money for flowers, we directed that all the money be sent to any local medical organization that was researching Sudden Infant Death. The trouble was, no one seemed to know of one. We called Northwestern University Medical School first. No, they had nothing. Then we tried Univ. of Illinois Research, and after talking to a half dozen people, realized that they didn't have, or know of anyone researching SID. More phone calls followed, and again the same answer,

"sorry, no". The sickening shock hit us, that nowhere in the entire Metropolitan Chicago Area, was anything being done about SID, nor could anyone direct us where to go.

By a coincidence, Redbook Magazine ran an Article on Crib Death, that appeared on the newsstands that June day in 1968, describing a case very similar to ours. I desperately wrote to the organization named, The National Foundation of Sudden Infant Death, N.Y., and through them, found many of the answers we were seeking.

We now know that our son's death was a classic example of S.I.D., but the biggest question still remains unanswered. It is the same one you asked throughout the Hearings, Sen. Mondale. "Why is research on SID still back in the middle ages, why in this day and age of medical research and technology, has nothing been done to find the answer to these Crib Deaths?"

The longer we searched three years ago . . . . the less we found. Today, it's basically no different . . . and we are still asking why. How does one truly answer the new parents questions of what has been done since our son died? How do you answer, not much . . . because not enough people care . . . .

It is our opinion, that by not wanting to scare the general public of young parents, SID articles and information, up until very recently has been very scant. We may be saving young parents from worrying about SID, but we are not saving their babies. Let this disease be known . . . . and let it be conquered.

With this in mind we came to Washington to support in any way, your interest in this problem.

Most sincerely yours,

Mrs. Noble C. Christensen.

Perth Amboy, N.J.

Dear Senator Mondale: On December 16th 1971 I awoke at about 8:25 a.m. because of a phone call from my husband who had left for work a half hour earlier. We spoke for a few minutes and with the phone in my hand, I got up and walked across the hall to our 4½ month old son's room. His name was George Smith III. He was usually a late sleeper, and since he had gone to bed past his normal bedtime, I thought nothing of him being asleep at 8:30 a.m.

As I opened the door to his room, I put down the phone and went to his crib. After just touching his blankets I knew something was very wrong—they were damp—. I could see his forehead and hands and pulled the blanket down—he was discolored and stiff—he was dead.

I called for first aid. I tried chest massage, back pat, and mouth to mouth. Then I called my husband and told him the baby died in his sleep of suffocation. The first aid came and took the baby and myself to the hospital.

There they took my baby and tried to revive him, but some nurse took me aside asking for information, then another nurse came out and said that she thought that the baby was breathing. At this I turned to her and said, "Why lie to me?". Another nurse led me to a room where I could sit down. A doctor came in followed by a policeman, a nurse and another man. The doctor told me my son died of crib death. He explained that it wasn't my fault and that this happens to about 20 babies every year in our county alone.

I found out who the other man was; he was a detective from the homicide squad and he wanted to question me. I almost begged him to please wait, but he insisted on asking me questions. "Was your baby sick? If so; why didn't you take him to see a doctor? When was the last time the baby saw a doctor? When was the last time I checked on him?"—and he kept repeating these questions. I answered all of his questions, still pleading with him to please wait because my husband wasn't there and he really didn't know for sure if the baby was dead. When my husband did arrive, they started questioning him in the same manner.

Someone brought my mother from work to the hospital. We told her what happened and the detective was still there listening to all this. Finally, our minister came and took us all to his home where we made arrangements for our son's funeral.

The most difficult part of everything was explaining to our families and answering their questions with little information that we had. Thank God my aunt had read an article the week before about crib death, and told us more about what caused it.

The only other thing I can say is that the hurt and guilt I felt was so intensified just by the police not waiting to question me, and that is a feeling I will live with always—it was cruel and inhuman, to make me go through something like that when a doctor had told me in front of the police that my son's death was no one's fault, that no one could have prevented it.

Mrs. Janice M. Smith,
Mr. and Mrs. George T. Smith, Jr.

Public Statement on Sudden Infant Death
by Barbara and Dave Simpson

(Parents of SIDS victim David Carstairs Simpson. Born—November 5, 1968. Died—February 5, 1969. Age—3 months.)

A great amount of unnecessary suffering could have been eliminated by three little words, Sudden Infant Death, written on a piece of paper called a death certificate. Instead bronchial pneumonia and interitis was written. Our doctors told us that upon their inquiry, they were told that Davey's was a classic crib death.

How could this unnecessary suffering been eliminated? It took two years of my life away from my family and me. I wasn't sure if I were a fit person to be around anyone. I didn't know how it was affecting my two boys. I know that now they are very aware of how special our new little girl is. They protect her from all possible harm that they are aware of. This extra sensitivity probably never would have developed if SIDS were written on the death certificate. It never would have developed because we would have known for sure that SIDS was the cause and that an illness was not overlooked.

My hope for the future is that SIDS be an entry on all death certificates; and that there be no double standards of being told one cause of death and another being written on the death certificate.

There were so many doubts in my mind that I couldn't accept it all at once. I read everything that I could get my hands on about pneumonia and interitis. I just could not believe that my baby died of this without my seeing some sign of his discomfort. If he had had diarrhea I could have seen it with my own eyes. If he had had pneumonia and a fever, when I held him to nurse him I would have felt the heat of a fever. Only now can I rationalize these things. Three years ago I could not.

I thank God that there was a National Foundation for Sudden Infant Death to help me. Without it I could never have gotten the information I needed to know. They give parents so much of what is needed immediately after a SIDS death. Unfortunately it took me a few weeks to find them. The damage was already done. My thoughts kept going back to what had been written on the death certificate. I'll go back a way and tell you how it happened and the events that followed.

Dave, my husband, got up for work at the regular time; showered and shaved and went through the whole morning routine. Then he realized that the little guy was not rustling around like he did when someone was moving around in the room. He picked up our little son and held him close. Dave knew that there was no hope of bringing him back. That's why he did not wake me up right away. When he did awaken me, I could see that the tears were wetting his shirt. Our little Davey was dead. I knew he was dead, but I thought if I screamed loud enough it would bring him back. Dave called the police. I looked at Davey's face for a long time. I never wanted to forget it.

When they came they administered artificial respiration and mouth to mouth resucitation. I still kept hoping they would bring him back to life. The police asked Dave to wrap the baby in his blanket so they could take him to the hospital. I can remember that so well. As they left I remember telling Dave to make sure that he brought Davey back with him. Of course Dave came home without him. That's when two years grieving started. The following events contributed to prolonging our grief.

We called my uncle, a mortician. He asked where the baby's body was. We told him he was in Elmhurst General Hospital. In a few minutes he called back and said there was no record of the baby being brought there. (Well, Dave and I thought, Oh good, it was a bad dream.) It was late evening by the the time they found where they had misplaced my precious little baby. This was the start of the loss dignity. Why the hell should they care where my baby was lying. For all I knew (having been told nothing) they could have thrown him in a garbage can. Our next worst time was still to come. We were told to come down and identify his body the next day. All night I lay awake wondering what he was going to look like. Dave and I were so afraid we couldn't sleep in the same room he had died in. My mother had taken my two sons home with her to stay until we had all the arrangements made and the baby buried.

We arrived at the morgue the next day a little early. I was looking to see a little bundle. I didn't. We waited and watched the door to the morgue open and close. People with buckets and syringes went in and out. All I could think of was how could they put him in that dirty place. It is an awful place. It seemed like we waited for hours. All I wanted to do was see my baby again. Finally we were called into the coroner's office. I can still remember his face. He looked like he had no blood in his body. His face was very white. His hair was dark, trimmed in a meticulous crew cut. I couldn't help but notice that he wore a bow tie, and thinking he looked like he was going to a wedding. We were asked to sit down and answer some questions. Both agreeing, we sat. I asked him questions first—what did my baby die of? Did you perform an autospsy? He didn't answer us but said he would like to ask us some questions. Name, address, etc. Then he started—Did the baby have diarrhea? No. Was the baby sick? He had a cold. Did he have a fever? No. When was the last time you had fed the baby? 3:15.

Next, he told us there would have to be an autopsy. Dave and I agreed. He went into a detailed description of how an autopsy is performed. He started with the head first. He said that they would only take what they needed, and sew it back up and you would not see it if the baby wore a hat. Next he said a criss cross incision would be made in the stomach. By this time we said a few times that we knew how it was done, please don't explain any more. I couldn't tell you what he said after that, but he didn't stop until he was ready. I can remember, I kept asking if I could please see the baby now. He dismissed us and told us to identify the body.

We had to stand behind a big glass window. I could hear laughing and talking inside. An attendant wheeled him into view. We both said it was him. I wanted to touch him so

bad—his hair was all standing up—straight out like a little halo around his head. I wondered how they could put him on a really dirty pillow, even the sheet was dirty. His head lying straight now and his hands were at his side. He was so precious to us. We went back to his office and asked if we could please be informed of the autopsy results.

We went home and waited and waited. I called my doctor and asked if he could hurry things up. He said he was also waiting. Soon after, my uncle the mortician called to let Dave and me know the baby would be released later on in the day and that he would come to our house to pick up the baby's clothes. He came and went and still no word. At about 3:30 that afternoon, Uncle Tex called to tell us that pneumonia and interitis were listed as cause of death.

Five minutes later my doctor called and said that it was a classic crib death. I asked what he meant. He said something about the tubes having ruptured blood vessels. At this point I called my pediatrician (he had taken care of my other two children). I asked if he could get the information straight. He did. He called back and also said it was crib death. I was very upset at this point. I kept thinking. Crib death? What is it, the crib that killed my baby? Nonsense. I started looking up the meaning of crib death. I just couldn't find anything on it. I did find a lot about pneumonia and interitis. But nothing on sudden infant death or crib death. My insides felt like someone was pulling on them. If it was SID why not put it on the death certificate. My uncle being the person to look at the death certificate kept telling me it was pneumonia. My family kept saying you must go by what is on the death certificate.

This was a very long day. My family had left for the day and we were alone. I couldn't stand it so still. Later that night friends came over so we wouldn't be alone. I remember we had a nice time and for a while I forgot what happened. Until the house was empty again. We were just waiting for tomorrow. The next thing I knew the little white casket was at the cemetery all sealed, and I could never see him again.

The nights that followed were terrible. I couldn't sleep. I was afraid that something was going to happen to Bobby and Daniel. Dave's hours were changed to the night shift. My two friends slept in my apartment with me so I wouldn't be alone. It didn't help. I still didn't sleep. When I closed my eyes he was right in front of me and I had to cry. Silly but I can remember laughing and still crying. This went on until I contacted the NFSID. Someone had mentioned that they had read an article in the newspaper, but they didn't know exactly when. I went to the Library. It took time but I finally found the article title *Infant Killer Stalked on Long Island*. With renewed vigor, I contacted the Foundation. They immediately sent all the information they had at the time. We spoke on the phone many times. One mother whose baby died on the same day a year previously gave me great comfort. For some strange reason the knowledge that someone else shared that same factor gave me a feeling that I wasn't alone.

I now learned that other families were told the same thing by coroners and doctors. Now that I knew that this was common practice, I tried to tell this to other people. This is where I ran into conflicts again. It was said that if SIDS is put on some death certificates, why wasn't it put on mine. I rationalized this and came up with the answer that the doctors were probably just trying to help me, so I wouldn't feel that I had overlooked some warning sign. For two years this is what I believed.

I have since come to reason that what killed little Davey was SIDS and not me—only through the Foundation did I make this decision. If I called the Foundation when I was down, they knew what it was to cry for days. They have educated me like no other source was able to. In return, I will do my best to continue to wipe out ignorance, extreme guilt so as to lessen grief. Foremost, however, is that SIDS be written on the death certificate and that no other substitute be used. Most of all I pray that a cause-cure be found, so no one ever has to try to wake up a dead baby that was put to sleep healthy.

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

Mr. MONDALE. I am happy to yield to the Senator from Massachusetts, who helped lead the fight for the adoption of this measure in the subcommittee.

Mr. KENNEDY. Mr. President, I want to commend the Senator from Minnesota for bringing this matter to the attention of the Senate. He has, of course, achieved very substantial recognition, which is well deserved, for his interest in the problems of children in this country. The hearing that his subcommittee held, I thought, was enormously informative, though extraordinarily distressing because of the fact that it revealed there are so many crib deaths in this country. I think all of us were distressed by the fact that there was so little information to be made available to us, that so little had been gathered by HEW. In the course of the hearing, we could see that there was a paucity of research and a lack of training programs for young researchers to move into this area and investigate the problem, and thirdly, a lack of information available both to Congress and to the parents and consumers across the country.

The thrust of this resolution is not only to draw attention to the sense of Congress, but hopefully to induce HEW to move in this area to provide the kinds of information and training and encourage the kind of research necessary so that this very dread syndrome, which affects so many children and causes such heartache to so many parents, can eventually be eliminated as a health scourge in this country.

So I urge the adoption of the joint resolution. I commend the Senator from Minnesota for the leadership he has provided and for making all of us on the Health Subcommittee, and I think all Senators, aware of the problem. I am hopeful that the joint resolution will pass, and I compliment the Senator and the ranking members of the committee, including the minority members, Senators JAVITS and SCHWEIKER, for their interest and support in getting this measure to the floor and their help in formulating the program.

Mr. MONDALE. I thank the Senator from Massachusetts for his wholehearted support of the measure and for his leadership in bringing it swiftly before the Senate for consideration.

We have found on several occasions in the Health Subcommittee, on which I am privileged to serve, that there are compelling health problems in this country which, for some unexplainable reason, are not receiving the kind of attention, either in research or treatment, that is needed. We have seen this earlier in connection with alcoholism and drug abuse, and later with sickle cell anemia, all major health problems in this country on which nothing was being done. Now another classic example of the problem is this sudden infant death syndrome, which causes over 10,000 deaths a year and yet nothing is being done about it. I believe that with this joint resolution, at long last, something will be done to deal with this frightful problem. I thank the Senator from Massachusetts again, and I am hopeful that the joint resolution will be adopted.

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

Mr. MONDALE. I yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I wish to congratulate both the able senior Senator from Masachusetts and the able junior Senator from Minnesota for their efforts and the splendid work they have done in bringing this resolution to the floor, and I share with them the feeling and the hope that the Senate will adopt the joint resolution unanimously.

Mr. MONDALE. I thank the Senator.

Mr. ROBERT C. BYRD. May I inquire of the Senator, are cosponsors being accepted at this time?

Mr. MONDALE. We would be delighted to have the Senator from West Virginia as a cosponsor.

Mr. ROBERT C. BYRD. I thank the Senator. Will he request that my name be added?

Mr. MONDALE. Mr. President, I ask unanimous consent that the name of the Senator from West Virginia be added as a cosponsor of this measure.

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

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

Mr. MONDALE. Mr. President, I thank the Senator from West Virginia for his most gracious cosponsorship.

Mr. JAVITS. Mr. President, I ask unanimous consent that the time on the other side, which has been assigned to me, may be handled by the Senator from Pennsylvania (Mr. SCHWEIKER).

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

Mr. SCHWEIKER. Mr. President, I yield myself 3 minutes.

I should like to begin by commending the Senator from Minnesota (Mr. MONDALE), who has done so much to take the leadership in this field and whose imprint is borne by the measure we now have before us. His work has been outstanding, and without it I am sure the joint resolution would not be in the form that it is today here on the Senate floor.

Second, Mr. President, I would like to say that the joint resolution does a few simple things that need to be done with reference to a disease about which virtually nothing is known as to its cure, its symptoms, or its general medical patterns. The measure, of course, focuses much attention on the research that has to be done on this mystery killer of infants, the largest killer of children under 1 year of age. It is rather ironic that we do not even know what it is. When we call it a mystery disease, crib death, or sudden infant death syndrome, it indicates that we do not know. It is all the more tragic when we consider the heart-

ache it causes. There is ample reason for giving high priority to research on this major killer of infants.

The problem is complicated by the fact that we do not even call it a disease. Unless it is classified and internationally recognized as a disease, it is virtually impossible to obtain statistics and to coordinate the necessary research and treatment. One important feature of the measure is that it moves to make the sudden infant death syndrome, or SIDS, as we call it, a recognized, classified disease. It is hard to define it as a disease when we are not even accounting for it statistically.

Third, we have the problem of parental guilt. There is still much parental guilt in connection with this kind of death. The mother feels, though it is completely unwarranted, that perhaps the child died in the crib because she failed to cover the child, or put too many covers on it, or because she was out of the room and did not hear it cry out. She is haunted by the specter in her mind that she somehow helped cause the death when nothing could be further from the truth.

This problem has nothing to do with parental neglect in any way. Nevertheless, the mother who goes through this rather hard experience needs to cleanse her mind of that self-accusation. That is what this bill is about, to help to educate people as well as to help find the cause of "crib deaths."

I strongly urge the Senate to vote for the joint resolution. I believe it deserves unanimous support, and I once again commend the Senator from Minnesota.

Mr. DOMINICK. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCHWEIKER. I yield 2 minutes to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I congratulate the Senator from Pennsylvania, the ranking minority member of the subcommittee. The members of the Health Subcommittee, on this measure and many others, have been working very well together, trying to find some method by which all of us can participate in improving the speed of technological change in medical research and medical procedures. I believe that the Senator from Pennsylvania has been outstanding in this matter, and I think his leadership in the minority position, as head of the minority group on the Health Subcommittee, has been very helpful in getting this measure rapidly to the floor. I congratulate him.

Mr. SCHWEIKER. I thank the Senator.

Mr. MONDALE. I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, the Senator from Minnesota has properly taken the wonderful lead in this joint resolution. I am a cosponsor of it. I strongly urge its passage. I think it is one of the finest measures we have reported out of the Labor and Public Welfare Committee.

Mr. President, I am a cosponsor of Senate Joint Resolution 206, a resolution relating to sudden infant death syndrome, and urge its passage. SIDS takes the life of over 10,000 children each year; it is the leading cause of death of infants between 1 month and 1 year old—striking 3 out of every 1,000 children born in this country—yet nothing is known about its causes. The parents of infants who die from SIDS are, unfortunately, many times harassed by legal authorities, as well as family and neighbors, because the available educational material in this area is so limited that no one unaware of this disease can believe that such a sudden death can result from anything short of mistreatment of the infant. Due to the lack of information, the parents themselves are plagued with doubt and anxiety, thinking that the infant's death was their fault, as they can see no other explanation.

Unfortunately, Mr. President, progress in this area has been slowed by the paucity of researchers interested in the sudden infant death syndrome, the absence of the sudden infant death syndrome from the International Classification of Diseases, and the very nature of the syndrome itself, in which death occurs suddenly and without warning.

Recognizing the inherent difficulties of this research area, HEW plans to direct research efforts toward identifying factors which predispose infants to the sudden infant death syndrome and emphasis will be placed upon the study of developmental physiologic phenomena on a longitudinal basis during the first 9 months of life. With this approach, it should be possible to identify interrelationships between physiologic events in the growing infant, his environment, and the occurrence of the syndrome, and subsequently to develop approaches to intervention and prevention.

In addition, HEW has encouraged the inclusion of the sudden infant death syndrome in the ninth edition of the International Classification of Diseases, which will make possible a reliable index of the incidence and distribution of sudden infant death cases throughout the Nation. In addition, States and localities will be encouraged through HEW educational and informational activities to make autopsies available for the victims of the sudden infant death syndrome, with prompt dissemination of findings to the parents.

Although much needs to be done to achieve the purpose of the resolution to assure that maximum resources and efforts are concentrated on medical research into sudden infant death syndrome and on the extension of services to families who lose children to the disease, I am pleased to note that HEW has undertaken many important first steps.

Mr. KENNEDY. Mr. President, I am delighted this morning to join with the Senator from Minnesota (Mr. MONDALE) in the general debate on this very important resolution in respect to sudden infant death syndrome. My distinguished colleague (Mr. MONDALE) chaired the hearings by the subcommittee of children and youth, of which I am a member, last January which led to the introduction of this important resolution. Since the joint introduction of that resolution into the House and the Senate, the Senate Health Subcommittee has considered it in executive session, and it has now been brought to the full Senate for debate.

Mr. President, Senator MONDALE has great compassion for the children of this Nation, and his legislative records since coming to the Senate is replete with efforts intended to create the conditions for a better, more fruitful life for American children.

This resolution is another solid accomplishment in that effort of his, and I commend him for it.

There is no doubt that Congress is eager to move to eradicate this mysterious and most heartbreaking childhood disease. Three out of every 1,000 babies born, or 10,000 infants born in this country each year die from this elusive disease before they reach their first birthday. And yet, our scientists today concede they know very little about this tragic phenomenon which historians tell us has been with us since Biblical times. How ironic it is that although the National Institute of Child Health and Human Development of HEW calls it the largest cause of deaths for infants from 1 to 12-months old, SIDS is not even mentioned in Government statistics.

In Dr. Merlin K. Duval's testimony before the Subcommittee on Children and Youth, the Assistant Secretary for Health and Scientific Affairs for HEW stated that one of the reasons for the slow progress in SIDS was the "paucity of scientists interested in the phenomenon." One might then ask the question, "why is there this paucity"?

When our Nation embarked on the space age, we did not wring our hands deploring the lack of space scientists. Instead we took firm action to search the scientific community for the best talent possible. In less than a decade our Nation was second to none in space research. We can do no less for the children, and indeed the families of the children who may fall victim to sudden infant death.

Senate Joint Resolution 206 has several purposes. It assures appropriate research, including research training, and it also calls for an accelerated public education program to extend public knowledge.

The National Institute of Child Health and Human Development is directed to—

Designate the search for a cause and prevention of sudden infant death syndrome as one of the highest priorities in intramural research efforts.

This would include the awarding of research and research training grants and fellowships and the encouraging of investigative proposals for possible Federal support.

The Secretary of Health, Education, and Welfare is also directed to develop, publish, and distribute literature to be used for educational purposes.

Finally, the resolution provides for a statistical reporting mechanism, including the addition of the sudden infant death syndrome into the international classification of diseases.

What the resolution cannot speak to is the effect inaction will have on thousands of families across the face of this country. As if the death of these infants

were not tragic enough, the guilts shared by parents remain far afterward.

Sudden infant death outranks deaths from all other types of infant deaths, including heart disease. And over twice as many babies die from SIDS as die from cancer.

However, despite this irrefutable series of facts, in 1971 the Department of Health, Education, and Welfare awarded only a paltry $1.8 million in research grants for SIDS.

On May 23, I appeared as chairman of the Subcommittee on Health before Senator WARREN G. MAGNUSON's Subcommittee on HEW Appropriations. At that time I testified that of the $127,244,000 budgeted to the National Institute of Child Health and Human Development, $10 million should be earmarked for the sudden infant death syndrome. This seemed to be an appropriate indication of congressional intention to move quickly on SIDS. This should provide the stimulus to mobilize the research community to assist us in this effort.

Mr. President, I wish to thank you for this opportunity to speak in behalf of Senate Joint Resolution 206. Certainly it is our children who are still our Nation's greatest resource. We can do no less than assure each child the greatest possibility and potential for life.

Mr. President, I urge my colleagues to support this resolution.

Mr. TOWER. Mr. President, today, we are considering Senate Joint Resolution 206, of which I am a cosponsor. This resolution addresses the problem of the sudden infant death syndrome, or as it is more commonly called, "crib death."

Each year, at least 10,000 babies die of crib death. It is the largest killer of infants between the age of 1 month and 1 year. Yet, we do not know what causes crib death—nor do we know how to prevent it. It was only recently that we developed a recurring set of symptoms which has enabled us to define the boundaries of the disease. This lack of recognition has seriously impeded our efforts to effectively control the disease itself and its social consequences.

The first demonstrated need is for basic research. A typical case of crib death illustrates quite graphically our ignorance of the disease. An apparently healthy infant, usually between the ages of 3 weeks and 6 months, is put to bed. He shows no indication that something might be wrong. He might have the symptoms of a slight cold. Later, while asleep, without a single cry or whimper of warning, the child dies. An autopsy discloses no definite cause of death. This phenomena, which repeats itself thousands of times each year, is basically the essence of our knowledge to date. We merely know that crib death exists. Therefore, the first purpose of this resolution is to designate the search for a cause and cure of sudden infant death is one of the highest priorities of research activities in the National Institute of Child Health and Human Development.

The second demonstrated need is for the development of a range of programs to educate the public. The death of the child, by itself, is a tragic event. The social and psychological impact on the family who lose the child is often even more tragic. Because so little is known of the disease, parents often feel responsible for the death, feeling that in some way they could have prevented it. Furthermore, the parents must face the consequences of informing the authorities. Because the child must generally be seen by the coroner for investigation, crib death is often handled as if it were a criminal case. Hence, the parents are often investigated as if they were potential criminals, either directly or negligently having caused their infant's death. This situation is deplorable—and exists solely because of the general ignorance of law enforcement officials, coroners, and medical professionals as to the existence and the nature of the phenomena. Therefore, in order to correct this situation, the resolution directs the Department of Health, Education, and Welfare to carry out the following activities: First, development, publication, and distribution of literature to be used to inform the public and educate professionals who come in contact with crib death, about the disease; Second, work toward the establishment of reliable statistical reporting procedures for crib death, and third, work toward the availability of autopsies of children who die of crib death and the release of the autopsy results to the parents.

Hopefully, with these directives, the Department of Health, Education, and Welfare will be able to alleviate some of the social consequences of crib death and to answer some of the many questions which the disease raises.

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

Mr. SCHWEIKER. I yield back the remainder of my time.

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

The amendment was agreed to.

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

The joint resolution was read a third time.

The ACTING PRESIDENT pro tempore. All time has been yielded back. The joint resolution having been read a third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), and the Senator from Alabama (Mr. SPARKMAN), are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL), is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senator from New Jersey (Mr. CASE), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Connecticut (Mr. WEICKER) are absent on official business.

The Senator from Hawaii (Mr. FONG) is necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Tennessee (Mr. BROCK) and the Senator from Nebraska (Mr. HRUSKA) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Hawaii (Mr. FONG), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Oregon (Mr. PACKWOOD) would each vote "yea."

The result was announced—yeas 72, nays 0, as follows:

[No. 196 Leg.]

YEAS—72

Aiken	Fannin	Pearson
Allen	Griffin	Percy
Allott	Gurney	Proxmire
Anderson	Hansen	Randolph
Bayh	Hart	Ribicoff
Bellmon	Hatfield	Roth
Bennett	Hollings	Saxbe
Bentsen	Hughes	Schweiker
Bible	Jackson	Scott
Boggs	Javits	Smith
Burdick	Jordan, N.C.	Spong
Byrd, Harry F., Jr.	Jordan, Idaho	Stafford
Byrd, Robert C.	Kennedy	Stennis
Chiles	Long	Stevens
Church	Magnuson	Stevenson
Cook	Mansfield	Symington
Cooper	Mathias	Taft
Cotton	McGee	Talmadge
Curtis	McIntyre	Thurmond
Dole	Metcalf	Tower
Dominick	Miller	Tunney
Eagleton	Mondale	Williams
Ellender	Moss	Young
Ervin	Nelson	
	Pastore	

NAYS—0

NOT VOTING—28

Baker	Fulbright	McGovern
Beall	Gambrell	Montoya
Brock	Goldwater	Mundt
Brooke	Gravel	Muskie
Buckley	Harris	Packwood
Cannon	Hartke	Pell
Case	Hruska	Sparkman
Cranston	Humphrey	Weicker
Eastland	Inouye	
Fong	McClellan	

So the joint resolution (S.J. Res. 206) was passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

Whereas sudden infant death syndrone

kills more infants between the age of one month and one year than any other disease; and

Whereas the cause and prevention of sudden infant death syndrome are unknown; and

Whereas there is a lack of adequate knowledge about the disease and its effects among the public and professionals who come into contact with it: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this joint resolution to assure that the maximum resources and effort be concentrated on medical research into sudden infant death syndrome and on the extension of services to families who lose children to the disease.

SEC. 2. The National Institute of Child Health and Human Development, of the Department of Health, Education, and Welfare, is hereby directed to designate the search for a cause and prevention of sudden infant death syndrome as one of the highest priorities in intramural research efforts and in the awarding of research and research training gants and fellowships: and to encourage researchers to submit proposals for investigations of sudden infant death syndrome.

SEC. 3. The Secretary of Health, Education, and Welfare is directed to develop, publish, and distribute literature to be used in educating and counseling coroners, medical examiners, nurses, social workers, and similar personnel and parents, future parents, and families whose children die, to the nature of sudden infant death syndrome and to the needs of families affected by it.

SEC. 4. The Secretary of Health, Education, and Welfare is further directed to work toward the institution of statistical reporting procedures that will provide a reliable index to the incidence and distribution of sudden infant death syndrome cases throughout the Nation; to work toward the availability of autopsies of children who apparently die of sudden infant death syndrome and for prompt release of the results to their parents; and to add sudden infant death syndrome to the International Classification of Disease.

H.R. 2—ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make clerical and technical corrections in the Senate amendment to H.R. 2, passed yesterday.

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

SUBSTITUTION OF CONFEREE ON S. 2770

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from Indiana (Mr. BAYH) be substituted as a Senate conferee on S. 2770, to amend the Federal Water Pollution Control Act, for the Senator from California (Mr. TUNNEY).

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

ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. WILLIAMS). Under the previous order, there will now be a period for the transaction of routine morning business, as in legislative session, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Is there any morning business?

QUORUM CALL

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

The PRESIDING OFFICER (Mr. WILLIAMS). 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.

THE WORLD'S FIRST ENVIRONMENTAL CONFERENCE

Mr. MAGNUSON. Mr. President, for some time the U.S. Senate has been deeply interested in world environmental problems. The Senate passed a resolution late last fall in which it unanimously approved of the establishment of a World Environmental Institute. As a result, the State Department, the United Nations, and other nations of the world thought they should have what would be the first environmental conference in the world. That conference is now being held in Stockholm, Sweden.

The Senate designated me and the distinguished Senator from New Jersey (Mr. CASE) to represent the Senate at that meeting, at which we will present a resolution based upon the measure the Senate passed last fall looking toward the establishment of a world environmental institute. I am to present the resolution to that body, at which 110 nations will be represented.

Many facets of the environment probably cannot be settled at the meeting, but we can make some very vital first steps. Our proposal to the conference in Stockholm will be for the establishment of a data-gathering institute, probably eventually leading to something like the World International Health Organization, in which we would have a place for all nations to go to receive technical and scientific advice on how to handle their specific environmental problems.

There will be many consultations in Stockholm. As I said, many facets cannot be resolved at the first session, but we think we can take this first step.

LEAVE OF ABSENCE

Mr. MAGNUSON. Mr. President, I have been designated to present the measure to which I have referred to the conference on Friday morning. Therefore, I must leave the Senate late this afternoon and proceed to Stockholm. I ask unanimous consent that I may have the indulgence of the Senate for the next 3 days, until the first part of the week, and that I be excused for this very important job on behalf of the Senate.

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

ANNOUNCEMENT OF POSITION ON VOTE ON KLEINDIENST NOMINATION

Mr. MAGNUSON. Mr. President, when the vote occur tomorrow on the nomination of Richard G. Kleindienst to be Attorney General, on the vote to refer to the Committee on the Judiciary I would vote "aye" and on the vote on the nomination I would vote "nay." The Senator from Tennessee (Mr. BAKER), who represents the State Department and the very fine advisory committee that will be in Stockholm will also be in Stockholm, and we will pair on this vote. But I want the RECORD to show that my vote would be as I have stated. It will be a back-to-back vote tomorrow, and my vote on the two rollcalls will be as I have stated.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON OVEROBLIGATIONS OF CERTAIN APPROPRIATIONS

A letter from the Secretary of Defense, reporting, pursuant to law on authorized deficiencies to be incurred for the necessities of the current year in certain appropriations; to the Committee on Appropriations.

REPORT ON APPROVAL OF LOANS RELATING TO EAST KENTUCKY RURAL ELECTRIC COOPERATIVE CORP., WINCHESTER, KY.

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of loans made to certain distribution systems for investment in East Kentucky Rural Electric Cooperative Corporation, Winchester, Kentucky; to the Committee on Appropriations.

REPORT ON EXPORT CONTROL

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on Export Control, for the first quarter of 1972 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

FLAMMABILITY STANDARD FOR MATTRESSES

A letter from the Assistant Secretary of Commerce, transmitting, for the information of the Senate, a flammability standard for mattresses (with accompanying papers); to the Committee on Commerce.

PROPOSED AMENDMENT OF SHIPPING ACT, 1916

A letter from the Chairman, Federal Maritime Commission, transmitting a draft of proposed legislation to amend the Shipping Act, 1916, to provide for the establishment of single-factor rates under a through bill of lading for the transportation of property in the foreign and domestic offshore commerce of the United States, and for other purposes (with accompanying papers); to the Committee on Commerce.

LIST OF REPORTS OF GENERAL ACCOUNTING OFFICE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports made by that Office, for the month of May, 1972 (with an accompanying document); to the Committee on Government Operations.

PROSPECTUSES FOR CONSTRUCTION OF CERTAIN FEDERAL BUILDINGS

A letter from the Acting Administrator, General Services Administration, transmit-

ting, pursuant to law, prospectuses for the construction of certain Federal buildings (with accompanying papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION No. 205

"To memorialize the House of Representatives of the United States Congress to support passage of the federal revenue sharing bill, H.R. 14370.

"Whereas, revenue sharing by the United States with the states is a just and equitable principle as it serves to return to the states for use in promoting the welfare of their citizens a portion of the revenues collected from the citizens of the states; and

"Whereas, H.R. 14370, a revenue sharing measure, is now pending before the House of Representatives of the Congress and deserves the support of the Louisiana delegation in Congress as well as the support of the Representatives from all other states.

"Now therefore be it resolved by the House of Representatives of the Louisiana Legislature, the Senate thereof concurring, that the Louisiana delegation in the Congress and the Representatives from all other states are memorialized, requested and urged to give their full support to the passage of H.R. 14370.

"Be it further resolved that a copy of this resolution shall be sent to the members of the Louisiana delegation in the Congress and to the speaker of the House of Representatives of the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

H.R. 10729. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes (Rept. No. 92-838).

Mr. ALLEN. Mr. President, as in legislative session, acting under authority of the Committee on Agriculture and Forestry, I report H.R. 10729, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes. Inasmuch as some of the subject matter of the bill comes within the jurisdiction of the Committee on Commerce, I ask unanimous consent that the bill be referred to the Committee on Commerce for a period of 30 days, exclusive of recesses and adjournments of more than 3 days.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. TALMADGE:

S. 3678. A bill to amend the Internal Revenue Code of 1954 to provide for a credit or refund of manufacturer's excise tax on parts and accessories installed on light-duty trucks. Referred to the Committee on Finance.

By Mr. HATFIELD:

S. 3679. A bill to authorize the payment of a pension to veterans of the Philippine Jolo Jolo Campaign and the Cuban Pacification Campaign and to the widows and children of such veterans, and for other purposes. Referred to the Committee on Veterans' Affairs; and

S. 3680. A bill to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes. Referred to the Committee on Rules and Administration.

By Mr. WILLIAMS (for himself and Mr. TOWER) (by request):

S. 3681. S. 3681. A bill to amend the Investment Company Act of 1940 to provide certain safeguards with respect to assignments of contracts to provide investment advisory services to registered investment companies. Referred to the Committee on Banking, Housing, and Urban Affairs.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TALMADGE:

S. 3678. A bill to amend the Internal Revenue Code of 1954 to provide for a credit or refund of manufacturer's excise tax on parts and accessories installed on light-duty trucks. Referred to the Committee on Finance.

Mr. TALMADGE. Mr. President, today I am introducing legislation to correct a defect in the provisions of the Revenue Act of 1971 which repealed the 10 percent manufacturer's excise tax on light-duty trucks having a gross vehicle weight of 10,000 pounds or less. At the time that the repeal of the manufacturer's excise tax on passenger cars was being considered, Congress also decided to repeal the tax on light-duty trucks because, to a substantial degree, these trucks are used by many families in farm areas, as well as by other individuals, as a means of personal transportation comparable to the use made of passenger cars.

In that connection, the Report of the Committee on Finance states; at page 81:

> The exclusion from the 10 percent truck excise tax for light-duty trucks includes the original equipment on the truck when it is sold. That is, parts and accessories that in the past have been subject to the 10 percent truck tax because of the sales of the truck, in the future are not to be subject to the parts tax. This means that parts and accessories which are sold with the truck (or ordered at the time of sale) are not to be subject to tax.

It has been called to my attention that, due to a technical rule, the 8 percent manufacturer's excise tax on truck replacement parts and accessories, rather than the 10 percent tax on trucks—including original equipment—is imposed in the situation where the dealer, in connection with the sale of a light-duty truck, sells or installs a part or accessory which he has purchased from a manufacturer other than the manufacturer of the truck. As a result of this situation, the repeal by the 1971 act of the 10 percent excise tax on trucks does not provide relief from excise tax in the case of accessories, obtained by the dealer from a manufacturer other than the truck manufacturer, which are sold on or in connection with the sale of a light-duty truck. For example, there is a considerable demand for heavy-duty bumpers for pick-up trucks, but these generally are not supplied by truck manufacturers. Rather, they must be purchased from independent bumper manufacturers. The purchaser of a light-duty truck, equipped with such a heavy-duty bumper from an independent manufacturer, is burdened with the 8 percent excise tax on the bumper which is passed on to him in the form of higher sales price.

When the Congress repealed the 10 percent manufacturer's excise tax on light-duty trucks, I am sure it did not intend to discriminate against purchasers of light-duty trucks who required equipment available only from independent manufacturers of such equipment. The amendment I am offering today will correct this oversight by allowing a credit for refund to the manufacturer of the 8 percent tax imposed on parts or accessories in the case where such parts or accessories are sold on or in connection with the first retail sale of a light-duty truck. As in the case of the repeal of the manufacturers excise tax on passenger cars and light-duty trucks, it is intended that the full amount of the repealed tax be passed on to the consumer.

By Mr. WILLIAMS (for himself and Mr. TOWER) (by request):

S. 3681. A bill to amend the Investment Company Act of 1940 to provide certain safeguards with respect to assignments of contracts to provide investment advisory services to registered investment companies. Referred to the Committee on Banking, Housing and Urban Affairs.

ASSIGNMENT OF INVESTMENT COMPANY MANAGEMENT CONTRACTS

Mr. WILLIAMS. Mr. President, at the request of the Securities and Exchange Commission, on behalf of myself and Senator TOWER, I am introducing a bill prepared by that agency to regulate the assignment of investment advisory contracts with mutual funds and other investment companies.

The purpose of this bill is to clarify the legal status of the assignment of such contracts in light of the decision of the United States Court of Appeals for the Second Circuit in the case of Rosenfeld against Black. I hope that this bill will provide a vehicle for congressional consideration of this question. Mr. President, I ask unanimous consent that the full text of this proposed legislation be printed in the RECORD together with a technical statement prepared by the Securities and Exchange Commission.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 15 of the Investment Company Act of 1940 (15 U.S.C. 80a-15) is amended by adding at the end thereof a new subsection as follows:

"(f) An investment adviser of a registered investment company, or an affiliated person

of such investment adviser, may receive any amount or benefit in connection with a transaction which results in an assignment of an investment advisory contract with such company if—

"(1) no affiliated person of such company (or successor thereto by reorganization or otherwise) is, for a period of five years after the date on which any such transaction occurred, (A) an interested person of the investment adviser of such company, or (B) an interested person of the predecessor of such investment adviser; and

"(2) there is not imposed an unfair burden on such company as a result of such transaction or any express or implied terms, conditions, or understandings applicable thereto.

For purpose of this subsection, an unfair burden on a registered investment company includes any arrangement, during the two-year period after the date on which any such transaction occurred, whereby the predecessor or successor investment adviser of such company or any interested person of either such adviser, receives or is entitled to receive any compensation directly or indirectly (i) from any person in connection with the purchase or sale of securities or other property to, from, or on behalf of such company, or (ii) from such company or its security holders for other than bona fide investment advisory or administrative services."

SEC. 2. Section 15(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–15 (c)) is amended by adding at the end thereof a new sentence as follows: "It shall be unlawful for the directors of a registered investment company, in connection with their evaluation of the terms of any contract whereby a person undertakes regularly to serve or act as investment adviser of such company, to take into account the purchase price or other consideration such person may have paid in connection with a transaction of the type referred to in subsection (f)."

SEC. 3. Section 16 of the Investment Company Act of 1940 (15 U.S.C. 80a–16) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by adding after subsection (a) a new subsection as follows:

"(b) Any director of a registered investment company who is an interested person of either party to a transaction of the type referred to in section 15(f) shall not serve as a director of such company on and after the date of commencement of the new investment advisory contract, and the remaining directors of such company shall select, and propose to stockholders for election to the board of directors, the requisite number of other persons who are not such interested persons in the manner specified in section 10(e)."

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., May 24, 1972.

Hon. HARRISON A. WILLIAMS, Jr.,
Committee on Banking, Housing, and Urban Affairs, United States Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: I am enclosing proposed legislation designed to clarify and modify the Investment Company Act of 1940 in light of the decision in *Rosenfeld* v. *Black* as it may apply to transfers of mutual fund investment advisory organizations. The proposal is drafted generally along the lines discussed in my letter of March 10, 1972. A detailed explanation of the proposed legislation is contained in the attached technical statement.

The proposed legislation has the unanimous approval of the Commission, and the Office of Management and Budget has advised us that it has no objection to our submitting the proposal to Congress from the standpoint of the program of the Adminstration. The Commission therefore recommends that the attached legislative draft be introduced as a bill and that your Committee support its passage.

We have transmitted this proposal and recommendation to Senator Sparkman and to Congressman Staggers, Chairman of the House Committee on Interstate and Foreign Commerce.

Sincerely yours,

WILLIAM J. CASEY,
Chairman.

TECHNICAL STATEMENT BY SEC

PROPOSED AMENDMENT TO SECTION 15 OF THE INVESTMENT COMPANY ACT OF 1940 TO ADD A NEW SUBSECTION (F)

(f) An investment adviser of a registered investment company, or an affiliated person of such investment adviser, may receive any amount or benefit in connection with a transaction which results in an assignment of an investment advisory contract with such investment company, *provided that*

(1) for a period of five years after the time of any such transaction, no affiliated person of such registered company (or successor thereto, by reorganization or otherwise) shall also be (A) an interested person of the investment adviser of such investment company or (B) an interested person of the predecessor investment adviser; and

(2) such transaction or its terms, conditions, or any understanding with respect thereto, express or implied, does not impose an unfair burden on the investment company. For purposes of this section, an unfair burden shall include any arrangement, during the two-year period after the time of such transaction, whereby the predecessor or successor adviser or any interested person of either such adviser receives or is to receive any compensation directly or indirectly (A) from any person in connection with the purchase or sale of securities or other property to, from or on behalf of such investment company or (B) from the investment company or its security holders for other than bona fide investment advisory or administrative services.

PRESENT SUBSECTION 16(B) BE REDESIGNATED 16(C) AND A NEW SUBSECTION (B) BE ADDED AS FOLLOWS

(b) In the event of any transaction within the provisions of Section 15(f), the directors of the investment company who are interested persons of either party to the transaction shall resign effective at the date of commencement of the new advisory contract and the remaining directors of the investment company shall select, and propose to stockholders for election to the board of directors, the requisite number of other persons who are also not such interested persons in the manner specified in Section 10(e).

PROPOSED AMENDMENT TO SUBSECTION 15(c) TO ADD A NEW PROVISION

Subsection (c) as amended would read as follows (new matter underscored): (c) In addition to the requirements of subsections (a) and (b) of this section, it shall be unlawful for any registered investment company having a board of directors to enter into, renew, or perform any contract or agreement, written or oral, whereby a person undertakes regularly to serve or act as investment adviser of or principal underwriter for such company, unless the terms of such contract or agreement and any renewal thereof have been approved by the vote of a majority of directors, who are not parties to such contract or interested persons of such party, cast in person at a meeting called for the purpose of voting on such approval. It shall be duty of the directors of a registered investment company to request and evaluate and the duty of an investment adviser to such company to furnish, such information as may reasonably be necessary to evaluate the terms of any contract whereby a person undertakes regularly to serve or act as investment adviser of such company. It shall be unlawful for the directors of a registered investment company, in connection with their evaluation of the terms of any contract whereby a person undertakes regularly to serve or act as investment adviser of such investment company, to take into account the purchase price or other consideration such person may have paid in connection with a transaction within the provisions of subsection (f).

TECHNICAL STATEMENT OF THE SECURITIES AND EXCHANGE COMMISSION ON THE PROPOSED AMENDMENTS TO THE INVESTMENT COMPANY ACT OF 1940 REGARDING TRANSFERS OF ADVISORY RELATIONSHIPS

The proposed legislation would amend Section 15 of the Investment Company Act of 1940 ("Act") by adding new subsection (f), amend Section 16 by renumbering subsection (b) as (c) and adding a new subsection (b) and would add a new provision to Section 15(c). The proposed amendments are intended to clarify and modify the law in light of the decision in *Rosenfeld* v. *Black*, 445 F. 2d 1337 (2 Cir. 1971), as it may apply to the assignment of a contract of an investment adviser of an investment company registered under the Act.

In that case, the Court of Appeals for the Second Circuit held that the general equitable principle that a fiduciary cannot sell his office is impliedly incorporated into Section 15(a) of the Act. Consequently, a retiring investment adviser breaches its fiduciary duty under the Act by receiving compensation which reflects either (1) payment contingent upon the use of influence to secure approval of a new adviser or (2) an assurance of profits the successor adviser will receive under the new advisory contract and renewals thereof.[1]

The Commission believes that the principle that a fiduciary cannot profit from the sale of his office was appropriately applied under the circumstances of that case, which appears to have involved an outright sale by the investment adviser of its investment advisory contract with a registered investment company.[2] The transfer of investment ad-

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[1] See 445 F. 2d at 1343, 1344.

[2] The facts in the *Rosenfeld* case show that the outgoing investment adviser, Lazard Freres & Co., ("Lazard"), decided to terminate its relationship with the Lazard Fund ("the Fund"), a registered investment company. Ordinarily, a retiring adviser sells a controlling block of its stock or its assets. However, Lazard did not follow this route, but instead, entered into an agreement with Dun & Bradstreet, Inc. ("D&B") to transfer the advisory functions to Moody's Advisers & Distributors ("Moody's A&D"), a wholly-owned subsidiary of Moody's Investor Service, which in turn is a wholly-owned subsidiary of D&B. The transfer of advisory functions was accomplished by merging the Fund into Moody's Capital Fund ("Capital Fund"). Approval of the merger by the Fund's stockholders included approval of the new advisory contract between Capital Fund and Moody's A&D. Other agreements, which were contingent upon consummation of the merger, consisted of covenants or undertakings by Lazard, among other things, not to engage in the investment company business as an investment adviser or otherwise, and to provide or make available certain services to Capital Fund. As consideration for such agreements, D&B agreed to deliver to Lazard Freres, in installments over a period of five years, 75,000 shares of its common stock then worth about $2.7 million. In this

visory functions in the *Rosenfeld* case did not involve the sale of the outgoing investment adviser's business through a sale of its stock or through a sale of its assets. However, the broad sweep of the language of the Court has cast substantial doubt on whether an investment adviser can make any profit when it sells his business in that manner.[3]

The Commission believes that it would be in the public interest to remove the uncertainty in the mutual fund industry which has been generated by the *Rosenfeld* decision. Therefore, the Commission recommends legislation which would clarify and modify the applicability of the Investment Company Act, as interpreted by *Rosenfeld*, to transfers of investment advisory organizations.

The proposed amendments are intended to permit an investment adviser, or an affiliated person of an adviser to obtain a profit upon the sale or transfer of its stock, or in connection with any other transaction which results in an assignment of the advisory contract, if certain conditions are met. These conditions are designed to prevent a retiring investment adviser or an affiliate from receiving any payment or other benefit in connection with the sale of the business of the adviser where such payment or benefit includes any amount reflecting certainty of succession to and assurance of continuation of the investment advisory contract. Preventing receipt by a retiring adviser of payments for these purposes should mitigate the dangers with which the Second Circuit was concerned in the *Rosenfeld* opinion. A detailed discussion of the statutory language follows:

Proposed section 15(f)

Proposed Section 15(f) specifies that an investment adviser or an affiliate may receive any amount or benefit in connection with a transaction resulting in an assignment of such adviser's investment advisory contract, if the adviser or affiliate can establish that conditions in the provision of the subsection are met. Proposed Section 15(f) would apply only to a transaction which results in an assignment of the adviser's investment advisory contract. "Assignment" is defined by Section 2(a)(4) of the Investment Company Act as including "any direct or indirect transfer or hypothecation of a contract or chose in action by the assignor, or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor." An assignment will ordinarily occur as a result of a transfer of a controlling block of the adviser's stock but this may also be accomplished, as indicated by the definition of assignment, indirectly by a sale of assets, or transfer or hypothecation of a contract or chose in action, as for example, a sale of non-voting stock.

The proviso in subsection (f) would not limit the value of the purchase price or other consideration which may be received or accrued by the retiring adviser or its affiliate. The proposal thus takes into consideration the fact that a purchaser of the investment adviser may be willing to pay consideration for the business of an investment adviser over and above the fair value of its tangible assets in the hope or expectation of serving as investment adviser to the registered investment company in the future.

The first provision of proposed Section 15(f) requires, however, that for a period of at least five years subsequent to the time of any such transaction, all affiliated persons of the investment company, such as officers, directors, and employees, must not be interested persons of the company's investment adviser and of any successor adviser. This would be accomplished by making it unlawful during the five year period for the registered investment company involved in the transaction to have as an affiliated person any person who is also (1) an interested person of the investment adviser of such investment company or (2) an interested person of any predecessor adviser. These requirements would also apply to any successor to such an investment company where the successor becomes such by reason of a reorganization of the investment company or otherwise. For the purpose of determining who are interested persons, the definition in Section 2(a)(19)(B) of the Act would apply.

The second provision of Section 15(f) prohibits any assignment of an advisory contract which subjects the investment company to an unfair burden for a two-year period after the transaction. Such a burden could arise, for example, where the transaction involves an arrangement with respect to the investment company's brokerage commissions. A definition of unfair burden along these lines is included in the section. The prohibition against unfair burden is limited to two years—the maximum period specified by the statute for the duration of the initial advisory contract with the new investment adviser. Thereafter, the investment company's board of directors, consisting entirely of disinterested persons, will be expected to continue this protection.

It is important to note that the proposed amendment does not provide for rate making or fixing of profits by either the Commission or a court. In this connection, however, in determining whether or not to recommend the new contract for stockholder approval, the directors of the investment company who now have a fiduciary duty to refrain from personal misconduct in the performance of their office, would of course be required to carefully scrutinize and evaluate the terms and conditions of such contract as well as the qualifications and capabilities of the proposed new adviser.

Proposed New Section 16(b)

Section 16(b) provides that in the event of a transaction causing an assignment within the provisions of Section 15(f), the investment company affected will achieve a board of directors as required by Section 15(f) by prompt resignation of any directors who become ineligible to serve. Further, in order to achieve maximum independence of any successor directors throughout the period contemplated by Section 15(f)(1) during which the board must consist entirely of persons who are not interested persons of the investment adviser, new Section 16(b) also provides for the selection of such successor directors, and their recommendation to shareholders for election, by those members of the company's board of directors who themselves are not interested persons of the investment adviser. In this connection, the time periods specified in Subsection 10(e) would be applicable.

* * * * *

In view of the provisions of proposed Section 15(f), and new Section 16(b), a prospective purchaser of the business of an investment adviser would know that automatic perpetual succession to and continuation of the advisory relationship could not be assured. The new adviser would have to service the investment company at arm's length and the arm's-length relationship would continue for at least five years after the consummation of the transaction which caused the existing advisory contract to be assigned. Because the proposed successor adviser would have to deal at arm's length with the investment company, there should be no assurance that a purchaser will automatically perpetuate an advisory relationship with the investment company. Therefore, the proposed amendment should have the tendency of limiting to a fair value the consideration which a purchaser would be willing to offer a retiring adviser for its stock or assets.

Proposed Amendment to Section 15(c)

The proposed amendment to Section 15(c) of the Act would make it clear that the directors of a registered investment company when evaluating the terms of an investment advisory contract, may not take into account the purchase price or other consideration that might have been paid by the adviser in connection with an earlier transaction within the provisions of Section 15(f). The directors of the investment company would be expected to perform their fiduciary duties presently specified by Section 15(c) by requesting and evaluating all relevant information and considering the qualifications and performance of the adviser. Although this consideration could include the adviser's costs in servicing the investment company, such costs could not include any amount paid to a predecessor adviser or its affiliated persons.

* * * * *

It is intended that these amendments would be prospective in application only.

The Commission believes that the proposed amendments would permit investment advisers and their affiliates to obtain fair returns for the risks they assume in organizing, promoting, and managing investment companies and, at the same time, would protect the interests of investment companies and their shareholders when the investment advisers of those companies engage in transactions resulting in the assignment of their investment advisory contracts.

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connection, the Court stated that (445 F. 2d at 1344):

". . . any payment made to the outgoing adviser by his successor in these circumstances over and above the value of any continuing services represents consideration not for the lawful assignment of the contract—which is prohibited—but primarily for the use of influence in securing stockholder approval of the successor who expects to profit from the post. While it is true that the advisory contract is not conceptually an asset of the Fund, it is equally true that the expectation of profits under the contract is not an asset which, under the Act, the adviser can assign outright. Hence, if plaintiffs are correct in asserting that Lazard's few covenants were only a minor part of the consideration for D&B's payment to Lazard, Lazard and D&B must have assumed that the outgoing adviser was in a position to help effect the transfer of his office and that his efforts in doing so were worth valuable consideration."

[3] In its discussion of *S.E.C.* v. *Insurance Securities, Inc.*, 254 F. 2d 642 (9 Cir., 1958), *cert. den.*, 358 U.S. 823 (1958), which involved the sale by controlling stockholders of an investment adviser of their stock to a new controlling group at a price 25 times its net asset value, the Second Circuit stated that ". . . there are passages in the opinion suggesting that in the court's view none of the excess of the price received by the controlling stockholders over the book value of their stock would be recoverable under any circumstances by stockholders of the investment company." The Court stated that it did "not wish to be understood as accepting these views," although it did not find it necessary to determine "whether the difference between a transaction such as that here before us and the sale of a controlling block of stock in a corporate adviser at a price reflecting the expectation of profits under a renewed contract with the corporation which the sellers were to aid in procuring, is sufficiently substantial to warrant a different result in this latter case." 445 F. 2d at 1346–1347.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2050

At the request of Mr. SCHWEIKER, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 2050, a bill to amend the Atomic Energy Act of

1954 to provide for agreements for broader State control, and to confer certain powers on the Administrator of the Environmental Protection Agency.

S. 3148

At the request of Mr. BAYH, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 3148, a bill to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes.

S. 3472

At the request of Mr. ANDERSON, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 3472, a bill to authorize Federal cost sharing in promoting public safety through the elimination of hazardous open canals by converting them to closed conduits and by fencing.

S. 3573

At the request of Mr. SCHWEIKER, the Senator from Nevada (Mr. BIBLE) and the Senator from Delaware (Mr. BOGGS) were added as cosponsors of S. 3573, the State Lottery Exemption Act of 1972.

S. 3643

At the request of Mr. BENNETT, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 3643, the Allied Services Act of 1972.

S. 3664

At the request of Mr. Moss, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 3664, the National Multiple Sclerosis and Epilepsy Act of 1972.

SENATE CONCURRENT RESOLUTION 84—SUBMISSION OF A CONCURRENT RESOLUTION IN APPRECIATION TO DR. WERNHER VON BRAUN

(Referred to the Committee on Aeronautical and Space Sciences.)

Mr. SCOTT submitted the following concurrent resolution:

S. CON. RES. 84

Whereas the development of the national space program has brought science and technology to new levels of achievement and has generated inspiration, intellectual stimulation, and a sense of adventure not only for the people of the United States but for the entire world; and

Whereas the accomplishments of the space program are in large part a direct result of the contributions made over the years by Doctor Wernher von Braun, whose stature as the space genius of the twentieth century and the chief architect of the coming exploration of space has already begun to grow into a legend; and

Whereas the retirement of Doctor von Braun from the National Aeronautics and Space Administration at the end of June 1972 provides a uniquely appropriate occasion for expressing public appreciation of his achievements in the space program and recognition of his contributions in space-related areas:

Now, therefore, be it,

Resolved by the Senate (and the House of Representatives concurring), That the Congress of the United States, for itself and on behalf of the American people, expresses its gratitude and appreciation to Doctor Wernher von Braun for his outstanding contributions to and achievements in the space program and its recognition of the benefits which his contributions and achievements have conferred and will continue to confer upon mankind.

OFFICE OF THE HANDICAPPED ACT—AMENDMENT

AMENDMENT NO. 1214

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. STAFFORD. Mr. President, today on behalf of Senator EAGLETON and myself, I am submitting an amendment to S. 3158.

The Federal Government has been for years committed to the principle that employment of the handicapped is in the national interest in terms of both the use of their national human resources and of individual fulfillment. Yet, I feel that the Federal Government has in some respects failed to live up to its own commitment in providing employment opportunities to handicapped people in appropriate Federal jobs relating to services provided by them.

It is for that reason and also a feeling that a handicapped person can best understand the plight of another handicapped individual in search of Government services that I am introducing this amendment.

Simply stated, the amendment is designed to demonstrate that we as a Nation and Government mean it when we say that a handicapped person needs only the opportunity to demonstrate that he can meet the performance requirements of most jobs so that he may be self-supporting in our society. I can think of no better way in which they can actively contribute to our society than the use of their skills to help fellow handicapped persons obtain the necessary services the Government can provide so that they may become independent.

My amendment would require that handicapped persons otherwise qualified be employed to fill all jobs in the proposed Office of the Handicapped of HEW. I can think of no better place to start with such a program.

Mr. President, I ask unanimous consent that the text of my amendment and of an explanation thereof be printed in the RECORD at this point.

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

AMENDMENT NO. 1214

On page 3, between lines 2 and 3, insert the following new section:

"SEC. 3. In carrying out the functions of the Office under this Act, the Secretary shall employ handicapped persons otherwise qualified to fill all positions in said Office."

On page 3, line 3, strike out "SEC. 3" and insert in lieu thereof "SEC. 4".

EXPLANATION OF SENATOR STAFFORD'S AMENDMENT TO S. 3158

The amendment would require the Secretary of Health, Education, and Welfare to hire handicapped persons otherwise qualified to fill all jobs in the newly created Office for the Handicapped within HEW.

The burden would be on the Secretary to prove that he is unable to find a qualified handicapped person before he could hire a non-handicapped person for any job in the Office.

The purpose of the amendment, quite simply, is to provide tangible demonstration that the Congress means it when it says that handicapped persons are capable of meeting the performance requirements of most jobs; of supporting themselves, and of contributing actively to society . . . if only given the opportunity.

The amendment would also strengthen the Office of the Handicapped by guaranteeing a staff attuned to the special problems of the handicapped. And, of course, it would provide a practical, working model for achieving the goal of gainful employment of the handicapped of the nation.

STATE AND LOCAL FISCAL ASSISTANCE ACT—AMENDMENT

AMENDMENT NO. 1215

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

Mr. GURNEY. Mr. President, I am today submitting, on behalf of myself and Senator RIBICOFF, Senator BENTSEN, Senator BIBLE, Senator CANNON, Senator COTTON, Senator MCINTYRE, Senator TOWER, and Senator WEICKER, an amendment to S. 3651—the State and Local Fiscal Assistance Act of 1972—which will remove from the bill the bias against States with no, or relatively small, State personal income taxes.

The bill, as introduced, provides for $3.5 billion in direct aid to local governments plus an additional $1.8 billion for State governments. Half of the $1.8 billion to State governments would be allocated among the States on the basis of each State's combined tax effort—State and local taxes. The remaining $900 million would be allocated on the basis of State personal income tax dollars collected, with minimum payments for States with no personal income taxes.

The effect of the distribution formula for this latter $900 million would be to penalize States with no personal income taxes, or with relatively low personal income taxes. In all, 28 States are discriminated against by this provision including: Alabama, Arizona, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Maine, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Washington, West Virginia, and Wyoming.

The language of the committee report on H.R. 14370, which is identical to S. 3651, indicates that supporters of this provision believe:

First. That the Federal Government should force States to adopt specific methods of generating revenues, as directed by Congress through penalty provisions within revenue-sharing legislation, and

Second. That State personal incomes taxes are the "most reasonable" method of generating revenues for every State.

I strongly disagree with both of these propositions.

General-revenue sharing, which I support, was originally intended to strengthen State and local governments, not emasculate them by removing the right of the people of a State to determine for themselves what type of State

taxes should be levied. Indeed, this is a form of taxation without representation in that it effectively provides that the amount and type of State taxes would be determined at the national level—by representatives from other States.

Not all States are uniform in their fiscal and tax situations. The same tax structures are not equally equitable in every State. There are many examples of States where factors such as unusual economic bases, extreme mobility of population, or electoral preferences make dependence on State personal income taxes inappropriate and inequitable.

In my own State of Florida, for instance, there are a large number of "second homes" which belong to out-of-State residents. These owners—who are generally among our Nation's more affluent citizens—share in the benefits of State public works and services. They also pay their fair share for those benefits, because Florida does not rely on personal income taxes for financing.

My amendment to S. 3651 would remove from the revenue-sharing distribution formula the factor based on State individual income tax collections, and would substitute a factor based on Federal individual income tax collections within the respective States. While this plan would continue to base the allocation of revenue-sharing funds on the personal taxable incomes within each State—as these taxable incomes are the indirect determinant of both State and Federal income tax collections—the change would allow all States to share equitably in revenue sharing. States, in order to get fair returns, would not be forced to adopt new or greatly increased State personal income taxes, taxes their citizens would otherwise oppose.

It is my sincere hope that this amendment will be adopted so that those of us who oppose State personal income taxes, and support the right of the States to exercise fiscal self-determination, may consider giving our full support to a fair and equitable general revenue-sharing formula.

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

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

AMENDMENT NO. 1215

On page 26, beginning with line 10, strike out through line 25 on page 31 and insert the following:

SEC. 122. AMOUNT OF ENTITLEMENT OF EACH STATE.

(a) GENERAL RULE.—The amount of the entitlement of any State for any entitlement period is the sum of—

(1) the income tax share of such State for such period, plus

(2) the combined tax effort share of such State for such period.

(b) INCOME TAX SHARE.—For purposes of this section—

(1) IN GENERAL.—The income tax share of any State for any entitlement period is the amount equal to the lesser of—

(A) the adjusted Federal income tax effort of such State for such period, or

(B) the amount which bears the same ratio to the amount appropriated for such period under section 123(a)(1) as the adjusted Federal income tax effort of such State for such period bears to the sum of the adjusted Federal income tax effort of all States for such period.

(2) Federal income tax effort.—The Federal income tax effort of any State for any entitlement period is 3 percent of the Federal individual income tax liabilities attributed to such State for taxable years ending during 1971 or (if later) during the last calendar year ending before the beginning of such entitlement period.

(3) Adjustment.—The adjusted Federal income tax effort of any State for any entitlement period is one-half (one-quarter in the case of an entitlement period of 6 months) of the Federal income tax effort of such State (determined under paragraph (2)).

(c) COMBINED TAX EFFORT SHARE.—

(1) IN GENERAL.—The combined tax effort share of any State for any entitlement period is the amount which bears the same ratio to the amount appropriated for such period under section 123(a)(2) as the combined tax effort amount of such State for such period bears to the sum of the combined tax effort amounts of all States for such period.

(2) COMBINED TAX EFFORT AMOUNT.—The combined tax effort amount of any State for any entitlement period is the amount determined by multiplying—

(A) the net amount collected from the State and local taxes of such State during the most recent reporting year, by

(B) a fraction—

(i) the numerator of which is the net amount referred to in subparagraph (A), and

(ii) the denominator of which is the aggregate personal income attributed to such State for the one-year period ending on the second June 30 before the beginning of such period.

(d) DEFINITIONS.—For purposes of this section—

(1) Federal individual income tax liabilities attributed to State.—The Federal individual income tax liabilities attributed to any State for any period shall be determined on the same basis as such liabilities are determined for such period by the Internal Revenue Service for general statistical purposes.

(2) STATE AND LOCAL TAXES.—

(A) TAXES TAKEN INTO ACCOUNT.—The State and local taxes taken into account under subsection (c)(2) are the compulsory contributions exacted by the State (or by any political subdivision of the State for public purposes other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay), as such contributions are determined by the Bureau of the Census for general statistical purposes.

(B) MOST RECENT REPORTING YEAR.—The most recent reporting year with respect to any entitlement period consists of the years taken into account by the Bureau of the Census in its most recent general determination of State and local taxes made before the close of the entitlement period.

(3) Personal income.—Personal income means the income of individuals, as determined by the Department of Commerce for national income accounts purposes.

(c) State Must Maintain Effort.—

(1) General rule.—The entitlement of any State for any entitlement period beginning on or after July 1, 1972, shall be reduced by the amount (if any) by which

(A) the aggregate amount transferred by the State (out of its own sources) during such period to all units of local government in such State is less than—

(B) the similar aggregate amount for the one-year period beginning July 1, 1971.

(2) Adjustment where State assumes responsibility for category of expenditures.—If the State establishes to the satisfaction of the Secretary that since June 30, 1972, it has assumed responsibility for a category of expenditures which (before July 1, 1972) was the responsibility of local governments located in such State, then the aggregate amount taken into account under paragraph (1)(B) shall be reduced to the extent that increased State spending (out of its own sources) for such category has replaced corresponding amounts which for the one-year period beginning July 1, 1971, it transferred to units of local government.

(3) Special rule for period beginning July 1, 1976.—In the case of the entitlement period beginning July 1, 1976, and ending December 31, 1976, the aggregate amount taken into account under paragraph (1)(B) shall be one-half of the amount which (but for this paragraph) would be taken into account.

(4) Reduction in entitlement.—If the Secretary has reason to believe that paragraph (1) requires a reduction in the entitlement of any State for any entitlement period, he shall give reasonable notice and opportunity for hearing to the State. If, thereafter, he determines that paragraph (1) requires the reduction of such entitlement, he shall also determine the amount of such reduction and shall notify the Governor of such State of such determinations and shall withhold from subsequent payments to such State under this subtitle an amount equal to such reduction.

(5) Transfer to general fund.—An amount equal to the reduction in the entitlement of any State which results from the application of this subsection (after any judicial review under section 143) shall be transferred from the Trust Fund created by section 123(c) to the general fund of the Treasury on the day on which such reduction becomes final.

Mr. RIBICOFF. Mr. President, I am pleased to join with the distinguished Senator from Florida (Mr. GURNEY) in introducing this amendment to correct a serious inequity in the revenue-sharing legislation approved by the House Ways and Means Committee.

As a former Governor and Cabinet member, and as a member of the Senate Finance Committee, I fully support the concept of revenue sharing. State and city governments across the country are on the verge of bankruptcy. Their costs are rising at the same time their tax base is declining.

The revenue-sharing system embodied in H.R. 14370 will be an important first step toward alleviating this problem. By granting $3.5 billion to local governments and $1.8 billion to State governments with relatively few strings attached, local officials will be able to develop programs they consider most responsive to the needs of their constituents.

I am opposed, however, to the formula presently in the bill distributing one-half of the $1.8 billion State allotment on the basis of each State's collection of individual income taxes. States without State individual income taxes would receive smaller amounts based on a percentage of Federal individual income tax liabilities from these States.

This formula seriously penalizes States which do not have an income tax or have an income tax with low rates. The rationale is that the individual income tax is the most efficient and reasonable type of taxation and should be encouraged. The fallacy, however, is that we are simply making the same mistake all over again. We are saying: "Washington always knows best. Do it our way if you

want more money." This places the States in the same subservient position we are attempting to abolish.

The amendment we introduce today would eliminate this problem by basing the distribution of the $900 million in question solely on Federal, rather than State, income tax revenues. As a result, the amount of funds to be shared would more accurately reflect each State's contribution to the National Treasury. A State like Connecticut, which would be heavily penalized under the House bill, would receive the amount it rightly deserves.

Under the present formula, the State government of Connecticut would receive a total of $21 million in the first year of the program. Under the Gurney-Ribicoff proposal, this would rise to approximately $35 million, in addition to the $51 million that would flow under either proposal directly to cities within the State. A total of 28 States would gain more funds under this proposal without increasing the overall cost of the program.

General-revenue sharing is an important concept that should be implemented as soon as possible. However, if revenue sharing is also going to mean responsibility sharing, the amendment we introduce today must be adopted.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972—AMENDMENTS

AMENDMENTS NOS. 1216, 1217, AND 1218

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

LEGAL SERVICES FOR THE POOR

Mr. HRUSKA. Mr. President, everyone wants to do something about the crime situation. Most people agree that the difficulty in obtaining swift and sure justice in our courts has a direct relationship to the growth of crime in America.

In addition, the overcrowded dockets throughout every level of our judicial system pose a distinct threat to the concept of justice in this country and to the respect for and resort to the law which should be prevalent in our society.

Before long the Senate will be asked to consider S. 3010, a bill which deals with programs administered by the Office of Economic Opportunity. Title IX of S. 3010, as reported by the Committee on Labor and Public Welfare, would establish a National Legal Services Corporation. This Corporation would supplant the existing program to provide legal services for the poor which is now administered by OEO.

Mr. President, last December, President Nixon vetoed a bill which contained provisions establishing an independent legal services corporation, not just because of these provisions, but primarily because of portions of this proposal dealing with child development. The President's concern about the legal services corporation provisions was quite apparent, however, and it was shared by this Senator. This is one of the reasons why I supported the President's action in vetoing the measure in question, S. 2007.

Under the present OEO legal services program there has been a measurable impact on the Nation's courts—not the least of which has been the far-ranging nature of the legal actions undertaken by several legal services attorneys in the name of justice for the poor. A significant number of instances have come to my attention where such attorneys have become involved in cases which go beyond what Congress intended in authorizing this program, at least in the opinion of this Senator. I will not go into them at this time.

When the proposal to establish a Legal Services Corporation was considered in this Chamber last year, I had grave reservations about the nature of the Corporation so established and its effect upon our judiciary. The fact that this proposal was not studied by the Committee on the Judiciary prior to its consideration on the Senate floor did very little to allay my concern.

We will shortly face a repeat performance of this situation, Mr. President, and my reading of the present version of this proposal in title IX of S. 3010 gives me the uneasy feeling that we are right back where we started from. The current measure appears to have at least as many problems as did its predecessor. It should be gone over very carefully in this Chamber, and I believe this will be done.

I intend to have a good deal more to say about this proposal at a later time. For the present, however, I now send to the desk three amendments which I intend to propose to S. 3010 and ask that they lie on the table and be printed.

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

Mr. HRUSKA. Mr. President, I am not sure that any number of amendments will make this provision into an entirely acceptable measure. These amendments would make a beginning, however. The first would insure that legislative jurisdiction over future changes in this area of the law would lie with the Committee on the Judiciary, where it should have been in the first place. The second would make more stringent and effective the prohibition against outside practice of law by full-time employees of the Corporation. And the third would prohibit the Corporation from employing attorneys who have been suspended, disbarred, or who are otherwise undesirable citizens.

I am pleased to have been able to make the remarks prior to the actual consideration of S. 3010. After today's discussion of this proposal and its implications, hopefully all Senators will have their interest in taking a very careful look at this measure stimulated.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 914

At the request of Mr. HATFIELD, the Senator from Iowa (Mr. HUGHES), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of amendment No. 914, intended to be proposed to the bill (S. 3108), the Military Procurement Authorizations Act, 1973.

ADDITIONAL STATEMENTS

CAPT. ROGER C. LOCHER RESCUED IN NORTH VIETNAM

Mr. DOLE. Mr. President, the Sunday papers carried a Vietnam story about a happy ending to a long and anxious ordeal for a Kansas Air Force officer.

Capt. Roger C. Locher, of Sabetha, Kans., was shot down near Hanoi on May 10. When his F–4 Phantom was hit, Captain Locher bailed out, and, for 23 days he evaded North Vietnamese search parties, sustained himself and kept alert for rescue opportunities.

Finally, last Friday he was found by U.S. rescue forces and taken to Thailand where he received a warm welcome back to our lines from his comrades and the Commander of U.S. Air Force Operations in Indochina, Gen. John W. Vogt.

Captain Locher's courage and resourcefulness speak highly of his personal character. Very few Americans have been shot down so deeply in North Vietnam and then managed to conceal themselves from the enemy until our rescue forces could locate them and get in with sufficient firepower and equipment to bring about their rescue.

Captain Locher certainly deserves high praise as do those forces who effected his rescue. I am sure I speak for all my colleagues in extending a heartfelt expression of relief for Captain Locher's safe return and a sincere "well done" to the brave and devoted men who rescued him.

Not only does this story reflect great credit on Captain Locher and his rescuers, but it also speaks most highly of the training received by our fighting men and the Armed Services' commitment to protecting their personnel and rescuing them from the perils encountered on their hazardous missions in Southeast Asia—or wherever in the world duty takes them.

JAMES J. KILPATRICK ENDORSES SENATOR BAYH'S "SATURDAY NIGHT SPECIAL" BILL

Mr. BAYH. Mr. President, recent events have forced us to recognize that the easy availability of cheap handguns is a continuing source of much of our crime problem. Recently, James J. Kilpatrick, a respected national columnist, lent his support to those of us in Congress who are trying to do something about curbing these dangerous crime weapons.

In his column several weeks ago, Mr. Kilpatrick pointed out that the gun problem in our country is getting worse: In 1970 more than half the murders in the United States—or almost 8,000—were committed with handguns. We can no longer afford to wait to take action on reducing the number of cheap handguns on our streets. As Mr. Kilpatrick notes, my bill to ban the so-called "Saturday Night Specials" "does make sense—these are small snubnosed handguns, useless to the sportsman."

Mr. President, I am encouraged by Mr. Kilpatrick's support for my proposal and

ask unanimous consent that the article be printed in the RECORD.

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

[From the St. Louis Globe-Democrat, May 26, 1972]

GUN CONTROLS HAVEN'T REDUCED CRIME

(By James J. Kilpatrick)

WASHINGTON.—Four years ago, the assassination of Martin Luther King and Robert Kennedy led directly to congressional approval of sweeping gun controls. History repeats. This summer, in the wake of the attempted assassination of Governor George C. Wallace, Congress will try once more to draft an effective law.

It won't be easy. In this highly-charged field, where emotions have a way of outrunning reason, it is far easier to define the problem than to find a workable solution.

The problem itself is universally recognized. In 1970, the FBI reported an estimated 15,800 murders in the United States; more than half of them were committed with handguns.

That same year saw an estimated 350,000 robberies. Nearly two-thirds of them were armed robberies.

Between 1961 and 1970, more than 600 law enforcement officers were slain; 466 of them died of handgun wounds.

The figures give no account of the hundreds of tragic accidents that occur when children discover loaded weapons around the home. No accurate tabulation is kept of persons wounded by firearms in cases of aggravated assault, but at least 80,000 such assaults occurred in 1970.

The gun problem in our country is grave; and it is getting worse.

That is one point to keep in mind in contemplating new laws. There is little to indicate that the two acts approved in 1968 have done much to curb criminal violence.

The first of them, embodied in Title IV of the Omnibus Crime Control Act, prohibited the interstate shipment of pistols and revolvers to individuals, prohibited the sale of such weapons to convicted felons and fugitives, and banned over-the-counter sales of handguns to non-residents of a dealer's State.

The law also required that detailed records be kept on shipments and purchases; it was this provision that enabled the FBI instantly to track down the weapon used against Governor Wallace.

In October of 1968, Congress extended generally the same provisions to commerce in rifles and shotguns. Together, the two Federal laws provide a tight system of dealer licensing and record-keeping; and they flatly prohibit the sale of handguns to persons under 21.

Yet thousands of young hoodlums manage to acquire concealable weapons anyhow, and the ugly wave of crime rolls on.

What to do about it? It is easier to suggest what ought not to be done.

We are hearing once again the fatuous demand for outright confiscation; the idea is that a 30-day period would be provided in which every person would have to surrender his firearms to his local police. There he would receive a receipt for them; subsequently he would receive compensation.

The idea is absurd. It would leave criminals armed, and their victims defenseless.

Neither is there merit in the idea of licensing and registration. Here the argument goes that men do not object to licensing of their automobiles. If a car can be effectively registered, why not a gun? One answer is that automobiles, by their very nature, can be publicly observed; an automobile licensing law presents no problems of effective enforcement. But this is not true of firearms.

For every law-abiding citizen who registered his weapons, and paid the heavy license fees proposed, a hundred criminals would simply ignore the law.

One measure does make sense. On Wednesday, less than 48 hours after the Wallace shooting, a Senate sub-committee approved Senator Birch Bayh's bill to ban the so-called Saturday night specials. These are small, snub-nosed handguns, useless to the sportsman. If a law could be drafted that defined such weapons precisely, the law should be passed. Over a period of years, it might help.

But my own thought is that Congress can do less than judges can. If our courts would crack down hard on gun-toting criminals, hitting them with tough additional sentences for the use of a firearm, the word would get around.

REMOVAL OF EARNINGS LIMITATION IN SOCIAL SECURITY

Mr. JAVITS. Mr. President, I have received many letters in the past year from New York constituents—more so than in the past—protesting against the unfair earnings limitation in social security. While, as we all know, the administration has proposed easing somewhat the monetary amount of the limitation, I believe it is about time that we gave serious consideration to lifting this limitation altogether. I certainly hope that the Committee on Finance, in its deliberations on H.R. 1, will review this problem closely and will come up with some equitable arrangement for eliminating a provision which unjustly penalizes so many older Americans.

In this connection, I ask unanimous consent that there be printed in the RECORD an article published in the Insurance Advocate of March 18, describing an address by Lester J. Bradshaw, Jr., president of Travelaire Flight Insurance Agency, Inc. Mr. Bradshaw outlines succinctly the arguments for ending the earnings limitation.

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

END OF BENEFIT PENALTY AGAINST SOCIAL SECURITY RETIREE WHO CONTINUES WORKING IS URGED BY BRADSHAW

A simple change in the law will end the rampant discrimination which has plagued the rank and file retiree under the Social Security System throughout its existence. Lester J. Bradshaw, Jr., president of Travelaire Flight Insurance Agency, Inc., told the Friendly Sons of St. Patrick in a St. Patrick's Day address at John F. Kennedy International Airport, New York.

Mr. Bradshaw's reference was to the requirement that people reaching retirement age under Social Security must sacrifice benefits if they continue to work and earn in excess of about $30 per week. Yet, he said, the Social Security benefits are at best meager in the light of the rise in living costs and the pension benefits under the system are barely enough to keep an individual from starving.

Even if the individual wants to earn more in some job in order to supplement the Social Security benefits, Mr. Bradshaw told the St. Patrick's Day gathering, he or she is barred from doing so without the penalty of loss of benefits.

This is unfair, Mr. Bradshaw said, because the Social Security benefits are not a gift, not charity, and not welfare. The worker reaching retirement age under the law, has paid for the benefits in advance all through the working years and there is no reason to continue the rule which restricts the use of these monies when they are paid, Mr. Bradshaw asserted.

The law is discriminatory against the middle class and poor individual, Bradshaw said, because people of means who reach Social Security retirement age can continue to collect any amount in dividends, interest, rents or other non-salaried income, without penalty to the Social Security benefits. Obviously, he said, the original intent of the Social Security system, to provide income to the aged of limited means, is thwarted because the income rule is no longer responsive to present needs.

One who is not wealthy and who wants to continue to work and has the capacity to do so, even part time, is discouraged from doing so and may thereby be reduced to a state akin to the poverty level, Bradshaw said.

Private retirement plans make no such income limitation rules. They are entered as straight cash deals, you pay while you work and they pay you back when you retire, he said. The pension fund, whether through civil service, private industry or union, does not limit what you can earn in your retirement years. There is no reason, Bradshaw pointed out, why the federal government can't do the same under Social Security, particularly where the law works so unfair a hardship on so many people. In simple truth, he said, when a person reaches his retirement age under the Social Security law, whether he works or not is none of Washington's business. He said that salary income such a person may earn has no effect on Social Security funds except to enhance them if the tax continues to be collected on earnings.

PEOPLE FAVOR IT

Talking over the years to hundreds of his life insurance clients, Mr. Bradshaw said, it is clear that the people favor this change which would hurt no one and benefit millions of people. In the present session of Congress, he said, the legislators will spend a lot of time on welfare problems, annual incomes of the poor and Social Security.

Attention to this amendment to the law to end this infringement on the rights of the older citizen, would be beneficial to the country as a whole, Bradshaw said.

McGOVERN ON ISRAEL

Mr. CHURCH. Mr. President, last week, while campaigning for Senator McGOVERN in the California primary, I was astonished to find questions being raised, and groundless charges circulated, concerning the McGovern position on Israel.

I was astonished because Senator McGOVERN has so frequently addressed himself to the crisis in the Middle East in so specific and forthright a manner as to leave no reason whatsoever for misunderstanding.

On May 30, 1972, in Los Angeles, Senator McGOVERN again reiterated his stand, outlining a four-point program aimed at "guaranteeing the survival of an Israel that is economically sound, politically democratic, and militarily secure."

His four-point program included a firm and continuing commitment for supplies of American arms to Israel; an $85 million aid program to assist in resettling immigrants from the Soviet Union; U.S. recognition of Jerusalem as the Israeli capital; and American efforts to persuade the Soviet Union on the merits of a nonimposed Middle East settlement.

I wholeheartedly support the McGovern program. I believe its implementation would help to stabilize the situation in the Middle East, reduce the chances of another tragic war, and enhance the prospects for an enduring settlement.

I ask unanimous consent that the text of Senator McGOVERN's statement be printed in the RECORD.

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

McGOVERN ISSUES FOUR-POINT POLICY STATEMENT ON ISRAEL

LOS ANGELES.—Senator George McGovern outlined a four-point stand on Middle East issues over the Memorial Day weekend in a major campaign address to Jewish community leaders in Los Angeles.

American policy, the South Dakota Democrat said, should be aimed at guaranteeing the survivial of an Israel that is economically sound, politically democratic and militarily secure.

This four-point program included an $85 million aid program to assist in resettling immigrants from the Soviet Union; United States recognition of Jerusalem as the Israeli capital; American efforts to persuade the Soviet Union on the merits of a non-imposed Middle East settlement; and a continuing commitment for supply of American arms.

In his address, McGovern cited his support of "every legislative effort to give military and economic assistance to Israel since I came to Congress in 1957." He added he had also urged "hesitant administrations, both Democratic and Republican, to sell Israel the equipment required for her defense. And I have opposed military aid for other Middle Eastern countries when I felt it could be used for military activity against Israel," he added.

McGovern called for "direct negotiations, without preconditions, between the nations of the Middle East themselves," as "the only kind of negotiations which can bring peace. The cornerstone of any peace settlement must be mutual agreement upon defensible and recognized national boundaries capable of deterring any future aggression." The Senator said Israel's current boundaries, "because of their tempting vulnerability, were invitations to armed invasion and maritime blockade." He continued that all three Israeli-Arab wars "can be traced to these arbitrary and erratic lines drawn as Israel's temporary boundaries."

The Democratic Presidential candidate, who said he was "proud to have built a reputation as a spokesman for peace," drew a sharp distinction between Israel and Vietnam.

"Israel is not Vietnam," McGovern said. "It is, in fact, the very opposite of Vietnam. The government of Saigon is a corrupt dictatorship which long ago lost the support of its people. Israel is a democratic nation, whose elected leadership has as firm a support among its people as any government in the world. Southeast Asia is not essential to the economy and security of the United States. The Middle East is. And most important, the Israelis have never and will never ask for a single American soldier to come and fight in their defense."

Criticizing State Department efforts which "tried to impose a settlement through a concert of outside powers," McGovern said, "This effort not only failed, it helped stoke up the arms race, strengthened the forces of aggression and terrorism and made it far more difficult for the Israelis."

McGovern's four point plan, he said, would make it possible for the United States to "assert itself as a force for peace in the Middle East." Text of the four-point plan is as follows:

"First: The most effective guarantee of both the present cease-fire and of a permanent peace is the modern military deterrent of the Israeli armed forces. Where we have hesitated in our military support of Israel, the fragile fabric of peace has been weakened. When we have supplied this help, conditions have stabilized. At a time of massive Soviet arms shipments to other states, we have an obligation to furnish Israel the advanced aircraft and other equipment necessary to prevent attack. Our sale of these weapons should not be made contingent upon Israeli agreement to American diplomatic demands. It should be an ongoing commitment based solely upon the military requirements of the day.

"Second: Israel needs substantial economic aid. It has, of hard necessity, the largest per capita defense budget in the free world. Yet it must continue to provide for refugees from the Soviet Union and elsewhere. Much of Israel's economic aid is supplied by people like yourselves. But our government can do more than it has. In this connection, I have proposed an $85 million program—from available refugee funds—to help defray the costs of settling new immigrants from the Soviet Union.

"Third: Israel needs our diplomatic support, in support of her basic peace proposals and her present policies in the arenas of diplomacy, including the United Nations. I was distressed when the United States joined in voting criticism of Israeli administration of Jerusalem. In the last twenty centuries, Jerusalem has never seen better rule than it sees today under the Israeli administration of Mayor Kollek. The people have jobs—Arabs and Jews. Health care is available to all. The holy places of all religions are fully protected and under repair. The people of Jerusalem have gained from Israeli administration and should continue under it. Furthermore, the United States should recognize Jerusalem as the capital of Israel and move our embassy there.

"Finally, Israel needs our help in restraining Soviet activity in the Middle East. For fifteen years, the Soviets have fished in the troubled waters of the Eastern Mediterranean. Their weapons and the stationing of their own personnel represent a difficult obstacle to negotiations. I would hope that, in the new period of negotiation that has opened up with the Soviet Union, we might do what we can to persuade them to join with us to encourage the kind of non-imposed settlement that would take the Middle East out of the theatre of big-power confrontation."

GREENVILLE NEWS EDITORIAL ENTITLED "LOCAL POVERTY PROGRAM PROMISING"

Mr. THURMOND. Mr. President, I have long been a critic of welfare plans which tend to perpetuate the problems of people in poverty rather than helping them get on their feet so they can earn their own way.

The Greenville, S.C., County Council for Community Actions, Inc., has initiated a program that, in my judgment, has merit. Teams of specialists, who have been trained in specific problem areas relating to the poor, are now going directly into the homes of needy families. They associate themselves with a certain number of these families and they work with them until they have found a way to alleviate the problems.

The Greenville News of June 4, 1972, published an editorial praising the efforts of this county council. 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:

LOCAL POVERTY PROGRAM PROMISING

Having for years insisted that handouts, federal or otherwise, don't really help people in poverty and often make their situations worse, we welcome efforts in Greenville County to deal with and hopefully eliminate or alleviate the real causes of poverty.

A new program of the Greenville County Council for Community Actions, Inc., is aimed directly in that direction. It will tend to de-emphasize use of neighborhood centers to help needy families, and will put teams to work directly on the families themselves.

The program is based upon research which proves that families in poverty have numerous problems, any one of which renders them helpless. It follows that the solution of those problems, rather than merely providing dollars, is the way to get such families on their feet and keep them there.

In Greenville teams of specialists in the various problems known to produce poverty will go directly into poverty-stricken homes. As Mrs. Eula M. Stockman, CAP program developer, described it, "The family team will be the general practitioner."

Each team will have a limited number of families, each carefully selected, and will stay with those families until success is achieved within a reasonable time or all available avenues have been exhausted.

One good aspect of this program is that it can be evaluated easily, and changes can be made on the basis of experience.

It offers real promise and deserves the cooperation of all Greenville individuals and organizations in position to lend helping hands.

PROFILE OF SENATOR PERCY

Mr. BOGGS. Mr. President, from time to time there appear in publications large and small profiles of biographies of Members of Congress and other dedicated public servants.

Often, they provide perceptive new insights into the philosophy and legislative approach of the individual who is being interviewed.

Such a profile of the distinguished Senator from Illinois is the lead article in the May 1972 issue of the AMBA Executive, a publication of the Association of Master and Business Administration Executives.

I believe the article would be of particular interest to Members of this body. I ask unanimous consent that it be printed in the RECORD.

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

[From the AMBA Executive, May 1972]

APPLY THE PRINCIPLES OF BUSINESS TO GOVERNMENT, SAYS SENATOR PERCY

Q. (*AMBA*) *At what point did you begin your business career?*

A. (Senator Percy) I went into business quite early. I was very young—I think seven years old.

My first venture began when a salesman for the Saturday Evening Post drove by a group of us playing ball. The salesman called us over and asked, "Would anyone like to make a dollar?" The Post was running a promotion at the time. I said I would. The salesman said, "Sell this pile of magazines and

you've earned a dollar." That's how I got started in business.

I told the salesman to increase the number of magazines in my order each week, as I ought to be able to sell more. Soon I had one of the largest Saturday Evening Post Thursday night sales routes. I added the Ladies Home Journal once a month and even won a YMCA Scholarship for selling more Country Gentlemen in an urban area than any other salesman in the United States—I think I sold seven.

Then I developed a shopping service on Saturday which involved grocery shopping for the wives in the neighborhood. I'd take their lists and a wagon and I'd shop. It grew a great deal by word of mouth, which is the way you develop any business—your satisfied customers create a large part of your next year's sales. For example, they would say, "I only asked for two cans of tomatoes, you've bought me three."

"Yes, but they were three for thirty-nine," I would answer. "You save a couple of cents by buying three." The wives would tell a friend that this young fellow saves them money; he doesn't do just what is on the shopping list.

Q. *Did you continue your business career while you attended college?*

A. When I went to the University of Chicago, I had to borrow money to start. I had to earn a hundred-plus percent of my expenses, since I had to contribute something at home because it was the Depression. I had a very small scholarship and waited tables at 40c an hour. It seems ridiculous today, but that's what we all got. There were no better paying jobs. I was cutting down on my meals; I had to have more money; it was a matter of pure necessity—but how do you do it at 40c an hour?

The answer was a fraternity purchasing agency which I started by getting all the fraternities together. Before I started the agency, each of the fraternities was buying separately in uneconomical quantities for its 40 or 50 members using local merchants or local stores and shops. Also, each used a different laundry and a different coal company—we had coal furnaces in those days. I had had a part-time job shoveling coal when I went to high school so I knew something about buying coal. I also knew something about laundry and linen. I proved to fifteen fraternities that if I bought for all the men, I could buy substantially cheaper than they could on their own. For example, I went in and offered a large laundry all the business and we cut the rate in half. I went to the wholesale houses and would buy goods in the summer to be used during the year. We saved a great deal; we drove the prices down. I remember one incident in particular because I knew so little about some aspects of the business—olives for instance. I bought giant olives, cases of them, when I was buying one summer, only to find that giant is the smallest olive made. They were like little peas—super colossal is what I should have bought. I had a lot of giant olives on my hands for months. Then we sold fruits and vegetables—I got a man who had a wagon to work full time with me. He's now become one of the largest purveyors on the south side of Chicago selling to hotels and restaurants. I started him by having him buy fruits and vegetables at the market for us.

As Robert Hutchins, Chancellor at the University of Chicago said, I was the richest poor boy who ever went there. We had a business; we were grossing $150,000 a year in my last year; and I netted $10,000. I could hardly afford to quit school.

I've been in business most of my life. I love business; it's intriguing and fascinating.

Q. *When you finished college, did you think of continuing your education; getting an MBA or a law degree, for example?*

A. No, I didn't. I did want law, but couldn't afford law school, and the War was on—it was June of 1941 when I graduated from college.

After graduation, I went to work for Bell & Howell where I had been working summers while at the University of Chicago, I had the feeling we were going to be involved in the War and I helped Bell & Howell prepare for it.

Q. *Can you tell us more about your career at Bell & Howell?*

A. The first summer I worked at Bell & Howell, four of us dictated answers to letters and correspondence that came in from customers. A typical letter ran: "Dear Sir, I bought one of your cameras and I took three rolls of film. They're all black—what's the matter with your camera?" We'd write back, "Dear Sir, If you'll take the little lens cap off the lens, perhaps you'll get better pictures." We dictated answers all day long on dictating machines—they used round cylinders then I remember it very well because it took me so long to dictate my first cylinder. I carried it to the stenographic department and I dropped it—four hours of work scattered on the ground.

Near the end of the summer I analyzed all the correspondence we were doing and realized that there were no more than 150 different questions and answers that accounted for 90% of the mail. I carefully developed 150 perfect answers, numbered them and put a copy of each answer into two books. I gave one copy to the secretary and kept one for myself. I'd get my mail and put the appropriate numbers down at the bottom of each letter and send the letter to the secretary. She would answer the letter by looking at her book. Both she and I were able to do five times as many letters in one day as we did previously. I wrote a report at the end of the summer saying that one person rather than four could do this job and still have time to do other things. The sales manager, who went on to become Executive Vice President of Polaroid, thought it was pretty humorous and wrote a note to the president saying that this young fellow is going nowhere—he's just eliminated his job for next summer. The president was a Scotsman, Joe McNabb. McNabb sent for me and as a result, I got to know him in a kind of unique way. He told me that he wanted me to come in and see him every summer.

At the end of my third year, McNabb sent for me because I hadn't come in personally to report to him. The sales manager had told him that Chuck Percy had quit; he was leaving and taking a job with Crowell-Collier in sales promotion. The president sent for me and asked me to come to his home.

I had never been in his home, and at that time we were living in relatively unsatisfactory housing, to say the least. I walked into this mansion and I was never so awe-struck in my life.

"Young man, I'm terribly disappointed in you because I thought you had a future, but I found out that you left us," said McNabb.

"Why? You didn't even tell me." I replied that I had told my immediate superior and didn't think I should go over his head.

"Why did you leave?" he repeated. I said I was only getting $13 a week and was working to support myself and give my family some assistance. I had a chance to get $50 a week from Crowell-Collier—to triple my salary.

"That's the biggest mistake you've ever made," said McNabb. "You should know that at your age, experience is more valuable than money."

"Mr. McNabb," I said, "I have enough faith in the American economic system to feel that if they're willing to pay me three times as much as Bell & Howell, I must be getting three times as much experience with them." That was the last conversation I ever had with him or anyone at Bell & Howell about salary—after that, they always paid me more than I thought I was worth.

When I graduated from college, McNabb asked me what I intended to do. I said. "I'd like to go on to law school, but I can't afford it. I think that we're going to be involved in the War. I'd better get to work now and at least get the feel of it before I go into the service. I think I should look around for the best job I can find."

"Promise me one thing," McNabb said, "before you accept any offer, you will tell me what the best offer you receive is, and won't commit yourself."

So I went to see a number of companies, including Armstrong-Cork. At my final interview, after three days, one of my Armstrong-Cork interviewers said, "The fine thing about our company is that we can tell you today just where you'll be ten or fifteen years from now—you might even be an Assistant Vice President in charge of the Floor Division." I said, "I appreciate that very much but I can't say yes or no right now." I wasn't too impressed with the offer; I wasn't so sure that what I wanted was that "security". However, it was the best dollar offer.

I went back to see Joe McNabb. He asked me how much they offered. I told him and he said, "I'll double it to start with." And that was that. Later the Chairman of the Board of Armstrong-Cork and I became very close friends and I told him what had happened. That was the last time their recruiters ever told a young fellow about the "sure route for him".

My first suggestion to McNabb was that Bell & Howell ought to get into defense work. I couldn't see how a company in June '41 could stay in amateur photographic products very long—they just were not essential. McNabb said, "Fine. You handle it; that's your department." At that point I became a department head. It was the smallest department in the company—one man—me; not even a secretary. Within six months the war broke out and we had a six month lead on most companies. We got the first ordnance contract in the city of Chicago. We had developed a knowledge, an expertise on how to do business with the government which catapulted us into defense work. I handled all of that work until I left for the Navy in January of '43.

When I left for the Navy, McNabb told me he would keep me on salary and make me an officer of the company: assistant secretary. I was about 24. He said he wanted me to write a report once a month on what Bell & Howell ought to be doing after the war. That helped keep my interest in the company strong.

When I came back after the War he said, "I'd like you to become a stockholder and if you'd like to borrow money to buy stock now, you can start to buy." I went to the banks and arranged my first loan. Each year my measure of success was how much bigger my debt was. I was in debt steadily for over 20 years and did not pay it off until I resigned and went into public life when I felt I shouldn't have any debts. Other than the house, all my investments were in Bell & Howell. I was once told the old adage, "Don't put all your eggs in one basket, unless you can watch the basket.' I thought why not pour my life into something and put my money where my life was.

McNabb had left a note for the Board, to be read when I was elected President. It suggested that they should give me a stock option. I refused it for two years until the Board was willing to give options to other officers and until I proved myself as President—I didn't want to have the moral obligation of an option if I didn't work out. I lost several executives because we had no stock option plan.

Q. *What do you feel was most important to your success at Bell & Howell?*

A. You cannot say to my success, you would have to say to my colleagues' success.

My predecessor at Bell & Howell ran the company—ran a one man company—22 men reported directly to him. He knew every aspect of it. I didn't want to run the company that way; I wasn't qualified to run it that way. I delegated a great deal of responsibility and developed a rapport with men who were used to being directed in virtually every aspect of their life to see whether they could assume responsibility. I had to weed out the ones who simply refused to take a risk.

This is one of the great problems I have found in government, with the State Department particularly—you can progress if you don't make a mistake. In business, you can't work on that philosophy. You have got to take risks. The more risks you are willing to take, backed up by solid reasoning, judgment and research, the higher a business can afford to pay you. One of the qualities that brings success is, I think, the ability to take risks, to not make too many mistakes, but to make enough.

I remember our credit manager, for example. We used to have one that everyone was proud of because we had the lowest bad debt losses of any company in the photographic industry. My first question when I became President was, "Harry, how many sales are you losing? I think you're so unwilling to take risks that we're losing hundreds of thousands or millions of dollars worth of business. Have a little more faith in people. Don't say *no* too frequently or demand cash on the barrel-head. Let's see if we can't expand sales just on credit alone." We did expand tremendously because everyone knew we were the most tight-fisted company in the industry. That is one of the reasons I went out to my dealers and said, "We're now going to share the risks with you. But, you've got to share your knowledge with us as to where you stand, where you are going and what your plans are." We offered a dealer counseling service to them. That helped build their business as we built ours.

I was blessed with fine men to work with. Building men was my main job; that is, bringing men in, giving them responsibility, giving them the thrill that I had when I suddenly realized that I was President and Chief Executive Officer and could run things. I was only responsible to my conscience, my Board of Directors, my employees and the stockholders, among others. But I wanted to share the burden and the risks. We had presidents of divisions—I liked the term "President of the Division" because it gave the individual the feeling of being the Chief Executive Officer of a business. These decisions were what started us off on a spiral of sales and earnings growth—we grew into a very large, several hundred-million dollar company.

Q. *How did you get involved with politics?*

A. Before the War, I had no particular interest in politics. When I came back from the War in 1946 I started a group to get returning veterans involved in politics. I became interested in precinct work and associated myself with the Republican Party.

During the Eisenhower administration I was asked to be State Finance Chairman. Twelve other businessmen had been asked, I found, and they had all turned it down. Finally Eisenhower, as the President, asked me to come down and take the job—and I did. That gradually got me into politics in 1955. I raised $4 million for the Party in the next four years, went on the Budget Committee and the National Committee. Eventually, President Eisenhower began to give me assignments: he sent me to Latin America, to Bolivia and Peru for the inaugurations as his personal representative with the title of Ambassador. While there, I spoke at Chambers of Commerce, investigated business opportunities and our relationships with these countries and then reported back to the President. He asked me to head the Foreign Aid Program, which I could not do. He asked me to become the Assistant Secretary of the Department of Health, Education and Welfare—then a new agency—but I just didn't feel I could leave business. I had been given an opportunity early—at age 29—to be head of Bell & Howell. I told the President that if it was an emergency, I would certainly do it. In the absence of that, I said, when and if I go into politics, rather than going from a limousine at Bell & Howell to a limousine in Washington, I would rather start at the bottom. I would seek and run for public office, know what it's like to struggle and work to gain my job rather than becoming a Presidential appointee which would be so easy. It wouldn't teach me the business of government and politics as I had learned the Bell & Howell business.

"If you will do that," said President Eisenhower, "I will back you for any office you want to run for, be it the highest in the land, and I will tell all of my administrative people to stop pestering you about coming in full time as long as you can take part-time jobs." He wrote me a letter confirming that. I agreed to head the Republican Committee on Program and Progress; I worked on the National Goals Commission; I worked with the President and very gradually started to spend an increasing amount of time on the business of government. Finally, needless to say, after 25 years at Bell & Howell, I felt I ought to give other young fellows a chance—I either had to go for another 25 years and get the gold watch, or start a whole new career.

I resigned as Chief Executive but didn't as Chairman of the Board, then ran for Governor. I lost. I decided to run for the Senate in 1966, to go for broke—no ties with the past. People were saying, "Does he really mean it? He's still a businessman, but he's running for office." I resigned as Chairman and left Bell & Howell totally and completely severing every business connection. I ran and won.

Q. *Are there any particular characteristics that have contributed to your political success?*

A. Yes. I think very careful organization has helped. Politics is a terribly haphazard and catch-as-catch-can business. It is emotion-driven. I feel that reason, research, planning and forward thinking can be successfully applied to it.

In order to best organize my office, to take good care of correspondence, I've put all of my first term salary, my speaking and writing fees and more, into the office. I think I have one of the most efficient offices in Washington.

Participatory democracy—which I tried to instill at Bell & Howell—which the *Reader's Digest* wrote up some years ago in an article entitled "Democracy—Eight to Five" is something I have tried to apply to my public service. At Bell & Howell, our suggestion system was one of the most successful in the country—we would get ideas from the people who were working on the product as to what we could do to improve it.

Similarly, we go back and survey our constituents with great regularity for their opinions. I think we have one of the largest mailing lists of any Senator, all on computer tape. A management consulting firm came in and set up my computer system so that I could stay in closer touch with my constituents. When I wanted to send a survey out to doctors to ask them to appraise and analyze the Scott-Percy Medical Health Rights Bill which we developed, I sent preliminary copies to every doctor in the State of Illinois. I was able to send them out in about 24 hours. I can send out a survey to every dentist, to every automobile dealer, to every private pilot, for example. Having them all on computer makes us able to do so much and expand our knowledge of their opinions. That is why we have been able to introduce so much legislation.

I have had management engineers analyze my operation from a managerial standpoint. They made suggestions on how I could improve the handling of mail, the use of filing systems, among other things. An accounting firm audits my books and files income tax statements—I have the finest talent that I can get to back up and support me. I think I have the finest staff—they get paid less and work twice as hard, but then so do I.

In business I felt that the longer the assembly line, the further removed management was from the workers' attitudes and feelings. Every year, from the first year I was President of Bell & Howell when we had 1300 employees, to the last year when we had 10,000, I shook hands with everyone in the plant at least once a year. I met with employees frequently and regularly and with all supervisors at least once a month.

In politics, I have listen-ins all over the State; not in my office but down on the ground floor of a post office, anyplace that people stop or that is accessible to many people. The people should have easy access to their public officials and not feel they have to come to Washington or make an appointment—they can just see me where they are—I'll come to them. I have been taking 40–50 trips back to Illinois every year since I've been here, though the Senate only allows either six or eight, I forget which. I take the rest simply because I feel the need to stay close to constituents in my State.

Q. *In business profit is a measure of performance. How do you measure your performance as a Senator?*

A. The necessity of a follow-up is a discipline you learn in business. You get a monthly financial statement. You know where you stand because you get regular measures of your performance. When I was at Bell & Howell, every year we sent an annual report to 25,000 stockholders, 5–10,000 major customers and to over 10,000 employees. I addressed all three groups each year; I personally reported to thousands of our stockholders, employees and their families each year.

I've kept that habit here; every year I send an annual report to our constituents and release it publicly. It covers ideas, accomplishments and failures. In business I always included failures in the annual report; things don't always go right. *Forbes* said that my annual report was the most unusual one they had ever seen. Generally, they are white sheets that only talk about the good things. I don't think an annual report should be a sales brochure; I think it ought to be an accurate accounting of what you do, and obviously you have made mistakes that cost stockholders' money. You ought to say so. I made a horrible mistake one year, underestimating the size of a market. I reported that we lost millions of dollars worth of sales because of my judgment in not appraising the market properly. I received more letters of commendation from mentioning our mistake than from mentioning all the successes we have had. When I reversed myself on the SST, I admitted on the floor of the Senate that I had made a mistake. I originally voted for it, but I hadn't analyzed and appraised its economic impact carefully enough. I just emotionally said that we ought to have the best of everything, and went ahead and voted for it, foolishly. It was the most stupid vote I have ever cast. I corrected it by working hard against the SST. We defeated it and I made up for my mistake.

The tendencies in business are the same tendencies I like to have here. I feel that in business the consumer is king, not the producer. The consumer, not the producer should be the one who is protected. We built our business by satisfying consumers.

In the Consumer Protection Forum that we had in the Senate today on a bill that I am sponsoring along with a number of my col-

leagues, I said the same things—we must protect the consumer. Government has a role to play in helping the consumer have an advocate who protects his interests. Business needs to understand that. I have tried to keep the same principles in government that I have had in business.

Q. *What do you think about the voluntary social action programs involving business and government? Many businessmen feel that they have not worked because they do not provide adequate motivation—profit—to business.*

A. I think the criticism that some of the programs have not worked is valid. When we develop a program, test it and find it has not worked, the best thing to do is scrap it. The inertia of these programs is such that once they get started, they are very hard to stop. Committees are similar. In business you can set up a temporary committee that is dissolved as soon as it has fulfilled its function. In politics, when a presidential commission, for instance, is set up, it is just like it has been cast in cement to try to get rid of it. I have an avowed objective to get rid of a great number of them while I am in government. I have yet to get rid of one, but I have got a bill in now that will eliminate all commissions at the end of two years unless they have a separate piece of legislation authorizing their extension. I can see why many people feel that programs that were set up during one period of industrial or economic history are no longer useful.

Q. *What do you see happening in the role of business and society in the years ahead?*

A. For a number of years I have felt that younger men and women want a sense of "worthwhileness" about the company or enterprise in which they work. This is why I have said it is going to be good business in the future for companies to get into programs such as the Alliance for Businessmen—for business to participate actively in community betterment, urban planning, new town developments. You might say government should do this, but I would a lot sooner see it done through the planning and thinking of private enterprise. To attract and hold young people, business is going to have to be more socially oriented. That is a philosophy I have had for 20 some years in business. Originally I was considered impractical, but now virtually all companies have a social conscience and recognize that it is good business for them to have it.

You cannot ever forget, however, that the acid test, the litmus test, of a business is that it must be successful; that it must obtain a reasonable rate of return on investment. It cannot create opportunities for growth and expansion for individuals unless it can attract sufficient capital to finance its own growth. To do this, it must have a reasonable expectation of increasingly higher returns in the future—that means running a profitable business. You can't become so socially oriented as to forget that the first step is to become profitable and successful. It is a mockery to say that business is a substitute for either government which is non-profit and/or for non-profit ventures and charitable organizations—that is a soft-headed way of looking at it. You have to try to do both but you must remember your primary responsibility is to stay financially sound and successful as an enterprise while at the same time serving a social conscience.

Regarding business participation in politics, I have always been impressed that labor unions have never hesitated to take partisan positions. They don't hide behind a cloak of, "Well, I can't get involved or I can't become committed." They take a stand. They are knowledgeable enough in politics to work at the grass roots level, to realize that just making a contribution is not enough: you must get out and learn the business from the bottom, at the grass roots level, at the precinct. I am impressed now that more businessmen are becoming increasingly sophisticated, recognizing that they have to take positions. They can't be political eunuchs; they have to declare themselves on occasion and fight for what they believe in if they want to command respect.

As a family man I know my children participate in public affairs. Government is one of the more exciting aspects of my life as far as they are concerned. I am not sure I would have attracted and held their interests by just being a businessman that stuck his nose to the grindstone; that I would have been as good as a businessman if I had that narrow a perspective. By broadening my horizon, by going into civic activities, politics, I brought a fresher and a broader point of view to the company as well. I think some of the finest training and experiences that my older son has had as a graduate student in business, were not as a result of being the son of a corporation president, but as the son of a corporation president who was interested in politics. He has participated in politics and became my first administrative assistant and driver for my campaign. My younger son, who is 16, is going to follow in his footsteps and be my driver this summer back in Illinois as I run for reelection. I don't imagine that my son-in-law, Jay Rockefeller, has begrudged the political experience that my daughter has had, though my son-in-law and I are in a contest to see whether or not his children, my grandchildren, are going to be Democrats or Republicans. Politics has given us a common bond and provided an element of excitement.

I have heard it said that to Democrats, politics is a way of life, and to Republicans, it's a sacrifice. This is one Republican that feels that political activity has been one of the most exciting, meaningful and significant aspects of his life. As I look back, I wouldn't do it any other way than to establish my business career first and then go into politics. Having that base behind me has been extremely helpful to me.

SUMMER YOUTH JOBS

Mr. JAVITS. Mr. President, the President has now signed into law the second supplemental appropriation bill which, as approved by the Senate-House conference, contains a supplemental appropriation of $156 million for the Neighborhood Youth Corps summer job and recreational programs.

This makes possible the provision of a record number of jobs in the program, a total of 740,222 job slots, compared with 609,300 slots last summer, which was the highest up until that time; each slot represents a 9-week opportunity for a disadvantaged boy or girl between the ages of 14 and 21.

Mr. President, Senators may recall that on April 19, joined by 26 other Senators, I urged the Senate Appropriations Committee to respond to the current unemployment crisis among poor youth by meeting the needs documented to us by the National League of Cities-U.S. Conference of Mayors. We originally sought a supplemental of $291.4 million for 947,928 slots in the program; the Senate Appropriations Committee responded with a recommendation of $246 million, an amount necessary to provide the slots we requested, but on a 9-week, rather than a 10-week basis. The House had passed only a $95 million supplemental appropriation.

Mr. President, of course I had hoped that the final amount agreed upon in conference would be closer to that which the National League of Cities and the U.S. Conference of Mayors had documented to me as essential.

However, I am very grateful that this significant amount has been made available at this relatively early date in the summer and I wish to take this occasion to express my appreciation to the members of the Senate Committee on Appropriations for their initial action and their efforts in conference; to my colleagues and to the administration for making this possible.

I wish also to acknowledge my special appreciation to my colleagues who joined with me in April. They include the following: 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.

Mr. President, I ask unanimous consent that there be printed in the RECORD a news release dated June 5, 1972, issued by the Department of Labor, which provides a summary of funds available for summer jobs from these and other sources, as well as tables with respect to allocations among the regions of the Nation.

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

EXTRA FUNDS RAISE SUMMER YOUTH JOBS TO 1.2 MILLION—RECORD HIGH

The supplemental appropriation signed by President Nixon in Moscow has raised the number of summer jobs for youth to the all-time high of 1,201,400, Secretary of Labor J. D. Hodgson announced today.

This is 220,000 more summer jobs than were available for youth last summer.

The funds made available through this appropriation will bring the total to be spent this summer to $377.6 million, also a record high, and $85 million more than in any previous year, Hodgson explained.

Most of the federally supported jobs for youth this summer will be in the Neighborhood Youth Corps. The NYC summer program is providing nine weeks of employment for 740,222 disadvantaged boys and girls, 14 through 21. The jobs pay $1.60 an hour for work in community service activities.

The supplemental appropriation not only sets up a larger-than-ever summer program, but it still provides a record amount of lead time for local planners. Local governments and agencies were given initial allocations in March to help plan for the summer. The supplemental funds are also that much ahead of previous years availability, Hodgson pointed out.

The $377.6 million in Federal funds will be spent through four programs providing 865,322 jobs. The remaining 336,000 jobs will be provided mainly in the private sector by business and industry, without Federal financial support.

Federally supported summer jobs will be provided through the:

Neighborhood Youth Corps Summer Program	740,222
Federal Summer Employment Program for Youth	63,000
Public Employment Program	59,100
Youth Conservation Corps	3,000

An estimated $25 million of already allocated Section 6 Emergency Employment Act funds will be available to provide 59,100 jobs paying $1.60 an hour if local officials so choose.

The Federal Summer Employment Program will hire one disadvantaged youth through the Civil Service Commission for every 40 Federal employees for jobs in most agencies. The Youth Conservation Corps selects participants through the Department of the Interior from all walks of life for environmental support work.

The Federal-State Employment Service plans to fill 161,000 jobs in its Youth Summer Placement program, an increase of 5,500 over last year. The Employment Service will hire up to 600 special placement officers to help handle the influx of summer job seekers.

"The National Alliance of Businessmen deserves a special note of recognition," Hodgson said. "In addition to its efforts in behalf of the disadvantaged and its additional and nearly fulfilled pledge to find jobs for 100,000 veterans, the NAB has pledged to hire 175,000 young people in 126 metropolitan areas, 24,000 more than it did last summer."

In another facet of the Administration's summer program, 2,228,000 recreational opportunities for young people between 8 and 13 years of age will be provided. The Summer Recreation Support program will support 2,185,000 youngsters and the National Summer Youth Sports will handle an additional 43,000.

The Labor Department's regional offices are contacting local Neighborhood Youth Corps program sponsors now to inform them of the new slot and fund allocations. Tentative allocations were released by the Department March 19.

In many communities, the mayor's office will play a greater role than in past years in coordinating summer activities for youth.

Revised enrollment slots in the Neighborhood Youth Corps summer program by State and the 50 largest cities, are listed. (attached)

FISCAL YEAR 1972 NYC SUMMER PROGRAM SLOT ALLOCATIONS

Region I	38,706
Connecticut	10,367
Maine	3,828
Massachusetts	18,040
New Hampshire	1,813
Rhode Island	3,132
Vermont	1,526
Region II	110,093
New Jersey	21,879
New York	67,963
Puerto Rico	19,830
Virgin Islands	421
Region III	68,339
Delaware	1,709
Maryland	10,473
Pennsylvania	33,585
Virginia	12,632
West Virginia	9,940
Region IV	130,078
Alabama	15,924
Florida	22,462
Georgia	17,483
Kentucky	14,617
Mississippi	13,059
North Carolina	19,092
South Carolina	11,431
Tennessee	16,010
Region V	137,469
Illinois	38,883
Indiana	14,979
Michigan	30,979
Minnesota	11,118
Ohio	29,536
Wisconsin	11,974
Region VI	80,869
Arkansas	9,543
Louisiana	17,873
New Mexico	4,716
Oklahoma	9,488
Texas	39,249
Region VII	34,183
Iowa	7,366
Kansas	6,726
Missouri	16,193
Nebraska	3,898
Region VIII	17,445
Colorado	6,162
Montana	2,640
North Dakota	2,055
South Dakota	2,304
Utah	3,311
Wyoming	973
Region IX	82,708
Arizona	9,492
California	68,671
Hawaii	2,032
Nevada	1,672
Guam	622
W. Trust Territory and Samoa	219
Region X	25,948
Alaska	2,152
Idaho	2,287
Oregon	7,088
Washington	14,421
District of Columbia	14,384
U.S. Total	740,222

FISCAL YEAR 1972 NYC SUMMER PROGRAM 50 CITY ALLOCATIONS

	Job opportunities
Region I:	
Boston	5,230
Region II:	
Jersey City	2,206
Newark	7,000
Buffalo	2,913
New York	49,884
Rochester	1,239
Region III:	
Baltimore	7,712
Philadelphia	8,571
Pittsburgh	8,536
Norfolk	2,684
Region IV:	
Birmingham	2,349
Dade County (Miami)	5,851
Tampa	5,597
Atlanta	3,109
Louisville	2,537
Memphis	2,179
Region V:	
Chicago	31,617
Gary	3,556
Indianapolis	1,594
Detroit	18,332
Minneapolis	2,318
St. Paul	1,147
Akron	958
Cincinnati	2,903
Cleveland	10,205
Columbus	1,635
Dayton	1,098
Toledo	1,046
Milwaukee	3,379
Region VI:	
New Orleans	2,738
Oklahoma City	1,634
Tulsa	751
Dallas	2,424
El Paso	1,168
Fort Worth	1,134
Houston	3,846
San Antonio	5,080
Region VII:	
Kansas City	3,212
St. Louis	5,385
Omaha	1,834
Region VIII:	
Denver	1,481
Region IX:	
Phoenix	3,475
Los Angeles (Including Long Beach)	24,948
Oakland	6,233
San Diego	4,350
San Francisco	4,310
Honolulu	791
Region X:	
Portland	2,370
Seattle	4,198
Washington, D.C.	14,384

Fact sheet—Summer job opportunities, 1972

A record number of summer job opportunities with Federal support has been scheduled for 1972. Six major programs are being organized to provide 1,201,400 summer jobs, an increase of 219,900 over last year's total.

JOB PROGRAMS AND FUNDING

	Opportunities			Federal funds		
	1971	1972	Change	1971	1972	Change
Neighborhood Youth Corps	609,300	740,222	+130,922	$257.9	$316.1	+58.2
Federal summer employment program for youth	63,000	63,000	0	31.9	33.0	+1.1
Youth Conservation Corps	2,700	3,000	+300	2.5	3.5	+1.0
Public employment program		59,100	+59,100		25.0	[1] +25.0
National alliance of businessmen summer hires	151,000	175,000	+24,000			
Employment service youth summer placement	155,500	161,000	+5,500			
Total	981,500	1,201,400	+219,900	292.3	377.6	+85.3
Recreation opportunities:						
Summer recreation support	1,900,000	2,185,000	+285,000	12.8	15.0	+2.2
National summer youth sports program	43,000	43,000	0	2.9	3.0	+.1
Total	1,943,000	2,228,000	+285,000	15.7	18.0	+2.3
Supportive service programs:						
Summer transportation	851,113	851,113	0	1.5	1.5	0
Youth coordinator grants				3.3	3.3	0
Total	851,113	851,113	0	4.8	4.8	0

[1] This is an estimate. Program agents under the public employment program may use Emergency Employment Act funds for summer job opportunities, if they so choose.

Neighborhood Youth Corps summer programs will be for 9 weeks at a minimum pay of $1.60 an hour for a total of 234 hours. PEP funds would be similarly used.

National Alliance of Businessmen's summer hires will be in the private sector without Federal funds, as will most of those hired through the Employment Service Youth Summer Placement program.

The Federal Summer Employment Program will hire one disadvantaged youth for every 40 Federal workers.

Recreation opportunities will be for youngsters between 8 and 13 years of age. May 30, 1972.

THE GENOCIDE CONVENTION AND EXTRADITION

Mr. PROXMIRE. Mr. President, some opponents of the Genocide Convention have expressed concern about the possibility that under this treaty American citizens could be tried in foreign courts without American constitutional guarantees. But a close examination of the facts of the matter reveals that an objection to the convention on this basis is without foundation.

If an American citizen is accused of committing genocide in another nation, and is accused while he is in that nation, he may, according to article VI of the treaty, be tried by a competent tribunal of the state in the territory of which the act was committed. There is nothing unusual about this provision; under present law, an American accused of murder in a foreign country may be tried there. And even without American ratification of this treaty, American citizens may be tried for genocide by nations which are parties to the treaty.

What seems to concern critics of the treaty is the provision of article VII regarding extradition of citizens who are accused of genocide. That provision says that:

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

The important point is that extradition is promised in accordance with laws and treaties in force. What this means is that the Genocide Convention itself does not alter extradition procedures; it says they will be conducted the way our extradition treaties specify. At present, we have no extradition treaties dealing with genocide, and they would be made in the future with the advice and consent of the Senate.

These future extradition treaties could and would contain a number of safeguards. First, we can assure that certain procedural rights are secured in the courts of the foreign nation. As George Aldrich, Deputy Legal Adviser of the Department of State, testified to the 1970 Foreign Relations Subcommittee:

[One] factor in any decision to negotiate an extradition treaty is whether the judicial process of the other country affords persons who may be extradited a fair trial. In addition, since extradition treaties often remain in force for a long time, during which judicial systems can change, basic procedural protections have to be built into the treaty at the beginning.

Second, there can be provision for a thorough examination of the evidence in the case before extradition is agreed to. As Mr. Aldrich proposed:

Any extradition treaty will require the state requesting extradition to produce sufficient evidence that the person sought would be held for trial under U.S. law if the offense had been committed here.

Finally, S. 3182, the proposed legislation implementing the Genocide treaty, states that it is the sense of Congress that extradition treaties should provide that the United States reserves the right not to extradite in cases which the U.S. is either already prosecuting or intends to prosecute. I might add that Mr. Aldrich testified that the State Department supported this provision.

The Genocide treaty is, then, not in itself an extradition treaty. Mr. President, we already have extradition arrangements for various other offenses with 97 nations. Since there is no reason to think that the extradition arrangements we would make concerning genocide would particularly differ from those existing treaties either in provision or effect, criticism of the Genocide Convention on these grounds is unreasonable.

I urge the Senate to ratify the Genocide Convention without further delay.

GREENVILLE NEWS EDITORIAL ENTITLED "50 YEARS OF SERVICE"

Mr. THURMOND. Mr. President, the Jaycees of Greenville, S.C., are celebrating their Golden Anniversary this year. This local chapter is one of the oldest in the United States, having been formed in 1922 shortly after the national organization was launched in St. Louis in 1920.

The Greenville Jaycees have always been in the forefront of civic leadership and they have played a large and significant role in the growth and prosperity of their city.

Mr. President, I am highly pleased to express my appreciation to this capable group of responsible citizens. I commend them for their past achievements and express my hope that the next 50 years will record a continuation of their constructive efforts and leadership.

An editorial entitled "50 Years of Service" was published in the Greenville S.C., News of June 4. It pays a deserving tribute to the Greenville Jaycees. I ask unanimous consent that it be printed in the RECORD.

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

50 YEARS OF SERVICE

The Golden Anniversary of the Greenville Jaycees this year is an event that should not pass unnoticed by the community at large. During the past 50 years the Jaycees have been in the forefront of efforts to make Greenville a better place in which to live and work.

The Greenville Jaycee chapter is one of the oldest in the nation. It came into being as the Junior Chamber of Commerce shortly after the founding of the national organization in St. Louis in 1920.

The purpose of the organization has never been, from the beginning, strictly fun and fellowship. Rather, it has been a rallying point for young men concerned about the problems of their community.

The Jaycees are activists. Their long list of projects over the years point to a willingness to become involved in helping to meet some of the community's pressing needs.

They have, from time to time, been drawn into controversy, but this is often the case for people who attempt to get things done. The Jaycees have never backed away from an issue or problem because it might be controversial.

The Jaycees have made a difference in Greenville. We salute them on their 50th birthday, and sincerely hope—for the good of the community—that they will have many more.

JAMES G. STAHLMAN, A GIANT AMONG NEWSMEN

Mr. ALLEN. Mr. President, on Thursday, June 1, 1972, James Geddes Stahlman retired after 60 years of service to the Nashville Banner, to the people of Nashville and Tennessee and, in every respect, to the people of the United States. Starting on the Banner as a delivery boy, Mr. Stahlman spent the past 42 years as publisher and president of the paper, "dedicated," as he said in his final editorial, "to the cause of free and responsible journalism."

Unfortunately for America, the day is about over for personal journalism practiced through the medium of strongly edited, independent, home-owned daily newspapers. But Mr. Stahlman has written that he shall not retire to some secluded beach, and even though the Banner is now part of a national newspaper chain, those who pick up his pen were trained under Mr. Stahlman to be dedicated to the journalistic principles which have made the Nashville Banner the potent, independent, conservative voice that it has been for its 96 years of existence, 91 of which have been under the stamp of the Stahlman family.

Mr. President, in its issue of June 1, the Banner published a final column written by James Stahlman and addressed to his friends and readers. I ask unanimous consent that this touching, yet stirring, article be printed in the RECORD:

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

STAHLMAN COMPLETES 60 BANNER YEARS—PLANS TWO BOOKS ON PEOPLE, PLACES, EVENTS IN HIS EXCITING LIFE

To my friends and readers of The Nashville Banner:

By the grace of God, the tolerance of a fickle and sometimes intolerant newspaper constituency, and the faithful and devoted support of cherished members of what has become affectionately known as "The Banner Family," I have come to one of the most emotionally difficult days of my life.

Today I complete sixty years of service to The Nashville Banner, forty-two of it as president and publisher, with every day dedicated to the cause of free and responsible journalism.

I had firmly charted my present course prior to the conclusion of my sale of this beloved newspaper to the Gannett Group. I had made it perfectly clear to my longtime friend, Paul Miller, whose personal and journalistic integrity had prompted me to select him and his able associates in the Gannett Group as my successor owners, that I would end my duties as president and publisher on the day that I had completed 60 years as an employe of this newspaper.

This is it!

These three-score years have taught me much. They have afforded me world travel, world friendships, world service.

They have placed me in high positions of honor and responsibility.

They have given me the opportunity to play a part in the history of this beloved country of ours, of this neighboring hemisphere which we have shared with Canadians to the North and our Latin brothers South of the border.

And in more far-reaching portions of the earth I have been privileged to serve my country in times of war as well as peace in numerous capacities.

I have witnessed and actively participated in some of the important scientific and industrial developments from the horse-car to Americans on the moon; from the early filament bulb to the devastating laser beam; from Marconi to Telstar; from Kitty Hawk to the SST; from a reverent pulpit to a distressing era of agnosticism.

This has been the most exciting period of advance in the world's history—culturally, scientifically, industrially, sociologically, economically, politically.

Our progress has wrought much havoc. It has played hob with stable homelife, produced a disdain for the fundamentals, destroyed respect for law, order, the courts and constituted authority. It has brought the United States to a dangerous divisiveness and the world to the brink of self-destruction.

Through all these years, I have clung steadfastly to the belief that this blessed country of ours is still worth saving; that the freedoms of our people can be preserved; that there is more good than bad in mankind and that a forgiving, omnipotent Father can and will save those men and nations willing to defend that faith implicit in our national motto: "In God We Trust."

As I relinquish The Banner's helm, I shall not retire to some secluded beach. I turn over the flagbridge to a competent team—Wayne Sargent, Jimmy Armistead and Ken Morrell—all experienced in their respective fields, the two latter gentlemen my longtime, valued associates, indoctrinated in and dedicated to the journalistic principles which have made The Nashville Banner the potent, independent, conservative voice of this region during its ninety-six years of service to Nashville, the State of Tennessee and the United States, ninety-one of which have had the Stahlman imprint dominant in its policies.

I commend them to all who read, respect and trust The Nashville Banner, confident that these gentlemen and their equally dedicated associates—all of whom I hold in highest esteem and deep personal affection, will uphold the editorial policies and journalistic traditions which have characterized The Nashville Banner since its founding nearly a century ago.

They are the inheritors of a precious legacy bequeathed by men like Dr. William Martin Clark, Major Edward Bushrod Stahlman, Gideon H. Baskette, Edward Claiborne Stahlman, Richard H. Yancey, George Harrison Armistead and Alvand C. Dunkleberger.

Their legatees would not, could not betray this sacred trust.

For me there are days and years of serious work ahead.

I have two or more books to write, before my memory fades.

I have things to say and things to tell about places I have visited, men I have known, events in which I have participated, many of them having had something to do with where we are today, how we got there, where we could be headed and how we may arrive at our respective destinies. Some of this might be fairly interesting. None of it will be dull.

Stick around and I'll try to convince you.

And remember this—on April 10, 1976, The Nashville Banner will celebrate its one-hundredth anniversary.

Meet me there!

THE COMPREHENSIVE HEADSTART, CHILD DEVELOPMENT, FAMILY SERVICES ACT, AND OEO EXTENSION

Mr. JAVITS. Mr. President, two measures of deep importance to the poor and to families generally have been reported by the Committee on Labor and Public Welfare, of which I am the ranking minority leader.

First, S. 3617, the Comprehensive Headstart, Child Development, and Family Services Act of 1972, a bipartisan proposal sponsored by Senator MONDALE and myself, and based in part upon S. 3228, which I introduced on February 24 and a similar measure before the committee. The bill would provide $2.95 billion over a 3-year period in Federal assistance for increased educational and other developmental opportunities for preschool and other children.

Second, S. 3010, the Economic Opportunity Amendments of 1972, originally introduced by Senator GAYLORD NELSON, chairman of the Subcommittee on Employment, Manpower, and Poverty, and myself. The bill would provide for a 3-year extension of the poverty program, establish a new Legal Service Corporation, authorize a new community economic development program, and authorize other important measures affecting the poor.

As I have urged, these bills have been reported separately and will be acted upon by the Senate separately, in the order mentioned.

Together, they represent a thoughtful bipartisan effort to meet the President's specific objections to S. 2007, the Economic Opportunity Act Amendments of 1972, to which had been attached an earlier child care measure, and which was vetoed last December.

Mr. President, so that Members may be aware of the basic elements of each of these measures, and my basis for recommending that each be approved by the Senate, I ask unanimous consent that the text of the Supplemental Views of myself and Senators SCHWEIKER, PACKWOOD, TAFT, and STAFFORD with respect to S. 3617 and a section-by-section analysis of the bill and Supplemental Views with respect to S. 3010, joined in by the same Senators, be printed in the RECORD.

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

SUPPLEMENTAL VIEWS OF MESSRS. JAVITS, SCHWEIKER, PACKWOOD, TAFT AND STAFFORD

We support the "Comprehensive Headstart, Child Development and Family Services Act of 1972", which is a bipartisan compromise proposal based upon S. 3228, which we introduced on February 24 with 9 other Republican co-sponsors, and a similar measure contained in S. 3193.

We are pleased that the Committee chose to report this measure separately from the extension of the Economic Opportunity Act, as we urged, so that there will be full opportunity for debate on child development legislation, and the essential extension of our anti-poverty efforts will not be further delayed.

A separate bill, the Economic Opportunity Amendments of 1972, S. 3010, has been reported by the full Committee simultaneously with this measure.

We believe that a legislative framework should be provided for increased educational and other developmental opportunities for preschool and children whose parents request them in order to engage in employment, training, or education or otherwise to enhance the well being of their families.

At the present time there are only 700,000 licensed child care "slots" available in the Nation, while there are five million children of working mothers in families with incomes under $7,000, as well as 2.5 million low-income preschool children whose mothers are not employed. Overall, in 1971, 43% of the Nation's mothers worked outside the home compared with 18% in 1948.

The unfortunate result has been that millions of working mothers and many others who need supplemental educational and other services for their children have been unable to find adequate child development opportunities.

In his message of December 9, 1971, vetoing S. 2007, the Economic Opportunity Amendment of 1971, President Nixon stated that the "laudable" purpose of the child development title had been "overshadowed by": "fiscal irresponsibility, administrative unworkability, and family weakening implications of the system it envisions."

We have sought in this measure, as we did in S. 3228, to meet these specific objections relating to the system established under the vetoed bill.

First, with respect to fiscal responsibility, the Committee bill authorizes $1.2 billion for the first fully operative year, fiscal year 1974, and $1.6 billion in the following year, the same basic authorizations as were contained in S. 3228. This represents a substantial change from the vetoed title, which commenced with an authorization of $2 billion for the first fully operative year.

We consider these amounts to be fiscally responsible both in terms of the extent to which new resources may be effectively channelled through the system each year, and in light of the amounts spent upon remedial programs that attempt to correct the damage inflicted upon many children who lack such opportunities during early childhood.

Second, the bill contains a number of new provisions, many of which were adopted from S. 3228, to ensure its "administrative workability"; they include provisions:

Requiring that any city, county, or combination of local units of general government applying as prime sponsor serve a population of 25,000 or more persons as well as meet certain substantive criteria. Under this provision it is estimated that the Secretary would designate less than 2,000 prime sponsors, compared with 7,000 sponsors under the vetoed bill, which had a minimum population requirement of only 5,000. Importantly, state governments will serve as prime sponsors for areas of the State for which a local prime sponsor does not qualify;

Giving state and local prime sponsors clear administrative responsibility for conducting the programs. Under the vetoed bill, the lines of administrative responsibility between the prime sponsors and the child development councils established were unclear. The Committee bill limits the role of such councils to approving certain basic actions taken by the prime sponsor;

Providing for "annual family service plans" to be submitted by State governments, in conjunction with local prime sponsors, to ensure statewide coordination and maximum utilization of resources; and

Ensuring coordination with other efforts for children, including those conducted in the schools.

These provisions also will ensure a substantial role for State governments, which the President described as "insignificant" under the vetoed bill.

Third, in terms of family strengthening aspects, the bill contains a number of elements to which we contributed to ensure that child development programs will serve to strengthen the family. These include provisions:

Emphasizing that child development services are voluntary, that is provided only at the request of parents who choose to use them and not as a matter of universal application;

Providing a greater number of options to parents, ranging from full or part day services in centers to in-home services, in each case considered supplemental to family efforts;

Emphasizing the provision of child related services to other members of the family, such as prenatal care, so that child development centers will be family centers; and

Providing for the involvement of parents in programs.

Importantly, at least half of the membership of councils to be established at the prime sponsorship, area and project level are to be parents of children enrolled in child development programs.

In our opinion, these provisions distinguish the programs contemplated under the Committee bill from the state run compulsory system which exists in other countries.

We support the basic fee schedule provisions of the Committee bill, worked out with the Administration last year, under which free services would be provided to families with incomes up to $4320 for a family of four, with modest fees between that level and $7214, the so called Bureau of Labor Statistics "lower living standard". The Secretary would establish the fee schedule for families with incomes above that level.

Significantly, the Committee bill includes an additional provision from S. 3228 to ensure that any schedule established by the Secretary will permit continued participation as income rises, and that prime sponsors may request permission to charge fees below those prescribed in order to meet special local circumsatnces.

We also note that the bill authorizes greater funding for training than S. 2007, an aspect which the President considered deficient.

In conclusion, we believe that the Committee bill represents a viable means of implementing the objective, which the President articulated so well in February 1969, when he said:

"So crucial is the matter of early growth that we must make a national commitment to providing all American children with the opportunity for a healthful and stimulating development during the first five years of life."

We urge that the Committee bill be approved by the Congress and signed into law so that the Nation's commitment to full opportunity may be implemented fully.

JACOB K. JAVITS.
RICHARD S. SCHWEIKER.
BOB PACKWOOD.
ROBERT TAFT, JR.
ROBERT T. STAFFORD.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

This section provides that the legislation may be cited as the "Comprehensive Headstart, Child Development, and Family Services Act of 1972".

SECTION 2. STATEMENT OF FINDINGS AND PURPOSE

This section sets forth the congressional findings concerning the need for child development and family services and the purpose to assist parents who request such services in providing their children with an opportunity for a healthful and stimulating development.

SECTION 3. AUTHORIZATION OF APPROPRIATIONS

Subsection (a) authorizes the appropriation of $1.2 billion for fiscal year 1974 and $1.6 billion for fiscal year 1975 for carrying out this Act. Any unobligated amounts at the end of such fiscal year may be obligated in the succeeding fiscal year.

Subsection (b) authorizes the appropriation of $150 million for fiscal 1973 for the purpose of providing training, technical assistance, planning, and such other activities as the Secretary deems appropriate to prepare for the implementation of this title.

Subsection (c) provides that the amounts appropriated under subsection (a) shall be made available as follows:

The amount of $500 million shall be for the purpose of providing assistance under title I of this Act for child development programs focused upon young children from low-income families, with priority for Headstart projects.

Up to 15 percent of the amounts which remain thereafter may be made available, as the Secretary of Health, Education, and Welfare deems appropriate, for titles II and III of this Act, but not to exceed 5 percent of such remaining amounts shall be used for title III.

The remainder of the appropriation is to be used for carrying out title I.

Subsection (d) sets forth advance funding authority.

SECTION 4. DEFINITIONS

This section defines terms used in the Act.

TITLE I—HEADSTART, CHILD DEVELOPMENT, AND FAMILY SERVICES PROGRAMS

SECTION 101. PROGRAMS ASSISTED

This section provides that the Secretary of Health, Education, and Welfare shall provide financial asistance for carrying out child development and family services programs under this title to prime sponsors and to other public and private nonprofit agencies and organizations pursuant to plans, program statements, and applications approved in accordance with this title. The purposes for which financial assistance may be used are set forth in this section.

SECTION 102. STATE AND LOCAL PRIME SPONSORS

Subsection (a) provides that a State, a unit or combination of units of general local government of at least 25,000 population or, if less, which demonstrates capability and a particular need, an Indian tribal organization, or a public or private nonprofit agency may be designated as a prime sponsor of child development and family service programs in accordance with the provisions of the legislation upon approval by the Secretary of a prime sponsorship plan.

Subsection (b) provides that the plan must provide for a child and family services council, must provide assurances that staff and other administrative expenses of the council and local program councils and project policy committees will not exceed percent of the total cost of child development programs administered by the prime sponsor (unless increased to reflect higher start-up costs or other special needs), and must provide assurances to provide or to enter into arrangements with appropriate State or local or other agencies for linkages to provide services related to child development.

Subsection (b)(8) provides that, in the case of a State applicant for designation as prime sponsor of areas not served by a local prime sponsor, the plan must also provide for designating local family service areas serving the area of one local government or of units of local government serving not more than 50,000 population unless Secretary allows area of up to 100,000 population. For each local family service area, a local program council must be maintained consisting of at least half parents and the remainder public members appointed by the local government official. These local program councils participate in developing and approve the State's program statement for the area and arrangements for projects in the area.

Subsection (c) provides that any local program council may appeal directly to the Secretary when it alleges a failure to comply with the program statement or the provisions of the Act.

Subsection (d)(1) provides that the Secretary shall approve a satisfactory State prime sponsorship plan for areas not served by local prime sponsors.

Subsection (d)(2) authorizes the Secretary to designate five States to carry out demonstration projects as Statewide prime sponsors, even with respect to localities which would otherwise qualify as local prime sponsors. No State with a population of 5 percent of the national population or more could be so designated.

Subsection (e) provides that the Secretary shall approve a prime sponsorship plan submitted by a city or county or other unit of general local government if it meets the requirements of subsection (a) and has a population of 25,000 or more. The Secretary has discretion to choose either a city or a county as prime sponsor for an area which covers a common geographical area.

Subsection (f) provides that the Secretary shall approve a prime sponorship plan submitted by a combination of localities if the plan meets the requirements of subsection (a) and has a population of 25,000 or more.

Subsection (g) provides that the Secretary shall approve a prime sponsorship plan submitted by an Indian tribal organization if the plan meets the requirements of subsection (a).

Subsection (h) provides that the Secretary may approve a prime sponsorship plan submitted by a unit or combination of units of general local government or a public or private nonprofit agency if he determines that the plan includes provisions setting forth arrangements for serving children in a neighborhood which is not covered by a prime sponsor or in any portion of an area where the prime sponsor is not satisfactorily implementing child development programs, or for making available special services designed to meet the needs of economically disadvantaged or preschool children. He may also approve such a prime sponsorship plan setting forth arrangements for providing comprehensive child development programs on a year-round basis to children of migrant agricultural workers, or arrangements for carrying out model programs, especially projects for economically disadvantaged, minority group, or bilingual preschool children.

Subsection (i) provides that the Governor of the State shall be given between thirty and sixty days to review and make recommendations on prime sponsorship plans submitted under this section.

Subsection (j) provides that a prime sponship plan may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary provides written notice, a reasonable time for corrective amendments or action, and an opportunity for a hearing upon which an appeal to the Secretary may be based.

Subsection (k) provides for review by the court of appeals of the Secretary's final action with respect to prime sponsorship under subsection (j).

Subsection (l) provides that the Secretary

shall approve the application of an alternate unit of Government or a public or nonprofit agency or organization in the area representing the interests of minority and economically disadvantaged persons where any unit of general government or other prime sponsor is practicing discrimination against minority group or economically disadvantaged children.

Subsection (m) provides that the Secretary may directly fund programs, including those in rural areas without regard to population, where he deems it necessary, in the event that a State, or unit or combination of units of general local government, or Indian tribal organization has not submitted or the Secretary has not approved a program statement under this section, or where a prime sponsorship designation is not in effect, or where the needs of migrants, preschoolage children, or the children of working mothers or single parents, minority groups, or the economically disadvantaged are not being served.

SECTION 103. CHILD AND FAMILY SERVICES COUNCILS

Subsection (a) provides that each prime sponsor shall establish and maintain a Child and Family Services Council consisting of not less than 10 members half of whom must be parents of children served in programs under this Act and the remainder of whom are to be appointed by the prime sponsor's chief executive or governing body to represent the public.

(Half of the public representatives must be persons broadly representative of the general public including community agencies and organizations, and the remaining members must be persons who are skilled in child development, child health, child welfare, or other child services.)

Subsection (b) provides that, in accordance with regulations the Secretary shall establish pursuant to regulations, each prime sponsor shall provide that the parent members of child development councils shall be chosen by the membership of local program councils described in section 102(b)(8), in the case of State prime sponsors, and participants in federally assisted day care programs especially Headstart, in the case of local prime sponsors. Not less than one-third of the total membership of such council shall be persons broadly representative of the economically disadvantaged. The council is entitled to approve program statements, basic goals, policies, actions, and procedures, and the selection or establishment and annual renewal of the administering agency or agencies, for the prime sponsor. The council shall, upon its own initiative or upon request of a project applicant or any other party in interest, conduct public hearings before acting upon applications for financial assistance submitted by project applicants.

SECTION 104. PROGRAM STATEMENTS

Subsection (a) provides that financial assistance to a prime sponsor may be provided for any particular fiscal year only pursuant to a program statement approved by the Secretary. Provisions which such program statement are to include are set forth in this subsection. Among these provisions are the requirements that not less than 65 percent of the financial assistance from apportionments under section 3(c)(3) must be used for programs and services for economically disadvantaged children; and that priority thereafter must be given to other children of single parents and working mothers.

Subsection (b) provides that no program statement shall be approved unless opportunities to submit comments to the prime sponsor and to the Secretary have been provided to each community action agency or single-purpose Headstart agency previously responsible for a Headstart program, to the local educational agency and other appropriate educational and training agencies and institutions, and the Governor of the State.

Subsection (c) provides that a program statement may be disapproved or a prior approval withdrawn only if the Secretary has provided written notice, reasonable time for corrective amendments or action, and an opportunity for a public hearing upon which an appeal may be biased.

Subsection (d) provides that the Secretary shall establish procedures to permit prime sponsors to submit jointly a single program statement for the areas served by such prime sponsors.

SECTION 105. PROJECT APPLICATIONS

Subsection (a) provide that financial assistance may be provided to a project applicant for any particular fiscal year if the project application is submitted by a public or private nonprofit agency and contains other provisions set forth in this subsection. Among these provisions are requirements that funds be provided only to qualified public or private agencies and that project policy committees be established and maintained. Such project policy committees must consist of not less than 10 members and half must be parents of children served in such projects and the remaining half shall be comprised of persons who are representative of the community approved by the parent members and one person who is skilled in child development. Project policy committees must participate directly in the development and preparation of project applications and have responsibility for approving basic goals, policies, actions, and procedures for the project applicant. The bill provides that no charges be made to families with an annual income equal to or less than $4,320, with adjustments in the case of families with more than two children. Charges for other families may be made in accordance with a fee schedule established by the Secretary based on ability to pay. However, such fees may not exceed 10 percent of the difference between the free services level and 85 percent of the lower living standard budget, and then 15 percent of any income between that level of 85 percent of the lower living standard budget and 100 percent of the lower living standard budget.

Subsection (b) requires that the project application otherwise further the objectives and satisfy the requirements of the prime sponsor's program statement.

Subsection (c) provides that a public or private nonprofit agency which is a prime sponsor shall submit a project application directly to the Secretary.

Subsection (d) provides that a prime sponsor may disapprove a project application only if it provides a statement of reasons to the applicant and that the project applicant may appeal to the Secretary for direct approval thereof.

Subsection (e) provides that a project application submitted to the Secretary by a public or private agency may be approved upon the Secretary's determination that it meets the statutory requirements.

SECTION 106. ANNUAL FAMILY SERVICE PLANS

This section provides that, upon submission of an annual family service plan by any State, the Secretary is authorized to provide financial assistance for carrying out activities for the purposes of determining child development and family service goals and needs, assisting in the establishment of Child and Family Service Councils, and strengthening their capabilities, and arrangements under which State agencies assist in providing child development and related services where requested by prime sponsors in the development and implementation of program statements.

SECTION 107. SPECIAL COOPERATIVE PROGRAMS WITH EDUCATIONAL AGENCIES AND OTHER PROJECT SPONSORS

This section provides that the Secretary shall use funds made available under section 108(a)(1)(E) to provide assistance to educational agencies and institutions for cooperative programs designed to provide continuity between preschool, after school, and other educational programs.

SECTION 108. ALLOCATION OF FUNDS

Subsection (a)(1) provides that, of the amounts available for this title, the Secretary shall reserve the following:

For apportioning among programs for children of migrant agricultural workers, not less than that proportion of the total amounts available for this title, as the proportion which the number of such children bears to the number of economically disadvantaged;

For apportioning among programs for children on Federal and State Indian reservations, not less than that proportion of the total amounts available for this title as the proportion which the number of such children bears to the number of economically disadvantaged children;

For special activities for handicapped children, not less than 10 percent of the total amount available for this title; and

For model programs, not to exceed 5 percent of the total amounts available for this title.

For special cooperative programs with educational institutions, not to exceed 5 percent of the total amounts available for this title.

Subsection (a)(2) provides that the amounts remaining after such reservations shall be allocated by the Secretary to the extent practicable so that such funds shall be apportioned among the States and localities within each State as follows: 50 percent in proportion to the relative numbers of economically disadvantaged children, 25 percent in proportion of the relative numbers of children up to age 6, and 25 percent in proportion to the relative numbers of children of working mothers and single parents.

Subsection (a)(3) provides that not to exceed 10 percent of the total funds allotted for use within a State may be made available to the State to carry out its annual family service plan under section 106.

Subsection (b) provides for reapportionment of unused apportionments.

SECTION 109. ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION OR ACQUISITION

This section provides that applications for financial assistance for projects including construction may be approved only if the Secretary determines that construction of such facilities is essential to the provision of adequate child development services, and that rental, lease or lease-purchase, renovation, or remodeling of adequate facilities is not practicable. Federal assistance for construction may not exceed 50 percent of cost in the case of funds to be paid to other than public or private nonprofit agencies and organizations. A maximum of 15 percent of a prime sponsor's total financial assistance may be used for construction.

SECTION 110. USE OF PUBLIC FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

This section requires reports as to the extent to which facilities owned or leased by Federal agencies and other agencies may be available for child development programs during times when such facilities are not being utilized fully for their usual purposes.

SECTION 111. PAYMENTS

This section sets forth the Federal share provisions. A Federal share of 90 percent is provided for child development programs ordinarily, but the Secretary has discretion to exceeed that percentage and he is required to pay 100 percent of programs for migrants and Indians.

TITLE II—TRAINING, TECHNICAL ASSISTANCE PLANNING, AND EVALUATION

SECTION 201. PRESERVICE AND INSERVICE TRAINING

This section authorizes the Secretary to provide financial assistance for preservice or inservice training for professional and nonprofessional personnel.

SECTION 202. TECHNICAL ASSISTANCE AND PLANNING

This section provides that the Secretary shall make technical assistance available to prime sponsors and project applicants to assist them in planning, developing, and carrying out child development programs.

TITLE III—SUPPORTIVE SERVICES AND SPECIAL ACTIVITIES

SECTION 301. SPECIAL RESPONSIBILITIES OF THE SECRETARY

Subsection (a) provides that the Secretary shall make an evaluation of Federal involvement in child development activities and services. The Secretary must reserve 1 percent, and may reserve up to 2 percent, of the funds under this Act for the evaluations required by this section.

Subsection (b) provides that the Secretary shall carry out research and demonstration projects, including research on the nature of child development processes, research to test alternative methods of providing child development and related services, evaluation of research findings, and the dissemination and application of research and development efforts.

Subsection (c) provides that the Secretary shall give priority in assisting research and demonstration projects to programs carried out by multicounty local development districts under the Appalachian Regional Development Act and the Public Works and Economic Development Act.

Subsection (d) authorizes the Secretary to make grants in contracts with public or private nonprofit agencies to carry out research and demonstration projects under this section.

Subsection (e) authorizes the transfer with the approval of other agency heads, of funds to the Secretary for research purposes under this part, provides that the Secretary shall through the Office of Child Development coordinate all child development research, training, and development efforts conducted within the Department of Health, Education, and Welfare.

Subsection (f) authorizes financial assistance for child development and family service programs for the children of employees of the Federal Government.

Subsection (g) provides that the Secretary of Health, Education, and Welfare shall establish procedures to assure that adequate nutrition services will be provided in child development programs under this Act. Such services shall make use of the special food service program for children as defined in section 13 of the National School Lunch Act of 1946 and the Child Nutrition Act of 1966, to the fullest extent appropriate and consistent with such acts.

SECTION 302. FEDERAL STANDARDS FOR CHILD DEVELOPMENT AND FAMILY SERVICES

This section provides that the Secretary shall promulgate a common set of program standards to be applicable to all programs providing child development services with Federal assistance under this title, to be known as the Federal Standards for Child Development Services. Such standards shall be consistent with the Federal Interagency Day Care Requirements. A special Committee on Federal Standards for Child Development Services, consisting of parents and child development experts, is to be established for the purpose of participating in the development of such standards.

SECTION 303. DEVELOPMENT OF UNIFORM MINIMUM CODE FOR FACILITIES

This section provides for a special committee to develop a uniform minimum code for facilities, to be used in licensing child development facilities dealing principally with matters of health, safety, and physical comfort. Upon approval by the Secretary, standards contained in the code are to be applicable to all projects assisted under this Act.

SECTION 304. MORTGAGE INSURANCE FOR CHILD DEVELOPMENT FACILITIES

This section establishes a program of mortgage insurance for child development facilities, to be administered by the Secretary of Health, Education, and Welfare.

SECTION 305. OFFICE OF CHILD DEVELOPMENT

This section provides for the Office of Child Development to be the principal agency in the Department of Health, Education, and Welfare for the administration of this title and for the coordination of programs and other activities relating to child development and family service research, training, and development efforts.

SECTION 306. SPECIAL COORDINATING COUNCIL

This section establishes by statute the Child Development Research Council.

SECTION 307. SPECIAL PROHIBITIONS

This section contains administrative provisions of the same kind usually set forth in similar legislation.

SECTION 308. WITHHOLDING OF GRANTS

This section provides that the Secretary may withhold funds for failure to comply with requirements of this Act after notice and opportunity for a hearing.

SECTION 309. FEDERAL CONTROL NOT AUTHORIZED

This section sets forth the prohibition against Federal control of education.

SECTION 310. SPECIAL PROHIBITIONS AND PROTECTIONS

This section provides that nothing in this Act shall infringe upon parental rights and directs the Secretary to establish procedures to insure that no child shall be the subject of research or experimentation under this Act unless the child's parent or guardian is informed and has the opportunity to except such child therefrom. This section also provides that the Secretary shall assume that programs providing care outside the home for very young children shall be reviewed periodically and frequently by the Secretary and that no such program shall be approved for assistance unless it is specifically authorized and approved by the Secretary.

SECTION 311. REPEAL OR AMENDMENT OF EXISTING AUTHORITY AND COORDINATION

This section provides for repealing, effective July 1, 1975, the authorization for Headstart and provides that where day care authorized elsewhere in the Economic Opportunity Act shall be provided, wherever feasible, through child care programs under this Act.

SECTION 312. TRANSITIONAL AUTHORITY

This section permits the Director of the Office of Economic Opportunity to waive allotment and Federal share provisions under title II of the Economic Opportunity Act to relieve hardship resulting from the failure to continue the authorization for Headstart under the current section 222(a)(1) when this Act takes effect.

SECTION 313. ACCEPTANCE OF FUNDS

This section authorizes the Secretary to accept, for use under this Act, funds appropriated to carry out other laws if such funds are utilized for the purposes for which they are specifically authorized and appropriated.

SUPPLEMENTAL VIEWS OF MR. JAVITS, MR. SCHWEIKER, MR. PACKWOOD, MR. TAFT, AND MR. STAFFORD

We support the Economic Opportunity Act Amendments of 1972, to extend our crucial anti-poverty efforts, by continuing the Office of Economic Opportunity on the federal level and the activities conducted by Community Action and similar agencies on the local level.

S. 3010, the Economic Opportunity Act Amendments of 1972—which was first introduced by Senator Javits and Senator Nelson, Chairman of the Subcommittee on Employment, Manpower and Poverty, soon after the President's veto of the Economic Opportunity Amendments of 1971—commends itself in four major respects.

First, it would extend the basic authorization for programs under the Economic Opportunity Act of 1964, for a period of three fiscal years, through fiscal year 1974.

We are pleased that the Committee adopted an amendment which we proposed for a three-year extension, rather than the two-year extension continued in the Senate bill as originally introduced; it is time that our anti-poverty efforts be given a more secure tenure.

The funds authorized under the Committee bill for community action, manpower training, Headstart and related programs—representing an aggregate of approximately $9 billion—should help greatly to make this new tenure a meaningful one.

We note in this connection that the Committee chose to reduce significantly the earmarking for these programs, thus providing the Administration with greater flexibility as it requested.

Second, it would establish a new independent non-profit corporation for the conduct of the legal services program. This step, which first was proposed by the Administration, represents a general bipartisan consensus on the desirability of giving top priority to legal aid to the poor as one of the Nation's most effective anti-poverty efforts.

As President Nixon stated, in his message to the Congress on May 5, 1971, proposing the establishment of such a corporation:

"Even though surrounded by controversy, this program can provide a most effective mechanism for settling differences and securing justice within the system and not on the streets. For many of our citizens, legal services has reaffirmed faith in our government of laws. However, if we are to preserve the strength of the program, we must make it immune to political pressures and make it a permanent part of our system of justice."

The key obstacle to establishing such a corporation has been the failure to agree on the composition of its Board of Directors.

We are pleased that the Committee adopted a compromise amendment which we proposed to provide for a nineteen-member board consisting of ten "public" members appointed by the President, and nine members appointed by the President from recommendations made by various national bar, clients, and project attorney groups.

As introduced, S. 3010 provided for a seventeen member board, consisting of six public members appointed by the President and eleven by the President from lists submitted from various groups, as in the vetoed bill, to which the President objected.

Third, the Committee bill includes a new title for Community Economic Development co-authored by Senator Javits which would authorize grants to urban and rural Community Development Corporations and their

non-profit partners. This would encourage greater assistance to such corporations, as well as to rural cooperatives, from a number of federal and other sources.

This title builds upon the "special Impact" program under title 1-D of the Economic Opportunity Act, which was included in the law in 1967 by Senator Javits and the late Senator Robert Kennedy. The new title, like the previous measure, is based on the model of a very successful program in the Bedford-Stuyvesant section of Brooklyn, New York.

According to a task force report issued by the Twentieth Century Fund of New York on the basis of a review of the experience of more than 75 urban and rural Community Development Corporations throughout the country, such corporations have demonstrated—

"unique capacity for pooling a community's talents and resources . . . for linking together a variety of businesses and projects . . . and for organizing the community to accept and effectively utilize resources and assistance from outside the poverty area."

Fourth, the bill contains important new provisions for rural housing, drug rehabilitation, environmental action and other new activities which should greatly advance our anti-poverty efforts.

We are pleased also with the inclusion of provisions which we sponsored for the treatment of Puerto Rico as a State for the purposes of financial assistance and to provide more adequately for groups who often do not receive full benefits under the programs, such as the aged.

We urge that the Committee measure be approved and signed into law at the earliest moment so that our essential efforts against poverty may be continued.

JACOB K. JAVITS.
RICHARD S. SCHWEIKER.
BOB PACKWOOD.
ROBERT TAFT, JR.
ROBERT T. STAFFORD.

SECOND ANNUAL COLLEGE WEEK FOR SENIOR CITIZENS AT CLEMSON UNIVERSITY

Mr. THURMOND. Mr. President, programs which provide for the enrichment and advancement of senior citizens can also be of benefit to everyone. Such a program is College Week for Senior Citizens at Clemson University in South Carolina. It recently concluded its second annual session under the sponsorship of that institution and several other State and private organizations.

A program of this nature brings knowledge of many skills useful to people of all ages, but particularly to those in older age groups. Perhaps of more importance is the additional knowledge made available to these people who already possess the wisdom of time and experience.

Mr. President, the field of instruction in this program was broad and offered subjects of value to people of all interests.

A feature article entitled "School Bell Tolls for Elderly," published in the Greenville, S.C., News, of June 4, 1972, presents good description of the College Week program for Senior Citizens at Clemson University. I ask unanimous consent that it be printed in the RECORD.

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

SCHOOL BELL TOLLS FOR ELDERLY

(By Garnette Bane)

CLEMSON.—It's been a long time since reading, 'riting and 'rithmetic, but some 250 senior citizens have discovered school still can be fun.

These men and women, all South Carolina residents over 65, participated in the second annual College Week for Senior Citizens at Clemson University which concluded Thursday. The classes were sponsored by the South Carolina Commission on Aging, the South Carolina Churchman's Committee for Older Adult Ministries, Clemson University Extension Service and the Department of Recreation and Park Administration at the university.

Instead of the three "Rs" students studied subjects of interest directed to their particular age group.

Classes on nutrition were designed to help persons prepare meals for special diets or make dinner for one, should the person live alone. The instructor stressed the importance of a nourishing diet, regardless of one's age.

A course on home safety dealt with home furnishings and household products which could possibly be detrimental to the individual's well-being. "Proper labeling of chemicals and medicines were outlined so there would be no mistake in consuming the wrong potion," said Charles R. White, project director.

Early South Carolina history was aimed at helping those taking the course become more familiar with their state, various historical sites, and tales of the Palmetto State's favorite sons and war heroes.

Special programs on health and consumer fraud, Social Security and Medicare were set up to work as safeguards for the elderly. Under the instruction of William J. Monaghan, staff associate of the Department of Investigation, American Medical Association, the course on health fraud examined and analyzed so-called "health claims" which mean nothing. Consumer fraud, taught by Miss Veronica Carmack of the home economics department at Clemson, looked into the major areas in which many older people are exploited.

Besides subjects designed to educate and enlighten, the week's scholars also found time to pursue their favorite hobby, which included everything from oshibana and macrame to papiers-colles; needlepoint, decoupage and wine-making.

Highlighting the week of activities were tours of Keowee-Toxaway Visitors Center and various historic homes in Pendleton.

Robert Hill, assistant professor of English at Clemson, taught a class in creative writing for oldsters who have shown an interest in writing poetry. Horticulture instructors taught fruit and vegetable production in home gardens in the gardens of the school.

Topping off the week were songfests and a talent show. Graduation was held Thursday night with "graduates" receiving diplomas at a banquet.

It was a busy week for all; however, more than one who attended left with "I'll be back next year."

MANDATORY RETIREMENT VERSUS FLEXIBLE RETIREMENT AGE

Mr. CHURCH. Mr. President, in recent years there has been a trend toward compulsory retirement at a fixed age.

With unemployment continuing to remain at an unacceptably high level, pressures for earlier retirement have continued to mount.

Today only about 15 percent of all persons 65 and older have jobs—usually part time and in lower paying occupations.

Many persons in their forty's and fifty's are now dropping out of the labor force.

Nearly 2.4 million persons in the 45 to 64 age category have withdrawn from the work force, in many cases involuntarily. This compares with 1.4 million for 1960. The net impact of these figures is that the labor force drop-out rate for middle-aged and older men has increased by more than 71 percent in a little over a decade.

To the Committee on Aging, of which I am chairman, these alarming statistics raise very fundamental questions, such as:

What is the impact upon our Nation when we lose some of our most experienced and skillful workers?

What kind of a national policy should we develop to cope with the growing dependency ratio of nonworkers to workers, which in large part is the result of forced and earlier retirement practices?

The issues related to mandatory retirement and a flexible retirement age received the close scrutiny of the White House Conference on Aging.

The employment and retirement section, for example, had this to say:

Our long established goal in employment and retirement policy is to create a climate of free choice between continuing in employment as long as one wishes and is able, or retiring on adequate income with opportunities for meaningful activities.

Another excellent analysis of this growing problem has been prepared by Ted Schuchat in his North American Newspaper Alliance syndicated column.

In this article, he describes very clearly and concisely some of the arguments for and against compulsory retirement.

Moreover, he provides further evidence about the growing trend toward compulsory retirement. According to a recent social security survey, the proportion of men subject to mandatory retirement increased from 11 percent in 1951 to 36 percent in 1970. In the vast majority of cases, 65 was the mandatory quitting age.

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

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

SIXTY-FIVE AND OUT? NOT EVERYBODY

(By Theodor Schuchat)

Compulsory retirement, usually at age 65, is growing in the United States, according to the Social Security Administration, but presently affects less than half the working population.

Past surveys made by Social Security research teams found the proportion of men subject to mandatory retirement rising from 11 per cent in 1951 to 21 per cent in 1963.

The latest survey, made in 1970, showed 36 per cent of the recently retired males drawing Social Security benefits had been forced into retirement.

Compulsory retirement is less likely to apply to women. Still, the proportion of women

subject to this personnel practice rose from six per cent in 1951 to 10 per cent in 1963 and 23 per cent in 1970.

Two thirds of those subject to compulsory retirement in 1970 reported that 65 was the mandatory quitting age. The second most common age for retirement was 70, applied to a fifth of those surveyed.

Pension plans and compulsory retirement usually go together. Nearly all (84 per cent) subject to compulsory retirement were eligible for a private pension, but 34 per cent of those with pension coverage were not forced to retire.

Compulsory retirement is most common in industries with high rates of pension coverage—transportation, communications, public utilities, government. In government, two thirds of those subject to mandatory retirement did not have to retire until age 70 or later.

The association of pension coverage and compulsory retirement rules is shown also by the incomes of retirees. Men who were forced to retire average $3,380 in retirement income compared with $1,640 for men who did not face compulsory retirement in their last job.

For women, the corresponding amounts of retirement income were $1,870 and $890 per year, respectively.

INCOME LOSS

Retirement meant a considerable loss of annual income for those surveyed by the Social Security Administration in 1970. For about half the men subject to compulsory retirement, their retirement income replaced at least 40 per cent of their previous income.

For nearly half those not subject to compulsory retirement, retirement benefits amounted to less than 30 per cent of the amount they had been earning before retirement.

More than half of those compulsorily retired said they did not want to quit working. Only a fourth of the men and a sixth of the women who hit compulsory retirement age said they had health problems that would prevent them from working regularly.

Health problems also were a factor in the retirement of many people before they reached the age of compulsory retirement. Of those who retired voluntarily, 44 per cent of the men and 21 per cent of the women said their health prevented them from working regularly.

NO COVERAGE

Those who worked in jobs without compulsory retirement (who were also least likely to have private pension coverage) were least likely to have wanted to retire when they did and most likely to have health problems.

Nearly 60 per cent of these men and 40 per cent of these women told the Social Security Administration they were unable to work regularly.

As the trend toward compulsory retirement grows, the debate about its wisdom and equity continues.

Dr. Arthur S. Flemming, President Nixon's special consultant on aging, calls compulsory retirement a lazy man's way of making a difficult personnel decision. Flemming is a former member of the U.S. Civil Service Commission.

PROS AND CONS

Advocates of compulsory retirement say it opens up jobs for younger workers and usually provides some secure retirement income.

They acknowledge that it is easy to administer and claim in its favor that it is objective—applying equally to all workers—and completely predictable, so plans for retirement can be made well in advance.

Opponents of compulsory retirement contend that workers should be able to decide for themselves whether they want to retire or continue working.

They emphasize, too, that retirement income is usually only an unsatisfactory fraction of what the worker was previously able to earn. Retirement thus works an economic hardship on many.

HIGH COST

Opponents also question whether society can continue to afford the mounting costs of supporting—even at relatively low income levels—a growing number of retired workers.

LEGAL SERVICES, YES; CORPORATION, NO

Mr. ALLOTT. Mr. President, I am extremely pleased that we are taking time today to discus title IX of S. 3010. This is an important piece of legislation, one which I personally believe will be, at least, a startling precedent and more than likely will be unconstitutional if enacted. Title IX contemplates establishing an independent corporation to provide legal services and assistance to low-income persons. The corporation will also assist low-income persons in obtaining a legal education. The philosophy behind the establishment of an independent corporation is to eliminate so-called political interference from the present legal services program. I believe that it is important to examine this philosophy.

Section 901(4) provides in part "that there be no political interference with the provision and performance of legal services." The report submitted by the committee to accompany S. 3010, states that—

The Committee feels that it is necessary that the legal services program be placed in an institutional setting which will minimize political interference with the provision of legal services.

It goes on to state that—

The program must be insured a sufficiently secure future with adequate funding to enable it to plan and to operate efficiently and effectively.

In the section-by-section analysis of the report the committee states that section 901 is to "create a private nonprofit corporation free from extraneous interference and control."

I quote these sections from the bill and the report to assist me in defining the phrase "political interference." In all honesty, Mr. President, I am unable to understand what the authors of the phrase mean by it. And I am concerned that the effect of the philosophy behind that phrase might be to make the corporation independent from executive and legislative review.

I have in the past and I will in the future support the idea that legal services should be provided to needy individuals. In a society based on law there can be no justification for denying judicial remedies to those who cannot afford it. I hold this view as a Senator, and also as one who has been actively engaged in the practice of law before coming to the Senate.

I am familiar with the current OEO-operated legal services program. In Colorado alone, there are OEO-assisted legal programs operating in Denver, Adams County, Arapahoe County, Colorado Springs, Pueblo, and a statewide rural program with offices in Boulder, Greeley, La Junta, Trinidad, Grand Junction and the San Luis Valley. These offices are staffed by some 75 attorneys and assisted by 21 volunteer attorneys. They are operating on a yearly budget of over $1.5 million provided by the Federal taxpayer. Along with the 90 some attorneys there are more than 110 other individuals employed by the legal services program in Colorado. I enumerate these facts only to show the size of the legal services in just one State. This is not a small operation.

Because of the size of this operation I have been called upon numerous times to assist in one way or another with problems connected with the legal services program. These problems come from all conceivable types of possibilities: individuals objecting to what they consider legal harassment by the OEO attorneys, individuals seeking assistance from me in securing legal counsel, and finally individuals directly connected with the OEO programs attempting to obtain additional funds which, in turn, would allow the opening of additional legal services offices in Colorado. As the elected representative of the persons making these inquiries, I attempt, as I am sure all Senators do, to be of assistance. But it is possible to interpret section 901 (4) to forbid this type of constituent assistance as "political interference." Therefore, I cannot support this provision.

Let me take just a moment to more specifically enumerate my concern. In the past several years I have received complaints of harassment by legal service attorneys from individuals as diverse as school superintendents, farmers, radio station operators, private businessmen, hospital administrators, and practicing attorneys. I also have received complaints from potential clients that legal services have not been responsive in meeting their legal needs. During this same period I have had several requests from individuals associated with the legal services program to assist them in obtaining additional Federal funds. In all cases I have attempted to be responsive.

I have referred complaints to the appropriate officials in the OEO. I have attempted to work with the State Bar Association in forming a review panel for hearing these complaints. I have personally written to the appropriate legal services office referring clients to that office. And finally, Mr. President, I have supported applications for additional funds in Colorado. I am afraid that these activities would no longer be possible if title IX of S. 3010 is enacted.

To support this title, I would have to shirk my responsibility to the people of Colorado. I am not prepared to do this.

The expenditure of Federal funds should be subject to the closest type of legislative and executive review. A taxpayer expects and is entitled to ask his elected officials to examine the use of Federal funds. Any attempt to reduce this scrutiny or to make it more difficult should not be acceptable.

I interpret title IX to do just this and I hope that Senators will vote to strike this section.

WELFARE REFORM

Mr. RIBICOFF. Mr. President, I am hopeful that Congress can enact meaningful welfare reform this year—reform which assures that no one is less well off than he or she is under the present system and which creates a humane and efficient welfare structure.

With bipartisan support in the Senate, I am sure that major improvements can be made in H.R. 1 which will achieve our reform goals. I fully recognize that H.R. 1 as it passed the House in April of 1971 is unsatisfactory and will not have my support without major improvements. I am hopeful that the administration will join with those of us who support meaningful welfare reform in enacting a forward looking welfare reform program.

The Washington Post in a series of recent editorials has pointed out the need for supporters of genuine welfare reform to work together to create worthwhile legislation.

I ask unanimous consent that the Washington Post editorials of June 5 and 6 be printed in the RECORD.

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

SALVAGING WELFARE REFORM

Chairman Russell Long of the Senate Finance Committee has once again promised to complete action—presumably some time this month—on the social security bill bearing the remains of welfare reform. We use the word "remains" advisedly, in view of the committee's decision to replace the administration proposal with a wholly different and thoroughly unacceptable substitute of its own. And we use the word "promise" with some hesitation, not just because the chairman has slipped his own announced deadline in this matter so often, but also because what is about to issue forth from the committee and what could subsequently take place in Congress strikes us as constituting at least as much of a threat as a promise.

The point is that neither the committee proposal nor the administration-favored measure which it has replaced (but which remains the House version of the bill) can be described as meeting the minimum requirements of genuine welfare reform. The committee bill fails because it embodies an employment program that takes the wrong approach to employment, trapping both government and welfare recipient in a choiceless situation where armies of people must be hired and retained in starvation-wage, make-work jobs that provide them neither the opportunity nor the incentive to improve their lot—jobs which will cost the taxpayer plenty into the bargain. The House-passed, administration-sponsored version of the reform has the theoretical advantage at least of being based on the more reasonable and humane principle of putting a cash floor under income and providing additional incentives to work. However, time and alteration of the original administration measure have rendered it, in its present form, as unacceptable and dangerous as the Committee's make-work bill.

For while this measure would put a floor under the income of working poor families with children, that floor ($2,400 annually) is so low and the tax on a recipient's earnings (67%) so high, that in practice very little relief would be forthcoming for the working poor. For the non-working and unemployable poor among families with children—that is, for many current recipients—it would do even less, creating a strong possibility that a great majority would have their present low benefits substantially reduced. Moreover, this version of Mr. Nixon's original bill would actually provide *less* incentive to work than is provided under current welfare law: some recipients would be left with a smaller proportion of earned wages than they are at present. Finally, this version of the bill relies heavily on coercion and is encumbered by provisions that endanger the fundamental freedoms and liberties of welfare recipients—and, by extension, everyone else.

There is a third alternative, one which we have favored. This is Senator Ribicoff's proposal which would raise the administration's basic guarantee from $2,400 to $3,000 annually and which would also ensure that current recipients did not end up worse off than they are now. In addition, the Ribicoff measure would dispose of very nearly all of the objectionable features of the House-passed, administration-backed bill. It has long been apparent, however, that in its present form, the Ribicoff bill is too expensive to be passed and implemented now and that the only chance of enacting an effective, generous and authentic reform in this Congress lies in the fashioning of a compromise measure that is broadly acceptable to Senator Ribicoff and his liberal supporters, to the White House and to Chairman Mills of the House Ways and Means Committee.

That such a measure at least lies within the realm of possibility seems self-evident to us: all three have made the basis of proposed reform the establishment of a federal floor under the income of families with children, including working poor families; all three have endorsed, in principle, the creation of a structure of work incentives and job opportunities to accompany the guaranteed income; and Mr. Mills and the President both have expressed a willingness to support increased federal expenditures of around $6 billion on such a program. Within a range of some $1 billion to $2 billion more, it is possible to work out an initial program that meets both the requirements of genuinely aiding the nation's poor and of reforming the present cruel and self-defeating welfare system. We find it encouraging that talks between the parties with a view to arriving at such a measure are now reported to be under way.

Our own idea of an acceptable compromise would begin with an ironclad guarantee that welfare reform not be used as a perverse instrument whereby welfare recipients experience a reduction in present benefit levels and a worsening of their situation. Such a bill would have to include mandatory provisions for states to maintain current levels of welfare payment and to assure that the equivalent value of food stamp payment levels was maintained. Second, the federal guarantee should be raised to somewhere between the too low $2,400 administration figure and Senator Ribicoff's $3,000, with provision for raising the figure to $3,000 in phases—and ultimately beyond. In addition, it would seem to us desirable that the tax rate on earned income in both the Ribicoff and administration bills be lowered in a substitute measure: the poor should be allowed to keep at least 50% of their earnings in the effort to work their way off welfare. (Besides encouraging work, a liberal tax rate on earned income tends to increase the recipient's cash benefits in a more substantial way than does the raising of the floor by a few hundred dollars.) Again, the provisions in the administration measure infringing on constitutionally protected rights should be eliminated entirely. In this connection, the coercive aspects of the welfare work requirement should be modified by inclusion of a volunteer preference provision, one that would guarantee that job and job-training opportunities went first to those recipients who volunteered for them. Voluntary demand for jobs has generally outstripped supply wherever work incentive programs have been made available to welfare recipients. There should also be uniform federal standards of eligibility and federal administration of the program.

What a program along these lines would do would be three-fold: it would improve conditions substantially for many current welfare recipients and for numbers of the working poor; it would ensure that current recipients did not suffer wholesale loss of benefits; and it would provide an improved and—equally crucial—an improvable base for a rational, generous and effective system of public assistance. But while there is widespread agreement among those concerned for the well-being of the poor on the desirability of meeting these objectives, there is anything but agreement on tactics. We shall take up this disagreement in a subsequent editorial.

Within the ranks of those who care about the well being of the poor, there is sharp division on the question of how to respond to the present situation in Congress concerning welfare reform—division not over principles but over tactics. Our own view is that the well being of the nation's poor will be advanced by efforts made now to construct a decent alternative to the proposals pending on the Hill, to mobilize a majority around an administration-backed and liberal-supported compromise measure along the lines of that which has already been outlined in this space. It would require what we regard as a wholly feasible accommodation between Senator Ribicoff and those who favor his welfare bill, the White House and Chairman Mills of the House Ways and Means Committee on a compromise that would merit the support of all three.

This approach—to put it mildly—is not universally held to be a wise one among people concerned with reforming our shameful welfare system. Elsewhere on this page today, for instance, Nick Kotz has sketched out a prospective scenario for disaster that could occur in Congress even if an acceptable welfare compromise were worked out and passed in the Senate. And there are voices from many quarters—the National Urban League, the National Council of Churches and the National Welfare Rights Organization among them—arguing that there is only one way to prevent Senate-House conferees from ultimately confronting Congress with a no-choice welfare program that represents the most regressive features of the current proposals and, consequently, dealing an enormous blow to the nation's poor. This way would be to work to kill any comprehensive welfare legislation that comes to the floor of the Senate for attachment to the social security bill. We disagree with this analysis of how the dreadful prospect can best be prevented. In the past, we have argued, vainly, that organizations such as the National Welfare Rights Organization could best promote the cause of just welfare reform by putting forward and lobbying for a serious alternative to the present mess—rather than by proposing a $6,500 program that would cost tens of billions of dollars and publicly combating anything that fell short of it. We would argue now—perhaps just as vainly—that the best chance of warding off disaster in Congress is not to oppose all substitute welfare reform but to work to mobilize a majority around an alternative such as that we have broadly outlined, one which could legitimately merit the support not only of liberal Democrats but also of the administration.

If you believe, as we do, in accord with the protesting organizations, that neither the Finance Committee bill nor the House-backed bill nor, for that matter, any other collection of regressive amendments or provisions affecting welfare recipients should be enacted into law, and if you also share our conviction that Senate liberals and moderates

have an obligation to defeat such proposals at whatever point they come along, it still does not follow, in our view, that this is a moment to reject all efforts at passage of a better bill. With an administration-backed majority in the Senate mobilized around a decent and worthy alternative, it seems to us there is a rather better chance of averting the dismal scenario set forth by Mr. Kotz than there is without one.

What makes anybody think that without a Senate passed welfare measure of any kind, a Senate-House conference such as that Mr. Kotz and others fear would not *still* append to the social security measure at hand a string of mean-minded and punitive provisions affecting the people now receiving public assistance? That there is likely to be a pitched battle over the conference report seems beyond question to us. That will be the time when the fight to prevent the enactment of punitive welfare measures will be conducted, if such measures are reported out. We expect such a fight would be made easier, not harder by the existence of a Senate majority which has expressed its will in favor of a *good* welfare bill—whether that bill has survived the conference or whether it has been abandoned by faithless Senate conferees. In this connection, it seems appropriate to us to recall that last winter a collection of "workfare" measures passed both houses and were enacted into law. So there already are on the books some of the features that critics of the present legislation rightly object to. While we subscribe to the view that any further inroads of this kind must be prevented, it seems to us that the passage of last winter's legislation and the threat of more of the same coming out of conference make the effort in the Senate to get a genuine reform bill while there is still a chance all the more urgent—not less so.

The critics of this tactic are right in stressing the dangers that attend it—even though, in our judgment, these are no greater than the dangers of the course the critics themselves prescribe. What is required is a clear, firm and irrevocable commitment on the part of those involved in fashioning and supporting a compromise measure, a commitment to full scale, unequivocal battle in its behalf and to equally intense battle to reject legislation that would harm, not help, the poor. On the left, on the right, at the White House, in Congress and among the lobbies there has been so little reliability on this question over the past few years and so much rhetorical self-indulgence, that it is still not certain that a coalition of the kind we have in mind will be produced and maintained, even as it is still not certain that a decent and mutually acceptable reform bill will be the result of efforts now under way in that direction. Our view is that it is urgent that the effort be made.

UNITED STATES-SOVIET RELATIONS AFTER THE MOSCOW SUMMIT

Mr. JAVITS. Mr. President, on June 1, 1972, it was my honor to give the commencement address at Dropsie College, in Philadelphia, Pa. By coincidence the day of graduation at Dropsie College coincided with the date of President Nixon's return from his historic mission to the Soviet Union. I chose as the subject of my remarks "United States-Soviet Relations After the Moscow Summit." I ask unanimous consent that the text of my address be printed in the RECORD.

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

UNITED STATES-SOVIET RELATIONS AFTER THE MOSCOW SUMMIT

(Address by Senator JACOB K. JAVITS)

Graduation from so eminent a college gives each graduate the capability of leadership in the community and in his time. Because the challenges to leadership are so great, in terms of knowledge and intellect required, I feel it most appropriate to talk with the graduating class about the overriding issues of our times which will determine whether we shall have peace and a moral climate in the world for the next thirty years. It is fortuitous in this respect that we meet today, the same day that the President returns from a historic trip to Moscow. Viewed in the context of his visit to Mainland China, this journey may inaugurate in a new era.

The single most important determining factor in American foreign policy since 1945 has been our adversary relationship with the Soviet Union. Some key elements of that relationship now appear to have been changed following President Nixon's visit to Moscow. The changes flowing from the President's visit to the Soviet Union are likely to be even more significant and far-reaching than the consequences flowing from the President's historic visit to Peking. In my judgment, the President, and his gifted advisor Dr. Kissinger, deserve the nation's gratitude for the outstanding diplomatic accomplishments related to the President's trip to the Soviet Union.

Indeed, the big point is that notwithstanding the President's action in mining Haiphong harbor and the resultant bottling up or turning back of Soviet ships, the invitation to President Nixon was not cancelled—obviously restraint and cooler heads with a long view prevailed in the Kremlin's inner counsels. This is the best augury for the future hopes for the U.S. and the U.S.S.R. getting along and for peace that we have seen in years. It is the biggest thing that happened in respect of the Moscow visit by far.

The capstone achievement of the President's trip was the agreement on strategic arms limitation. The Strategic Arms Limitation Talks (SALT) have been in progress for nearly three years and many arms control advocates have been pessimistic and skeptical over the results because of the slow pace of the negotiations. However, the end result has been excellent—and worth waiting for—it seals the concept of nuclear parity into the relations between the superpowers and removes the incentive to escalate to gain some fancied superiority.

There is every reason to expect that additional agreements will be arrived at, for the negotiations will continue in the established channels, and new institutions—as well as pledges on both sides to seek further limitations—give evidence of a strong momentum.

The significance of the SALT agreements can be fully appreciated only by reminding ourselves of the alternative—a dangerous, spiralling escalation of the strategic arms race leaving both sides less secure at the end. Technology has brought us to the threshold of a whole new generation of offensive and defensive strategic weapons. In the past, such technological break-throughs invariably have touched off another round of the arms race—with each round more costly, dangerous and "destabilizing" than the previous.

In my judgment, the Senate has played a very important role in success of the SALT negotiations. The great Senate debates of 1968, 1969 and 1970 on strategic arms issues helped importantly to educate the Executive Branch of our government and the Soviet government—for we know that the Soviets avidly read the Senate debates. The issues and the principles which were established and clarified in the Senate debates have now found expression in the SALT agreements. This instructional role of the Senate would not have been possible except for a most remarkable phenomenon which was uniquely American.

That phenomenon was a "revolt" by key elements of the scientific community and defense intellectuals—in many instances men who had invented and developed the very weapons which the SALT agreements now control. Unable to break through the rigid compartmentalization of the Executive Branch, these men turned to the Senate for a hearing. A substantial group of Senators quickly grasped the significance of the issues, and mounted determined efforts focusing largely on amendments relating to the construction of ABM systems. Although the principal Senate amendments were defeated in extremely close votes, the arguments of the proponents have now been accepted and are embodied in the SALT agreements signed by President Nixon and General Secretary Brezhnev. The same spirit in the Senate—and hopefully in the Congress—made possible the recent Senate passage of the War Powers Act.

The SALT agreements are evidence that the United States and the Soviet Union have succeeded in averting a costly and dangerous new round of the nuclear arms race, and this signifies a highly significant shift in the rhythm and tenor of our relationship of the past twenty-five years. Other key elements of our relationship also appear to have been constructively altered as a result of the negotiations and agreements connected with the Nixon visit.

However, it would be a mistake to convey any false sense of euphoria respecting U.S.-Soviet relations. On the two issues foremost on the public mind—Vietnam and the Middle East—there is no evidence of any progress. In the Mideast, the Soviet Union seems to feel that time is on its side. This sense of self-assurance does not seem to be shared by President Sadat with respect to Egypt's confrontation with Israel, as he has pledged to renew the war against Israel in 1972. But, the key factor will be Soviet diplomatic and military calculations. The Arabs can attack Israel only with Soviet arms and can avert defeat only through Soviet intervention if they do attack. Overt Soviet intervention would, of course, create a grave risk of confrontation with the U.S. considering the key security implications of the Middle East for Western Europe and the U.S.

The greatest disappointment of the Nixon-Brezhnev communique is its failure to indicate any progress toward a Vietnam agreement. In the communique, the U.S.S.R. reiterates its support of Hanoi and the Vietcong in unflinching terms. Against the background of President Nixon's escalation of the air war and the blockade and mining of North Vietnamese harbors on the eve of his Moscow visit, the Soviet reiteration of verbal support for its Communist allies in Indochina may be considered as evidence of restraint. But President Nixon's Vietnam speech of May 8, couched in terms almost of a challenge to the Soviet Union, created an expectation that the President believed he could enlist the help of the Soviet Union in bringing about a peace settlement compatible with the terms set forth in that speech.

The expectation of many that concrete trade agreements would be signed during the Moscow visit was not fulfilled. But, for the short term, the proposed Joint Commission to develop the economic relationship between the United States and U.S.S.R. as trading partners including "most favored nation" treatment and export credits may prove to be very important. The U.S.S.R. wishes to be accepted as a great industrial power and to receive the credit and the reciprocity which come with that status. If the United States

now recognizes these Soviet aspirations and asks that they be the reason to unlock the door of Soviet secretiveness and economic chauvinism, the benefit to all peoples, including the Soviet people, and to peace and to the other peoples of the Communist bloc in Eastern Europe will be incalculable. For this reason I urge the President to insist in including in these negotiations, in addition to the four items already stipulated, the following:

1. Subscription by the U.S.S.R. to the fair trading rules of GATT (General Agreement on Tariffs and Trade) or to join GATT itself.

2. Protection of patents and copyrights on a reciprocal basis through the internation Convention or by a special convention on the subject.

3. Freedom of access by business and technological personnel to the business and industrial centers of both countries.

4. A relationship with or membership in the International Bank for Reconstruction and Development and the International Monetary Fund (IMF) so that the U.S.S.R. may have a role in the international monetary system to be established following the Smithsonian Institution agreement and play a role with the rest of the developed world in aid to the developing world. It is noteworthy in this regard that the U.S.S.R. has been since its beginning a member of the International Labor Organization (ILO).

The U.S.S.R. is obviously bidding for economic respectability and acceptance as a major world industrial power. This is the moment to invite the U.S.S.R. to join the world economy and not to remain out of it as agitator and critic as it has for 54 years. It is a time for boldness in the world economy and the United States can leapfrog the new protectionism which could develop here at home and in the EEC and Japan. We can do this by bringing in the two Communist giants. If we do not raise our sights to include the U.S.S.R. and the Peoples Republic of China in the world economy, we will be missing the other half of the greatest chance for peace in this century.

Europe has been the central arena of U.S.-Soviet confrontation since 1945. Developments of the past twenty-five years have created a new situation on the ground in Europe and this "new situation" has found expression in the agreements reached in Moscow by President Nixon. In this respect, the Four Power Berlin agreement of 1971 and the West German Non-Aggression Treaties with the Soviet Union and Poland must be regarded as essential preliminaries.

The Nixon-Brezhnev communique has opened the way for the convening of a Conference on European Security and Cooperation and for negotiations on Mutual Balanced Force Reductions in Central Europe. What we are witnessing is a series of negotiations to achieve a comprehensive settlement of the unresolved issues of World War II in Europe. Most of those issues have been essentially resolved by pragmatic arrangements achieved in an *ad hoc* manner over the past two decades. A *de jure* settlement, based on these pragmatic arrangements, is now emerging. A comprehensive, *de jure* settlement will permit a "normalization" of relations between Eastern and Western Europe and an easing of tensions. Intense competition will continue and many potential sources of crisis will remain.

But in its overall outlines, the emerging pattern in Europe is one which is favorable to United States interests and one which leaves the forces of freedom and peace greatly enhanced. The free nations of Western Europe, who are our closest allies, are set on a course of economic and political integration, with the German Federal Republic as an important and manageable component of the new European entity. There is every reason to hope that Europe will not again in this century be the breeding ground and cockpit of a world war.

Viewed from the perspective of the Kremlin, the results of the Nixon visit must be viewed with great satisfaction by the Soviet leaders. The Soviet Union achieved public acceptance of respectability and "parity" with the United States; and its World War II territorial gains in Eastern and Central Europe have been accorded recognition. All of these are long-standing major objectives of Soviet postwar diplomacy. Rightwing circles in the United States have already begun to question the Moscow results, focusing their attack on the SALT agreement and its acceptance of Soviet strategic parity.

In a very important sense, it remains to be seen which side will benefit more from the Moscow agreements. The outcome, in my judgment, will depend on the creativity and initiative which the respective sides bring to bear upon the new situation of "political normalization" in Europe in the decade ahead. In this respect, I have faith in the vitality and purpose of the free peoples of the West. The Soviet objective of "consolidation" in Eastern Europe is likely to prove a backward-looking vision based upon the realities of the 1940's and 1950's and in the new competition of peaceful coexistence the dynamic societies of the Atlantic Alliance have a real opportunity to demonstrate the obsolescence of the Soviet, and Soviet satellite system. The prerequisite for such a felicitous outcome, of course, is continued Western cohesion and integration—and the continued full-scale engagement of the United States in Europe.

The right-wing pessimists in our country view the Soviet Union primarily as a still emerging military colossus implacably set on a course of world domination. I do not dispute this interpretation of Soviet ideology and rhetoric; but in the reality of the Kremlin's position, I believe it is an unrealistic projection of the future by them. Viewed from an overall strategic perspective the Soviet Union must be viewed as a nation which is under increasing strategic pressure from China, as a nation which is faced with the prospect of increasing challenge from its satellite partners in Eastern Europe, and as a nation whose regime is even on the defensive in respect of its own people.

In an important sense, the decades of superpower dominance of the world are drawing to a close—for the United States as well as for the Soviet Union. The emphasis on maintaining the *status quo*, which was such a distinct feature of the Moscow agreements, reflects a certain sense in both Moscow and Washington that the days when major questions can be settled by only two superpowers are numbered. It should not be the objective of U.S. diplomacy to assure the Soviet Union a continued great role in the twentieth century analogous to the role assured to the Austro-Hungarian Empire in the nineteenth century, long after the Austro-Hungarian Empire had lost its own inner vitality and *raison d'etre*. A freezing of the *status quo* at the Congress of Vienna brought relative stability in Europe for a number of decades, but by making peaceful change almost impossible the somewhat mechanical "balance of power" arrangements of the nineteenth century also fueled the flames of revolution and World War in this century.

Most importantly, in our search for stability in our relationship with the U.S.S.R. we must not sacrifice our own dedication to the principles of freedom and human dignity. Repression and persecution remain standard instruments of Soviet rule. Particular targets of repression in the Soviet Union at this time are its intellectuals and its Jewish community. We must not fail these groups by muting our expressions of concern and solidarity as elements of an overall "bargain of convenience." To do so would be a betrayal of ourselves and the freedom for which men and women have fought and sacrificed for centuries and which is the base of our own freedom.

ALASKA PIPELINE HEARINGS

Mr. PROXMIRE. Mr. President the Joint Economic Committee will conduct hearings on natural gas regulation and the economics of the trans-Alaska pipeline on June 7, 8, 9, and 22. The press announcement and a list of witnesses for the hearings is being distributed today.

It is becoming increasingly clear that the Nation badly needs a rational national energy policy to avert an energy crisis.

But this means much more than simply the rapid development and use of our scarce energy resources. It means a hard-nosed analysis of our energy supplies and the development of comprehensive government policies that provide needed energy while balancing the environmental, economic, national security, and other social demands of both consumers and producers.

It does not mean that the Nation accepts the energy policies that are dictated by those who have the most to gain from the policies they advocate.

I am particularly concerned about accusations that the recent Alaska pipeline decision by the Interior Department was not made on the facts in the context of the broad energy needs of the Nation, but was the result of a decisionmaking process that was biased from the beginning.

With the assistance of the Joint Economic Committee staff, I have examined the Interior Department's final impact statement, the related economic and security analysis, the four volumes of comments aubmitted by conservation groups, and Secretary Morton's May 11 public justification for proceeding with the Trans-Alaska Pipeline right-of-way. Regrettably, there are serious omissions and inconsistencies among these documents, including inconsistencies between Secretary Morton's public statement and the findings contained in the impact statement and the economic and national security analysis done by the Interior Department staff.

On May 19, I wrote a detailed letter to Secretary Morton spelling out some of the questions that had arisen in the course of our review, and asked the Secretary to come before the committee to answer these questions and provide a detailed explanation of the reasons for his decision. I am very happy to report that Secretary Morton has agreed to do so on June 22. There is no better test of the quality of a decision than a good public airing.

In addition, Secretary Morton sent me a 45-page document that was supposed to be a response to my questions. It is not responsive. The document reads like a 45-page public relations handout for somebody who knows nothing about the circumstances of the Trans-Alaska Pipeline case.

It does not answer my questions.

It asserts but provides no evidence of a west coast oil deficit in 1975 or 1980.

It fails to compare the benefits of the Trans-Alaska pipeline with the benefits of Trans-Canada oil and gas pipelines showing a common corridor.

It gives us no basis for the alleged 3- to 5-day delay on the Canadian route.

It asserts but fails to indicate diverse and flexible supplies for the Midwest and east coast.

Perhaps we should not expect this 45-page document to answer my questions. It was prepared on May 11, 8 days before I wrote to Mr. Morton and was to be used as the Secretary's public explanation of his approval of the Trans-Alaska pipeline. Surprisingly, and perhaps inadvertently, the copy of the 45-page document I received was still stamped with the May 11 date.

This response from Secretary Morton raises two questions.

First, why did the Secretary choose not to release the more detailed statement publicly on May 11?

Second, why does even the longer statement still not address itself to such fundamental questions as those raised in my May 19 letter?

I want to put the Secretary on warning. Unless he has better answers for the Joint Economic Committee on June 22, he is going to have a tough time supporting his case.

Since I know that many Senators are interested in this issue, I ask unanimous consent that my May 19 letter and the news release announcing the hearings be printed in the RECORD.

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

PROXMIRE TO HOLD HEARINGS ON NATURAL GAS REGULATION AND THE TRANS-ALASKA PIPELINE

Senator William Proxmire (D–Wis.), Chairman of the Joint Economic Committee, announced Friday that the Committee will hold four days of hearings on June 7, 8, 9, and 22 on natural gas regulation and the Trans-Alaska pipeline.

"It is becoming increasingly clear that the supply of energy has shifted from abundance to scarcity," Proxmire said, "and that the Nation badly needs wise public policies to avert an energy crisis.

"But this means much more than rapid development and use of our scarce energy resources.

"It means a hard-nosed analysis of our energy supplies, how we are presently using those supplies, and the development of comprehensive government policies to close the gap between energy supply and demand.

"It also means that government policies must be formulated in a broad perspective that carefully balances the environmental, economic, national security, and other social demands of both consumers and producers.

"We must guard against situations where our energy policies are dictated by the special interests that have the most to gain from the policies they advocate.

"The purpose of the hearings I am announcing today will be to place the Federal Power Commission's regulation of natural gas and the Interior Department's decision to approve the Trans-Alaska pipeline right-of-way into this broad context and determine how well these policies serve the broad public interest.

"The hearings on June 7 and 8 will focus on means of improving the domestic supply of natural gas, with special attention to the regulatory process and the recent rule proposal of the Federal Power Commission. This proposal could potentially amount to deregulation of well head prices for new gas supplies and thus lead to much higher prices to users of natural gas without necessarily improving the supply of gas. The Committee will inquire into alternative approaches which could and perhaps should be used by the Federal Government to meet this critical situation without unduly burdening the consumer.

"The hearings on June 9 and 22 will investigate whether there is evidence to support the Interior Department's decision to approve the Trans-Alaska pipeline right-of-way. As I indicated in a May 19 letter to Secretary Morton, a preliminary analysis of the available information indicates serious omissions and inconsistencies between Secretary Morton's public statements and his Department's analysis of the situation."

All hearings will begin at 10:00 in Room 1202 of the New Senate Office Building. A list of the witnesses is attached.

Members of the Joint Economic Committee are:

SENATE

William Proxmire (D-Wis.), Chairman
John Sparkman (D-Ala.)
J. W. Fulbright (D-Ark.)
Abraham Ribicoff (D-Conn.)
Hubert H. Humphrey (D-Minn.)
Lloyd M. Bentsen, Jr. (D-Tex.)
Jacob K. Javits (R-N.Y.)
Jack Miller (R-Iowa)
Charles H. Percy (R-Ill.)
James B. Pearson (R-Kan.)

HOUSE OF REPRESENTATIVES

Wright Patman (D-Tex.) Vice Chairman
Richard Bolling (D-Mo.)
Hale Boggs (D-La.)
Henry S. Reuss (D-Wis.)
Martha W. Griffiths (D-Mich.)
William S. Moorhead (D-Pa.)
William B. Widnall (R-N.J.)
Barber B. Conable, Jr. (R-N.Y.)
Clarence J. Brown (R-Ohio)
Ben B. Blackburn (R-Ga.)

HEARINGS ON NATURAL GAS REGULATION AND THE TRANS-ALASKA PIPELINE

All hearings will be held in Room 1202, New Senate Office Building, beginning at 10:00 a.m.

WEDNESDAY, JUNE 7, 1972

Charles H. Frazier, Independent Public Utility Consultant associated with National Economic Research Associates, Inc.

Michael V. Posner, Senior Fellow, The Brookings Institution.

Lee C. White, Semer, White & Jacobsen (formerly Chairman, Federal Power Commission, March 1966–July 1969).

THURSDAY, JUNE 8, 1972

John N. Nassikas, Chairman, Federal Power Commission.

S. David Freeman, Research Director, National Energy Policy Study, Twentieth Century Fund.

John F. O'Leary, Energy Consultant, Washington, D.C.

FRIDAY, JUNE 9, 1972

David Anderson, Member of Parliament, Canada.

Charles Cicchetti, Economist, Resources for the Future.

Richard D. Nehring, Former Economist, Department of the Interior.

Stewart L. Udall, Chairman of the Board, The Overview Corporation.

THURSDAY, JUNE 22, 1972

Rogers C. B. Morton, Secretary of the Interior.

(Additional witnesses for June 22 to be announced later.)

JOINT ECONOMIC COMMITTEE,
Washington, D.C., May 19, 1972.

HON. ROGERS MORTON,
Secretary of the Interior,
Department of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: On May 11, you publicly announced: "I have determined that it is in the national interest of the United States to grant a right-of-way permit for the Trans-Alaska Pipeline which will transport crude petroleum from state lands in northern Alaska to the south coast of Valdez. . . . I am convinced that the decision is consistent with the policies set by the Congress in the National Environmental Policy Act of 1969, which the Department and I, personally, are deeply committed to carry out."

As you know, the National Environmental Policy Act of 1969 declares that it is the policy of the Federal Government "to use all practical means and measures, including financial and technical assistance, in a manner calculated to foster and promote general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

This means that your decision on the Trans-Alaska pipeline must ultimately be judged in terms of how well you balanced the environmental, economic, national security, and other social demands that are integral to maintaining the Nation's general welfare in this case.

With the assistance of the Joint Economic Committee staff, I have examined the Interior Department's final impact statement, the related economic and security analysis, the four volumes of comments submitted to you by conservation groups, and your May 11th public justification for proceeding with the Trans-Alaska pipeline right-of-way.

Regrettably, there are serious omissions and inconsistencies among these documents, including inconsistencies between your public statement and the findings contained in the impact statement and economic and national security analysis done by the Interior Department staff.

I am particularly concerned about the adequacy of the evaluation of the pertinent economic and national security factors. Unfortunately, your May 11th statement is completely inadequate as an explanation of what substantive factors in fact caused you to believe that national security and economic considerations so overridingly supported the Trans-Alaska alternative. Your 4 page statement merely makes assertions regarding national security and economic matters, with no discussion of the critical evidence that caused you to approve the Trans-Alaska pipeline right-of-way.

Consequently, there remain at least the following questions that must be answered in order to really explain why you made the decision you did:

1. Since your impact statement notes the existence of 26 trillion cubic feet of natural gas under the Prudhoe Bay oil field and concludes that it is economically unfeasible to liquify this gas at Valdez and ship it to market in LNG tankers, did you consider the economic and environmental merits of a single oil/gas pipeline corridor running from Prudhoe Bay to Fort McPherson, Canada and then south along the Makenzie River Valley to Edmonton versus two separate corridors, one for oil through Alaska, and another for gas through Canada? If so, why are the results of this comparison not included in the Interior Department's analysis and why did it not alter your decision?

2. Did you estimate the full potential of the North Slope and adjoining Arctic Regions in order to determine the probable need for a second oil pipeline route to this

country between 1980 and 1985? If so, what would be the route of that pipeline?

3. What is the basis for your 3 to 5 year estimate of the delay associated with constructing the Alaska-Canada route, given that there is no discussion of this matter in the impact statement, and that Canadian officials have estimated a 1 to 2 year delay? Regarding the alleged 3 to 5 year delay you allude to, did you consider legal delays involved in the Trans-Alaska route while the matter is litigated in the courts?

4. On what basis did you determine a Pacific Coast deficit in 1980 of 2 million barrels a day?

(a) What were your estimates for oil supply, offshore and onshore, from sources in southern Alaska, California, the Canadian Trans-Mountain pipeline, and possible flows from Oil Districts III and IV?

(b) What were your estimates for oil demand on the Pacific Coast?

(c) Is it not true that the Canadians have indicated a willingness to compensate for any shortage of crude oil brought about by a delay in pipeline construction and, if so, why have we rejected this offer?

5. Given the Pacific Coast oil oversupply that is likely to occur if the Trans-Alaska pipeline is built, as noted in your own economic and security analysis, did you evaluate how this oversupply would disrupt existing oil markets, forcing other oil sources out of the Pacific Coast market, and thereby imposing additional economic and national security costs on the Nation? Since your May 11th statement nevertheless implies that the total North Slope production will be absorbed on the Pacific Coast, would you—in order to further enhance the military and economic benefits of Alaskan production—be willing to write into your stipulations with the oil industry provisions forbidding the sale of North Slope oil to foreign nations, including Japan?

6. In arguing that the Trans-Alaska pipeline is an essential oil source for the Pacific Coast, because that region "does not have the diversity and flexibility of supply available to the midwest," you have not made clear what are to be the future oil sources for the midwest.

(a) Does this statement reflect the physical impossibilities of delivering oil from the southwest to the Pacific Coast, or the desire of certain oil companies to maximize their profits and enhance their positions in certain areas of the country at the expense of citizens in other areas?

(b) Is it not true that the crude oil deficit in the midwest is several times that of the Pacific Coast and is projected to continue?

(c) What are the diverse and flexible sources available to the midwest that you allude to?

(d) Certainly of equal importance, to what extent did your analysis take into account East Coast needs for diverse and flexible oil sources?

7. What were the national security criteria that allowed you to come to the conclusion that the Trans-Alaska route would make this country's oil supply more secure? In particular, since your own economic and security analysis finds greater oil shortages in the midwest and eastern regions, how did you balance the short- and long-run security needs of these regions with the security needs of the West Coast?

8. The economic analysis section of your March 20 impact statement concluded that construction of a pipeline through Alaska would not lower the rate of unemployment in Alaska, would not significantly reduce existing barriers to native employment, would have a major adverse impact on the native subsistence economy in a great portion of the state, would aggravate conditions of inflation and over-crowded housing, would severely damage commercial and recreational fishing in the Valdez Arm and Prince William Sound, and would lead to a "significant downward (economic) adjustment" when construction is complete. What then is the basis for your May 11th statement that construction of the pipeline through Alaska "will be beneficial to the economic development of the state?"

9. Did your May 11th statement that, "The Trans-Alaska right-of-way to Valdez would commit an additional area of 30 to 50 square miles to development," include the 361 mile service road accompanying the project, the 61.3 miles of avian habitat your impact statement estimates would be destroyed during construction, the area to be occupied by three to five air strips, 12 construction camps and six pumping stations (each of 50 acres), the 900 acre "tank farm" at Valdez, and activity associated with the gathering of the 89 million cubic yards of construction material, mostly gravel, to be gathered along the route?

(10) In evaluating the Trans-Alaska alternative, did you take into account the cost of the subsidy and tax deferral of building tankers, developing environmentally safe harbors, and Department of Defense requests for patrol frigates and sealane control ships to protect U.S. oil tankers?

(11) Regarding the difficulties of obtaining financing for a Canadian pipeline, is it not true that the same oil companies involved in the development of Alaska's resources are also involved in exploring the Canadian Arctic? What are the unique financing difficulties associated with the Canadian alternative?

(12) Did you determine the nature and magnitude of the special economic benefits accruing to each oil company that is a member of Alyeska as a result of approving this particular pipeline route? Have you evaluated the effect of this particular pipeline arrangement on competition in the oil industry?

As Chairman of this Committee it is of course my duty to seek answers to these questions because, taken together, they have a profound impact on insuring an adequate national energy supply at the lowest possible cost consistent with meeting our environmental and national security needs.

Since you are uniquely responsible for the decision to proceed with the Trans-Alaska pipeline right-of-way, I invite you to come before the Joint Economic Committee and provide the Congress with a substantive explanation of the considerations that caused you to make the decision you made. We would of course expect answers to the questions mentioned above, and I know that you will want to respond to these questions in order to assure the public that it can in fact support your decision. We have scheduled oil and gas supply hearings for the 7th, 8th, 9th, and 12th of June and would be happy to receive your testimony on any of those days. We would prefer that you appear on the 12th if that is possible.

Looking forward to hearing from you.

Sincerely,

WILLIAM PROXMIRE, *Chairman.*

MAY 26, 1972.

Hon. WILLIAM PROXMIRE,
Chairman, Joint Economic Committee,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: Your letter of May 19 invites me to appear before the Joint Economic Committee of the Congress for the purpose of clarifying the considerations that led to my decision to proceed with the Trans-Alaska Pipeline right-of-way. As a member of your staff has been advised, the date of June 12 would be impossible because of my scheduled conferences in Paris, Stockholm and London. If the Committee can conveniently reschedule my appearance date to June 22 I shall be happy to appear on that day.

Your letter mentioned that my public statement issued on May 11 was inadequate in its discussion of the critical evidence which I reviewed. I am enclosing for reference of the Committee a 45-page document which sets forth in greater detail the reasons for my approval which were summarized in my statement of May 11. Many of the questions posed in your letter are answered in the more detailed document. Nevertheless I will be pleased to discuss the 12 questions you posed upon my return from Europe.

Sincerely yours,

ROGERS C. B. MORTON.

Enclosure
cc: Secy's Chron.
Secy's Personal

THE LEGAL SERVICES PROGRAM

Mr. DOMINICK. Mr. President, as a member of the Committee on Labor and Public Welfare, I voted to report S. 3010, the Economic Opportunity Amendments of 1972. I have nonetheless certain serious reservations with regards to title IX, which creates the Legal Services Corporation. I have expressed these in the supplemental views published with the committee report that I signed with the Senator from Maryland (Mr. BEALL).

In its present form, title IX limits the likelihood of achieving reforms necessary to an effective and responsible legal services program, and allows the perpetuation and extension of practices that are inconsistent with the expressed will of the Congress and at odds with the best interests of the program's intended beneficiaries.

I do not believe that title IX sufficiently safeguards the congressionally imposed objectives of the legal services program against subversion by individuals within the Corporation who would set their own priorities for the Corporation on the basis of personal conviction to the detriment of expressed congressional intent.

I become alarmed when creative legal services attorneys find ways to litigate criminal cases in a civil context, thus circumventing the clearly expressed congressional prohibition against such representation.

S. 3010 ostensibly proscribes criminal representation, yet it is couched in such terms that it can be easily circumvented by Corporation attorneys. For example, it does not prohibit criminal representation by project attorneys as pro bono publico representation during off-duty hours; nor would it prohibit legal services projects from using privately donated funds for such purposes. I do not believe that the Congress should enact a Legal Services Corporation bill so fraught with opportunities for abuse of congressional intent.

The limitations on lobbying and political activities included in this title are less than adequate attempts at dealing with these problems. In denying, as this bill does, the right to lobby to attorneys who are not representing a client or group of clients, this must conversely permit such activity by attorneys who do represent any client—whether or not the activity is in the interest of that client. My concern is that this creates a most dangerous precedent in allowing Government resources to be enlisted in support of legislative advocacy.

Let me stress that my objection is not that legal services attorneys are trying to bring about changes in public policy, as that is the right of every American. But Americans have never accepted the notion that public funds—taxpayers' money—should be used in such a manner, and I do not believe that we should accept such a notion now.

Surely the interests of the poor may best be served by the Legal Services Corporation if its attorneys devote themselves to representing the poor in the courts and providing them with legal counsel, rather than to pursuing legislative goals more in keeping with their own beliefs than with the aspirations or practical needs of their clients.

The bill also calls for a congressional stamp of approval on another form of political activity by Corporation attorneys—the transportation of voters to the polls. Although such activity may seem innocent and indeed public-spirited, it is altogether too easily subverted into a form of partisan involvement. Title IX must be amended to prohibit this transportation activity and the presently permissible forms of legislative advocacy or lobbying.

Further, I question the compatibility of the tax-exempt status conferred upon the Legal Services Corporation by this legislation with the activities, nowhere proscribed, of legal services attorneys in support of welfare demonstrations, rent strikes, boycotts, and other such activities. Other organizations, not funded by the Congress, engaging in similar activities would have a very questionable claim to tax-exempt status under the regulations of the Internal Revenue Code. Yet, title IX not only confers tax exempt status on the Corporation, but also denies the right of the Commissioner and District Directors of Internal Revenue to remove the tax exemption from the Corporation for engaging in activities that IRS would ordinarily deem impermissible. Certainly this constitutes preferred treatment for a government-chartered corporation, publicly funded, in violation of our traditional inhibition against selective Government support.

Mr. President, I do not challenge either the concept of legal services or the principle of the Corporation, but whether the program is continued as a division of OEO or placed in a newly created Corporation, I believe that the points I have raised should be subjected to Senate scrutiny, and that the provisions which unnecessarily dilute the services flowing to the poor should be corrected.

ABUSE OF FIREARMS

Mr. KENNEDY. Mr. President, nowhere in the civilized world is there the massively uncontrolled abuse of firearms as exists in the United States. Among the nations of the world, America stands in the bloodiest pool of death by gunfire—guns kill over 20,000 Americans each year. Yet we still have not fashioned an effective system to curb the explosive number of deaths and injuries that guns cause. Moreover, we tend to display public concern about guns only when public figures are involved.

Attacks on national figures stun the national conscience and make us take pause. But we have not yet produced the national will required to stop the spiral of death by gunfire in this country. The Nation stood paralyzed in the hours following the shooting of Gov. George Wallace. Exactly 2 weeks after the shooting of Governor Wallace an even more tragic assault occurred in Raleigh, N.C., where Senator EVERETT JORDAN was campaigning for reelection.

There is no way to explain why the gunman fired into that North Carolina parking lot. And there is no way to measure the grief and agony in the homes of the three people he killed, or to explain the bewilderment of the gunman's parents who are sentenced to live with the staggering truth that their son took his own life, killed three people, and wounded eight more.

Horrifying as it was, the attack on those innocent unsuspecting victims in North Carolina is already accepted in public opinion as unpreventable. Even worse, that is the kind of tragedy often described by gun zealots as a normal expected risk for the citizens of a gun owning society.

For, it is proclaimed, there is a certain number of madmen in the world and it is impossible to prevent their erratic and uncontrolled behavior.

I deplore the logic of that claim because it completely ignores the real issue—and that is that the easy accessibility to firearms produces an unnatural and uncivilized environment. At least 100 million guns are owned by civilians in the United States. About 30 million of that number are handguns. Such a national arsenal of death wielding devices is absurd.

Harvey Glenn McLeod lies dead along with three others in Raleigh, N.C., not just because no one could predict how he would use the rifle he purchased from Thorne's Hardware Store, but because our society tacitly permits citizens to purchase such deadly weapons as easily as we can purchase a stepladder.

More than 20,000 Americans die by gunfire each year because we in Congress have failed to control the availability of firearms.

Immediately after Governor Wallace was gunned down, familiar demands for a curb on cheap handguns emerged again. But our distorted sense of the role of all firearms in our society diverted attention from the need for effective controls on every kind of firearm—both handguns and long guns.

More than 15 months have passed since I introduced in the Senate, the Personal Safety Firearms Act. Not only would my bill produce a significant reduction in the manufacture of handguns in this country; it would also require people to undergo an investigation before buying a rifle or shotgun. Agencies authorized to issue firearms licenses must obtain fingerprints and a recent photograph of the prospective buyer to aid in establishing that the purchaser is neither an addict, a minor, an alcoholic, a felon nor a fugitive from justice.

Harvey McLeod could not have purchased that rifle 2 hours before devastating the rally in Raleigh if my bill were the law of the land. He could not have passed the eligibility requirements. After days of investigation, authorities would have rejected his application because his criminal background would have disqualified him.

I can see no reasonable justification for failing to implement safeguards that may reduce the tragedies of assaults by people who may take up arms and blast away at innocent, unknowing victims.

Clearly we have not achieved the technical ability to identify those people who are likely to go on a shooting rampage. But it is obvious that the device used in such instances—the gun—should not be so readily available to people who are likely to do what Harvey McLeod did.

Mr. President, I have brought to the attention of the Senate several outstanding editorial comments that were published recently in the Wall Street Journal, the Christian Science Monitor, the Washington Post, the Washington Sunday Star, the Boston Globe, and the New York Times regarding the need for a nationwide system of gun controls.

I ask unanimous consent to have printed in the RECORD additional contributions on the gun issue, these also from the Washington Post and the Wall Street Journal. In accordance with Senate rules, I have requested the Government Printing Office to estimate the probable cost of printing this material, and I am informed that such costs should not exceed $700. All these writings have consistently upheld the reasoned demand for implementing stronger gun controls. I am hopeful that with such well presented expressions of concern on this matter we can begin to get proper Senate action on a national gun control system.

Therefore, notwithstanding the additional cost involved. I again ask unanimous consent to have this material printed in the RECORD.

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

The material ordered to be printed in the RECORD is as follows:

[From the Wall Street Journal, June 6, 1972]

THE GUN IN BRITAIN, THE ABSENCE OF ARMS CONTRIBUTES TO THE GENERAL DECORUM

(By Felix Kessler)

LONDON.—At about 5 p.m. on May 11, the prime minister was chatting with members of Parliament in the House of Commons lobby when a stranger approached, pulled out a pistol and shot him in the chest.

About 10 minutes later, Prime Minister Spencer Perceval was dead. That was in 1812—and though it occurred 160 years ago, it was Britain's last political assassination. (The murderer, a bankrupt named John Bellingham, was convicted and hanged a week after the shooting.)

Today, it's only slightly more difficult for strangers to get close to members in the houses of Parliament—but it's a lot harder for anyone to obtain a gun in Britain. By strictly controlling the sale of firearms, the nation has limited the flow of weapons among the civilian population to bare trickle.

This has had a distinctly beneficial effect on the flavor of life in England. Prime Minister Heath as a rule travels without a motorcade

and accompanied by only a single bodyguard. Occasionally hecklers pelt him with eggs or paint—in Brussels a girl hurled ink—but the outright violence that has hit politicians and other public figures in America hasn't been a threat to Mr. Heath or other British politicians.

There are, of course, numerous reasons for the overall gentler quality of life in England. For one thing, the nation lacks the rough-and-ready frontier tradition of America. For another, it has far fewer of the social and racial tensions that mark American life. But the absence of guns also clearly plays a role, and one of the most important facts is that, just as the populace is unarmed, so is the policeman.

Sociologists and police officials believe that, just as violence can beget violence, the sight of British policemen proceeding unhurriedly and unarmed through the roughest neighborhoods has, over the decades, helped mold the calm and even passive character of the people. Because until just a few years ago the death penalty was extracted for killing an unarmed policemen, even criminals made a point of being unarmed.

There has been a sharp rise in armed robberies and violent crime throughout Britain since 1965, when the death penalty was dropped, and more criminals seem to carry guns now. But the police are still opposed to carrying guns. Reginald Gale, chairman of the Police Federation, which represents some 95,000 of Britain's policemen, says that practically none want guns and that most would refuse to carry them if requested.

FEARS FOR THE INNOCENT

"If forced to carry them, a lot would resign," he says. "No one wants to be associated with the first policeman who draws a gun and kills an innocent member of the public."

On rare occasions, English policemen are issued guns for special missions. But only twice since 1911 have they shot to kill—and in each case a berserk gunman was the target. In all England and Wales, with a population of 50 million, only 29 gun homicides occurred in 1970, compared with 965 in New York City alone, with a population of less than eight million.

These statistics, of course, exclude Northern Ireland, where bombs and firearms in the past three years alone have claimed more than 300 civilian, military and police fatalities. "Those of us who grew up in England know that Northern Ireland is a special case," says Clive Davies, a Liverpool University sociologist. "All this and more occurred in 1916. Ulster's history has always been like that."

Compared with the United States, where the nation's borders were achieved through violence that made firearms a necessity for survival and where the vigilantes were sometimes synonymous with law and order, Britain has for 150 years been a model of decorum.

The densely settled and enclosed nature of the British Isles has bred a sense of self-discipline that has tended to keep the citizenry from punching, stabbing, maiming, shooting or even severely insulting one another. Historians and sociologists like to point out that Britain hasn't been invaded in 900 years, and the homogeneous nature of the populace has helped the country withstand the social and industrial strains that have toppled other European governments.

To be sure, some note that the subdued nature of the British and the relative absence of violence aren't all positive. "This is basically a static society," observes Mr. Davies. "You only have real violence where you also have a mobile, upward-achieving society."

Nevertheless, there doubtless would be more violence here if Sir Robert Peel hadn't stipulated that the London police he established in 1829 be unarmed. The London policeman has subsequently maintained a friendly relationship with the public that's unmatched elsewhere. Not only is the policeman unarmed, but his 15-inch nightstick is normally tucked out of sight down his right trouser-leg and rarely brandished, even when angry demonstrations threaten to boil into riots. Handcuffs are also seldom carried, since courts have awarded damages for unnecessary use.

The seemingly ingrained courtesy of British police is largely reciprocated by the public and has been an essential ingredient, according to many officials, in forestalling violence and preventing the rise of an armed populace. T. A. Critchley, in his book "The Conquest of Violence," remarks that it hasn't all been inevitable. Had the police been established at a time "when all adult males were required to keep arms, the police themselves would have been armed; and it is unlikely that any later government would ever have felt it safe to disarm them."

England nowadays doesn't rely solely on long-established tradition for maintaining a gunless society. Firearms laws are stringent by American standards, and the penalties for violations are stiff: You can be imprisoned for three years simply for possessing a rifle without a certificate, and terms of 10 to 14 years are meted out regulary to those carrying real or even imitation guns during a crime.

A rifle or pistol can't be acquired without a certificate from the police, and, as the law makes clear, "they will not issue a certificate unless they are satisfied that you have good reason for having it, that public safety is not endangered, and that you are fit to be entrusted with a firearm."

With these conditions, only 220,000 rifle and pistol certificates were in effect in 1965, and a more stringent law in 1968 brought the number down to 216,000, with each weapon requiring a separate certificate. The Home Office says it hasn't tabulated statistics since then from England's local police departments, but indications are there has been a further reduction in the number of weapons in civilian hands. Although private security guards can apply for certificates, a Home Office official says that "it's most unlikely that people who want to guard premises would get one from any local police." Neither bank guards nor other armored car guards customarily carry guns.

"People who ask for a gun to protect themselves or their homes are just the ones who are going to get turned down," says a spokesman for the London metropolitan police. "As long as guns are there, they tend to be used."

Since 1968, police certificates have also been required for shotguns, and 600,000 have been issued. Unlike holders of the other firearms certificates, the shotgun holder is entitled to obtain as many shotguns as he wishes, and police must show cause why he can't have a certificate, rather than the owner being required to provide a reason for possession. But with crime statistics pointing to a rise in armed robberies particularly with sawed-off shotguns, there's a mounting campaign for still-tougher firearms laws.

"The majority of people probably would want tighter regulations," says a Home Office spokesman.

Baroness Wotton of Abinger, a criminologist who's leading a campaign in the House of Lords for stiffer laws, says that 23 people were fatally injured by shotguns last year (official statistics haven't been released yet) and that the police have been too lax in issuing certificates. "You could get six shotguns and hang them on your front door," she claims. "I can't see why we have to have all these guns."

While the British strictly license sellers and purchasers of firearms, large numbers of illegal weapons are still smuggled into the country. An amnesty before the 1968 law went into effect resulted in 25,000 firearms being turned in; past amnesties yielded up to 76,000.

Although firearms are a relatively minor problem here by American standards, the authorities aren't complacent. Police officials observe that 47 policemen on duty were killed from 1900 to 1965, when the death penalty was abolished, and 12 in just the following six years. That has resulted, in addition to the push for stiffer firearms laws, in a campaign for restoration of the death penalty.

Comparing gun laws and violent crime in England and America, the New Law Journal, a weekly published for British lawyers, says that the principal difference "is one of degree. And though public attitudes to firearms in the two countries differ also, and in this country are relatively more receptive to control, the need in present circumstances for a radically different approach here is nonetheless real." Tom Harper, the Journal's editor, says that "there are too many guns around" and not even law-abiding people should be granted certificates unless they establish a very special need.

Similarly, C. H. Rolph, a writer and policeman for 25 years, wants all firearms withdrawn from the civilian population and more stringent controls by authorities to curtail illegal imports of weapons. He says that "far too many (German) Lugers and other foreign weapons" arrive in Britain and that the Ulster situation, with a heavily armed civilian population, is proof of the laxity of border checks.

If a gun lobby can be said to exist in England, its impact is minimal compared to that in the United States. The National Rifle Association here, unrelated to the powerful American organization of the same name, has a membership of about 15,000. The National Small Bore Rifle Association has 70,000 members in 2,800 clubs. Both are target-shooting groups, and their members are responsible for a substantial portion of the firearms certificates issued here. Both also oppose tighter restrictions. Although the clubs sell guns, there's nothing like the American firearms industry here to wage battle against more stringent controls.

Mr. Rolph believes the police resist being armed because both they and the public are long familiar with the present situation and feel comfortable in it. But he rejects any notion that American police could profit from the British experience and shuck their arms. "You can't disarm the American police without first disarming the American public," he says. "It would be suicide sending a policeman on the streets of New York without a gun."

Even in England, the lack of firearms occasionally is suicidal for policemen. The Blackpool chief of police was shot dead last summer when he grappled with an armed man escaping from a jewelry store holdup. More often, though, the unarmed policeman has helped save lives by his cool presence and persuasive powers.

When one police constable accidentally stumbled onto a bank robbery in December 1970, for example, he noticed two men armed with shotguns—and one was holding a baby, evidently as a hostage. Recalls the policeman:

"I drew my truncheon, pointed to the baby and then to the two raiders. We did not say a word, but they knew what I wanted. There was a pause, then one of the raiders nodded. I knew he meant I could take the baby away." By the time the policeman returned, the robbers had made off with $130,000. But no lives were lost.

It's obvious that an unarmed policeman can't exchange shots with robbers, a fact that lessens the danger to innocent bystanders.

Nor does he shoot fellow policemen by mistake or kill fleeing offenders like pickpockets, whose crimes aren't otherwise punishable by death. Police can, of course, obtain firearms when necessary, and 5% are qualified marksmen. Their weapons are kept locked in police stations; none bring them home, thus reducing the chance of accidental shootings.

IN SWITZERLAND, MANY HAVE GUNS, BUT FEW GET SHOT

Many European countries share Britain's antipathy to the widespread possession of guns, but one country—Switzerland—is a notable exception. By comparison with the British, its people are armed to the teeth.

Switzerland, with a population of 6.2 million, has a reserve army of 600,000, and each citizen-soldier is required to keep his army rifle and 24 rounds of ammunition in his home. Yet the number of shooting deaths in the nation is so small that police say they don't even both to keep statistics—a fact often cited by U.S. opponents of gun-control laws who argue that widespread possession of guns needn't result in widespread gun abuse.

One reason for the relative lack of shootings is the nature of Swiss society; it is stable and homogeneous, and there are few of the racial and ethnic strains that exist in the U.S.

But there also are rigid controls imposed on those who keep guns in Switzerland. Each citizen-soldier is held strictly accountable for his weapon and each of his 24 bullets. Moreover, anybody who wants to buy or carry other types of weapons—even including knives—would find that in most cantons, or regions, of Switzerland he would have to get the same sort of permits that gun fanciers oppose in the U.S.

THE GUN TO THE ARMS INDUSTRY, CONTROL CONTROVERSY IS A BUSINESS PROBLEM

(By David Gumpert)

WATERTOWN, MASS.—Saul Arnstein, owner of the Ivanhoe Gun Shop, would seem to have a marketing problem. The three daily newspapers in nearby Boston refuse to carry ads for the handguns he relies on for a sizable percentage of his sales. The newspapers say they will advertise only "sporting" weapons, like shotguns.

Mr. Arnstein isn't hurting, though. While the newspapers may refuse his ads, he feels he's getting a free sales boost in the papers' news columns. The reason: Every time there's a burst of publicity about proposals to restrict the ownership of handguns, his sales jump.

"It's beautiful," he says. "They're helping the gun business." He attributes the sales spurts following such publicity to citizens' fears that they may suddenly be unable to buy many types of guns. Many customers, Mr. Arnstein says, tell him they want the weapons for protection against criminals.

Mr. Arnstein's situation may be paradoxical but no more so than the situation of the entire civilian firearms industry in the U.S., including some of the biggest arms manufacturers in the nation.

On the one hand, there's growing pressure to limit or outlaw entirely the private ownership of firearms. And even without legal restrictions, gun makers fear that a growing public aversion to hunting—derisively attributed by some in the industry to a "Bambi complex"—is undermining a major source of their business. At the same time, population pressures are reducing the amount of hunting land available, discouraging hunters.

Yet on the other hand, guns remain very big business indeed. Last year nonmilitary sales of guns and ammunition in the U.S. amounted to about $553.8 million, according to the National Sporting Goods Association. And for the next few years at least, despite the "problems," sales are expected to grow at a modest rate.

To those who abhor the widespread and largely unregulated civilian ownership of firearms in the U.S., the mere thought of regarding guns solely in business terms is repugnant. Manufacturers and sellers who consider only profit "divorce themselves completely from the final results of their activity," says Rep. John M. Murphy of New York, a long-time advocate of gun controls. "There's just no conscience on the part of these people."

But it would be naive to ignore the role of profit in the current struggle between antigun forces and the so-called gun lobby over proposals to restrict gun sales and ownership. Gun manufacturers play an important part in bankrolling the thus-far largely successful fight to minimize antigun legislation. Money from gun makers and sellers, either through outright subsidy or indirectly in the form of advertising in membership journals and the like, helps finance such leaders in the antigun fight as the National Rifle Association and the National Shooting Sports Foundation.

Interestingly, though, the companies themselves try to keep a low profile in the dispute. "We find we can't win by making public statements, so we don't make any . . . We just take our lumps," says a spokesman for Colt Industries Inc. in explaining the company's reluctance to let a reporter question top executives about Colt's firearms operations. (Eventually, however, the interview was granted.)

The firearms industry includes some of the oldest and most familiar names in U.S. manufacturing—names like Colt, Remington and Winchester. Remington Arms Co., the oldest surviving firm, was founded in 1816, and many of the others date back well into the 19th century.

A number of the best-known names have long since been assimilated in to conglomerates or have themselves expanded into widely diversified companies. But a few, such as Marlin Firearms Co. and Iver Johnson's Arms & Cycle Works Inc., are still privately held. Practically all, big or small, remain based in Massachusetts or Connecticut, where they began.

If the names and home bases haven't changed much, neither have the products—at least in this century. Small-arms technology went through its greatest period of advancement in the latter 19th century. At the beginning of the 1800s, the standard weapon was a muzzle-loading flintlock musket. The shooter had to load separately his "bullet," which in those days was actually a round ball, and his gunpowder, which provided the explosive force to propel the ball. When he pulled the trigger a spark from the flint striking steel ignited the powder.

Later, the flint was replaced by percussion cap, which is a small metal or paper container holding a highly explosive charge that provides ignition for the powder when struck by the gun's hammer. Eventually, by the end of the century, percussion caps, powder and bullet had been combined into a single self-contained cartridge, and guns had been designed that would fire several cartridges successively without reloading.

The repeating weapon firing a self-contained cartridge remains the standard today. Weapons makers have introduced a number of refinements, including more powerful and more accurate cartridges and various design changes in the weapons, but the principle remains the same.

TWO CATEGORIES

Civilian weapons generally fall into two categories—long guns, which include shotguns and rifles, and handguns, which include both revolvers and semiautomatic pistols. Rifles and shotguns sell for as little as $40, but a dedicated gun fancier can easily pay several hundred or even thousands of dollars for a precision-crafted weapon with a fancy inlaid stock and engraved metalwork. American-made pistols sell for about $40 and up, but some models assembled from cheap imported parts can be found for $10 or even less.

(Many arms makers also make weapons for the armed forces of the U.S. and other countries, of course, and some of these products are far more sophisticated. But sales of military small arms amount to much less for most firms than civilian sales.)

Production methods also have changed relatively little over the years, remaining highly dependent on hand labor with little automation. The gun industry "has tended to be a little slower than other industries to change," says William Ruger, president of Sturm, Ruger and Co., a firearms maker based in Southport, Conn.

Indeed, there isn't even a moving assembly line in Ruger's Southport plant. In one area, machinists and other technicians turn out gun frames and other parts. Elsewhere, men seated at tables spread out batches of parts and assemble them into complete revolvers. In a small room off to one side, the weapons are test-fired on a miniature target range by two men wearing sound proof earmuffs.

The Southport plant employs 175 men and turns out 150,000 revolvers and rifles a year.

Figuring out a pecking order among the firearms makers is difficult, because the industry is intensely competitive and most comparative statistics are closely guarded. Remington and the Winchester-Western division of Olin Corp., however, are generally acknowledged to be the top two in terms of overall sales volume, with other firms trailing substantially behind. While Olin keeps its Winchester-Western sales secret, Remington last year reported nonmilitary sales of nearly $115 million.

In ammunition sales, an estimated 90% of the market is controlled jointly by Winchester, Remington and Federal Cartridge Co., a privately held Minneapolis concern.

Besides the old-line manufacturers, there has in recent years sprung up a new segment of the industry—the makers of cheap handguns known as "Saturday-night specials." The name came from Detroit police, who discovered a few years ago that Detroit residents, unable to buy cheap pistols in their own city, were driving to Toledo (where laws are less restrictive) and returning with guns to tote in their Saturday-night merrymaking.

Saturday-night specials, assembled in the U.S. from imported parts, sell for about $10 to $25. Practically all makers of such guns went into business right after the federal Gun Control Act of 1968 outlawed the importation of small, cheap handguns. (Only pistols meeting certain specifications as sporting weapons are still legally imported.) By mounting imported components on American-made frames, the makers of Saturday-night specials are able to circumvent the law and still produce cheap guns. Some also legally import inexpensive long-barreled target pistols, then saw the barrels off to make the pistols more easily concealable.

"A GREAT, GRAVE PROBLEM"

Shy as the old-line manufacturers may be about publicity, they seem almost publicity-mad by comparison with many makers of Saturday-night specials. One such manufacturer, Criterion Dye & Machine Co., won't even allow a reporter in its gun-making facility on the second floor of an old eight-story stone building in a warehouse district of lower Manhattan in New York. And a company official, contacted by telephone and asked why the firm shuns publicity, abruptly ends the conversation with: "We avoid publicity on every level."

These makers of cheap handguns (Criterions retail for $12 to $20) have upset the established manufacturers no end. The established companies contend the low price of Saturday-night specials makes them particularly appealing to criminals and inexperienced gun users. They also charge that

the guns are poorly made and thus dangerous to use, sometimes even blowing up in the shooter's hand. Perhaps most importantly, they feel the Saturday-night specials provide antigun forces with that much more ammunition in seeking restrictive gun laws.

A BAD NAME FOR HUNTING

The National Shooting Sports Foundation, a trade group of arms makers, says none of its members produce such guns. Its president, Warren Page, adds that the group views their existence as "a great, grave problem."

Anything that might contribute to adverse public opinion about firearms is, of course, anethema to the old-line manufacturers. Gun makers have long been concerned that public revulsion as assassination, urban riots and the slaughter of the Vietnam war would lead to legal restrictions on the sale and ownership of firearms not used for hunting. But now, they say, even hunting seems to be getting a bad name.

Some gun makers say many people have developed a "Bambi complex" from watching the personification of animals in Disney-type cartoons and movies. But a somewhat different view was expressed by the director of the National Congress of American Indians, a civil rights group, in a letter to Field & Stream magazine earlier this year. The average hunter, he wrote, "yearly treks into the virgin, unspoiled wilderness with his beer cans, whisky bottles, gas fumes and other mementos of his 'civilization' for the brief pleasure of sending a 180-grain, .30-06 (high-powered) bullet crashing and tearing through the heart of some frightened, desperate bear or moose or deer."

Whatever the reason, industry representatives say sales of hunting weapons, long the industry's backbone, have stagnated. As a consequence, they're pushing other markets to take up the slack. One of the most promising, they say, is target shooting.

Much of target shooting's appeal to manufacturers lies in its potential as a family sport—and in the fact that it burns up far more ammunition than hunting. Winchester-Western 10 years ago started franchising trap and skeet shooting clubs around the country. Today there are 35 clubs, and the company expects them to multiple at a faster rate in the next few years.

Trap and skeet shooting involve firing at clay disks thrown into the air by machines. Devotees say an afternoon of shooting costs about $15 for ammunition and $5 for targets. Also needed: a proper shotgun, which costs about $200.

GUNS FOR COLLECTORS

Guns made especially for collectors form another growing market. Typically, a manufacturer will produce a limited number of copies of a 75- or 100-year-old model and sell them for several hundred dollars apiece. Harrington & Richardson Inc. last year made 10,000 copies of an 1872 model rifle, priced them at $250 to $300 and sold all before production was completed.

Handguns for law enforcement also constitute a growing market, manufacturers say. Colt Industries' small-arms division has watched its sales double during the past eight years, and David Margolis, president, claims sales of handguns to police and other law-enforcement agencies are largely responsible.

For all their image problems, gun manufacturers seem to have no qualms about what they're doing. "I think it's a fine, worthwhile business, and I don't try to keep it from anyone that I'm in it," says J. P. McAndrews, a Remington vice president and director of marketing.

"A DAMNED RESPECTABLE POSITION"

Like nearly everyone else in the industry, Mr. McAndrews argues it isn't guns that are responsible for crime but the people who use them and "lenient" law enforcement. "I guess I'm like every human," he says. "If a man gets shot by another person, I don't like it. But then you find out the man (who did the shooting) has been paroled or is out on bail."

Listening to some manufacturers makes one wonder just where the guns used in crimes come from. Larry Levine, director of sales and marketing for a Saturday-night-special maker called General Precision Corp. of Watertown, Conn., argues: "The guy who's going to buy the $20 handgun (like General Precision makes) is going to put it in his home for protection or he's going to a target range and fire it." The criminal, however, "is not going to take a chance on it misfiring on him. He's going to use a quality handgun like a Colt or a Smith & Wesson."

Mr. Margolis of Colt doesn't see it that way. Most of Colt's pistols go to policemen, he contends, and thus the company actually performs a social service. "If the police can be made more effective through Colt, that's a damned respectable position as far as I'm concerned," he says.

When talk turns to the role of manufacturers in the gun lobby, industry representatives plead ignorance. "I've never been able to make out what the gun lobby is," says Warren Page of the National Shooting Sports Foundation.

Some people think they have the connection figured out, though. Former Sen. Joseph Tydings of Maryland, whose 1970 defeat was blamed in part on the efforts of gun proponents upset with his backing of firearms legislation, says the manufacturers provide the financial leverage needed to muster opposition to gun-control laws. "It's the industry that has provided the sinews, the money, the direction that has made the gun lobby the power it is," says Mr. Tydings.

The National Rifle Association, for instance, took in some $1.7 million in advertising revenues last year for its magazine, the American Rifleman, and most of that came from makers of guns, ammunition and related gear. The ad revenues amounted to more than 22% of the NRA's income, the rest coming mainly from membership dues. Other gun and sporting magazines, including commercial ones, similarly benefit from manufacturers' ads; they level harsh criticism regularly at gun-control proposals.

Some long-standing "conservation" groups such as Ducks Unlimited and the National Wildlife Management Institute receive large contributions from gun manufacturers. The groups push for wildlife "conservation" for the benefit of hunters.

Ducks Unlimited, for example, gets a "substantial" part of its $3 million in annual income from gun manufacturers, says Kenneth McCreary, executive secretary. It also happens to express opposition to most gun-control legislation in the publications it sends to members and in congressional testimony.

Gun makers seem to expect that. When asked how Remington would feel if any of the wildlife conservation groups to which it contributes should change their positions about guns and hunting, Mr. McAndrews says: "We feel that anyone who is knowledgeable will realize that hunting has a place in our society." And, he adds, "we contribute only to knowledgeable groups."

[From the Washington Post, May 30, 1972]

GUNS: A TALE OF TWO CITIES AND 19 PEOPLE

Last week, in the little town of Harrisonville, Mo., a lone gunman raced across the sleepy town square, squeezing rounds out of his M–1 carbine as he went. This week, on Monday afternoon, a lone gunman stood in the parking lot of a shopping center in Raleigh, North Carolina, squeezing rounds out of his .22 caliber semi-automatic carbine, crouching calmly only to reload his weapon before rising and firing again.

The body count, more reliable than some others we have seen of late, excluding the gunmen themselves, was six dead and eleven wounded. Charlie Simpson killed three and wounded three in Harrisonville and Harvey McLeod killed three and wounded eight in Raleigh. When he was through, Charlie Simpson, 21 put the muzzle of his M–1 in his mouth and pulled the trigger. He was buried by his friends last week. When he heard the first sirens, according to witnesses, Harvey McLeod turned the gun to his own head and fired. Presumably he will be buried later on this week.

Harvey McLeod, 23, according to people who knew him, was a shy, clumsy fellow who was never clever with girls. He had recently taken a job as a janitor. The local police chief related that McLeod had a record dating back to 1964 including assault with a deadly weapon. Just Sunday, he was arrested on charges of falsely reporting the theft of an automobile. On Monday morning he bought the .22 and in the afternoon, he and three other people were dead.

Charlie Simpson was one of a group of nine long-haired young men who hung around the Harrisonville town square upsetting the local populace with their appearance, their unwavering gazes at the passersby and the preference of eight of them to draw unemployment checks rather than to work. A month before the shooting, Charlie confided to a friend, "I'm sick of the world, but it's nothing serious." He was crying as he talked. Later, the police arrested all of Charlie's friends for loitering.

The next morning, he took his life's savings and bailed them all out. That afternoon, he and three other people were dead.

Neither Mr. Simpson nor Mr. McLeod will be around to tell us why he decided to end his life as he did or why he chose, at the end, to turn his weapon upon himself. It is clear, however, that in each of these young men, something snapped to turn life's potential toward death and destruction. It is also clear that in McLeod's case, a man with a record of arrests, one occurring in the immediate past, could purchase a rifle in a hardware store with the same ease that any other citizen could purchase a flashlight in the same store.

Two weeks ago, in the aftermath of the attempt on Governor Wallace's life, this newspaper reaffirmed its view that handguns should be outlawed except under carefully circumscribed conditions and that long guns should be registered and their owners licensed to use them. In a complex and thrusting society of over 200 million, there are bound to be a number of people who cannot cope with the problems of the world around them or with the conflicts that the world unleashes inside themselves. The country recognizes that in such an interwoven and difficult society, not everyone is quick enough of muscle or eye to be given the opportunity to drive or aim an automobile. By the same token, it is a reasonable proposition, it seems to us, that not everyone is sufficiently stable of mind or spirit to be given the opportunity to aim and fire a rifle.

We recognize that just as the licensing of drivers and the registration of automobiles have not ended the slaughter on our highways, the licensing of riflemen and the registration of their weapons will not end gunplay in our national life. But, as we have said repeatedly, and ever more wearily and sadly, it might make tragedies such as those of Harrisonville and Raleigh and Charlie and Harvey much less likely to occur.

[From the Washington Post, May 28, 1972]

THE VIOLENCE OF THE DISPOSSESSED

(By William Davidson and Louise FitzSimons)

Davidson is a practicing psychiatrist and president of the Institute for Psychiatry and Foreign Affairs. FitzSimons is a political sci-

entist and author of "The Kennedy Doctrine."

The tendency to regard the attempted assassination of George Wallace as a senseless act may obscure its important lessons. The attack may not have been rational, but even irrational acts have meaning. Behind this particular irrational act are two disturbing truths about American life: First, large numbers of powerless individuals cannot exist in a culture of violence without deadly effect and, second, we have reached an impasse between the democratic process as we know it and America's culture of violence.

As a result of the attack on Gov. Wallace, some well-meaning Americans apparently are prepared to put the democratic process at the service of violence and irrationality rather than to address the deeper problem. Some suggest that campaigning be confined to "closed halls," with the audience passing metal detectors on the way in. Direct contact between candidate and voter, long regarded as a sacred American tradition, must now be abandoned, they say.

When an individual under stress refuses to recognize and deal with an important factor in his distress, we speak of a psychic mechanism called denial. To suggest that recent assassinations have merely been meaningless, irrational acts and that the only way to prevent them is to surround leaders with bullet-proof glass and cut them off from the people is an instance of the denial mechanism at work.

It is, of course, practically impossible to give political leaders absolute security. No politician would permit it in any event, as President Nixon demonstrated the day after the attack on Wallace by deliberately plunging into a crowd of tourists. But apart from these realities, Americans must now begin to wonder when pillars of the establishment call for ever-tighter security rather than basic remedial action.

Those who cast suspicion on the suggestion that there is something wrong with America are doing the nation a disservice. No amount of exhortation to "talk about what is *right* with America" can erase the image of our political leaders lying in pools of blood with sobbing wives bending over them.

THE NATIONAL PATHOLOGY

If we assume that there are a certain number of madmen at large in the world, then it is difficult to explain why other democratic countries do not seem to have this problem. As the National Commission on the Causes and Prevention of Violence (the Eisenhower Commission) noted: "In comparison to the other nations of the world, the level of assassination in the United States is high. It is still high when the comparison is limited to other countries with large populations or other Western democracies . . . Almost alone among the nations with the highest level of economic development and the greatest degree of political freedom the United States has a high assassination rate."

Even totalitarian nations—where it might be assumed that increased motive might compensate for the reduced opportunity afforded by leaders who do not dive into crowds to "press the flesh"—do not seem plagued by this evil. It seems to be rampant in America at this point in our history because of the intersection of two processes, one personal—the frustration of the powerless that arises from our idealization of "the winner"—and the other historic—the persistence of the cult of the gun.

Within nations as within individuals, benign and malignant processes are constantly at work. Maladjustments in character can exist in nations as in individuals. Usually these maladjustments are controlled and balanced by countervailing forces. In people, when they are not balanced and controlled we tend to call the result pathological. Rather than wall off the reality by dismissing it as individual madness—although individual pathology certainly may be a significant factor in all of these cases—should we not examine the deeper process, the national pathology? Is it not time to address ourselves to the underlying disease of which these unpredictable and painful crises are the outward expressions? Should we not ask ourselves whether we as a people have not permitted the malignant elements in our natures to prevail by continuing to accept a culture of violence that honors the use of force on both the individual and national levels?

"A GOOD COUNTRY"

One can still believe that, as President Nixon has said, "this is a good country," and yet recognize the fact that we are not a peaceful people.

We came to virgin shores and hacked settlements out of a hostile wilderness. We fought for our independence and fought again to maintain it. We fought Indians and Mexicans on the frontier to fulfill our "manifest destiny." We fought a bitter civil war, the consequences of which are still with us after 100 years. We fought in the mines and factories and on the rail roads for the right of workers to organize. We fought to "make the world safe for democracy" and to preserve it from fascism. We fight today to "preserve the freedom" of those whose devotion to it is less clear than our own.

There is much in this record that it is honorable, some that is dishonorable. But overall it is a record of a people in struggle. The political assassinations that have so shocked the nation over the last decade have occurred in the climate of a society that, while it may define itself as "peace-loving," has historically accepted the resolution of conflict by violent means.

Further, we have always valued and rewarded the fighting spirit, on the football field and in the political arena. We have honored the "doer" rather than the man of contemplation, the winner rather than the man who may have played the game well but who didn't make it. We have idealized the frontier mentality.

THE RAGE OF IMPOTENCE

The second element of the national pathology is the rage of impotence that was responsible for three of the six major attacks of recent years. It killed John and Robert Kennedy and crippled George Wallace. (Martin Luther King, Malcolm X and George Lincoln Rockwell were assassinated for somewhat different reasons.)

The bullets shot by Bremer, Sirhan and Oswald are an expression of the frustration of powerlessness of those who feel themselves cut off from any effective control over their lives. Each of these pathetic non-winners acted with the classic motivation of the lone assassin, to compensate for his own impotence by sharing in the power—by destroying it—of an expressive, charismatic figure. Each sought to give significance and importance to a meaningless existence. Ironically, the very constituency George Wallace was trying to mobilize, the forgotten men, the non-achievers, the left-behind little people is grotesquely represented by his would-be assassin.

There are in America today large and increasing numbers of alienated, powerless people with no stake in the system, no investment in its future. The urban poor make up only part of this mass. Many others are essentially the innocent castoffs of a highly developed technological society, agricultural workers displaced by mechanization, blue-collar workers stifled by repetitive, unsatisfying jobs. They are the products not only of our neglect but of the increasing demands of a machine society that has left little room for the non-achiever. In our emphasis on the external environment, on productivity, on increases in gross national product, we have failed to provide for an inner meaning that can assure that people find some satisfaction in their work and in the quality of their lives and that they feel some sense of participation, of ability to make an impact on the forces that determine their destinies.

A growing mass of men and women, for various intellectual, physical or emotional reasons, are incapable of "achievement" in the particular way that our society defines achievement.

In an older and less crowded America, the son who didn't make it might have sought his fortune in the West. In a simpler America, he might have devoted himself to a craft. But today there is scarcely any room for him.

If he is a factory worker or a policeman trapped in the system, he has nowhere to go but home to the television with a six-pack. His chief hope left is a better life for his children through quality education, and even this many now see as threatened by busing. If he is a middle-level business executive, he despairs when he realizes he will never rise to the top. And because he is repeatedly told that there is little value in being second-best, he may have started to drink excessively. If his children are hustlers and "A" students, they possibly have gone on to Harvard. If they are not, they may have dropped out and joined a commune, which at least affords them some sense of participation, of value, of community in microcosm.

SHOOTING OUT OF LOVE

It is no coincidence that skyjackings and attacks on political figures are committed by the same types of individuals and that both acts resist solution by any feasible law enforcement procedures. If we exclude politically motivated acts by Arab guerrilla groups, we can see that skyjackers usually come from that same psychological rock-bottom of society as those who strike at political leaders. They are the dispossessed. They do not care about their own lives or the lives of others. They feel utterly powerless, and the airplane is an enormous symbol of power and of the technology that overwhelms. So they seize it and make it their own, with little or no thought that at some point, inevitably, the adventure will be over.

Seen in this context, it is not at all surprising that George Wallace should have been gunned down by one who apparently had been an admirer. Such a disaffected, powerless individual, a man who, as one newspaper put it, was "at the end of his rope," might well have struck at Wallace not out of hatred but out of love, out of longing to participate in Wallace's power and authority. Ironically, that power and authority are made even more attractive and appealing by the very accouterments that are supposed to protect the candidate—speeding cars with screeching sirens, bands of Secret Service agents, a bullet-proof speaker's podium. Unable to have any effect on the world around him or on other people, the disaffected soul so desperately longs to be noticed, to be part of that impressive drama—"Hey, George! Hey, George! Come over here! Come over here!"—that he leaps onto the stage and enters the action.

Sick? Of course. But it can hardly be denied that the society in which we live provides to such unfortunate persons a pattern for working out their psychoses, a pattern that we, perhaps partly unwillingly, approve and admire. The cult of D. B. Cooper—the song, the sweatshirts—that appeared on the West Coast after the first successful parachute skyjacking is a demonstration of the idealization both of the winner and of the successful violent act.

THE CULTURE OF VIOLENCE

Impotence in small nations, it appears, is better tolerated. Few small and powerless nations commit national suicide with one made act. On the individual level, however, particularly in America, the man who can-

not live with his powerlessness and frustration strikes out. The American misfit with a potential for violence is reinforced by the elements of the culture of violence all around him, particularly in movies and on TV. Examples are endless: "Gunsmoke," "The Untouchables," "Bonnie and Clyde," "A Clockwork Orange." "The Godfather" promises—or should we say threatens—to become the biggest money-maker in the history of the movies. While science has been unable to show a cause-and-effect relationship between violence on film and TV and individual acts of violence, movies and TV do offer constant support to the climate that nurtures men like Bremer, Sirhan, and Oswald.

If, as so many have said in recent days, America can tolerate no more of this, then we must look not to palliatives, but to careful diagnosis and therapeutic programs. There are elements of sickness within American society, and they are constantly contending with elements of health. We need to control the elements of sickness and support the healing process.

The impasse between our democratic processes and the persistence of the culture of violence cannot be resolved in favor of violence. Rather, it must be recognized that our democratic system requires that a political candidate be able to take his case to the people directly, not only on television and behind bullet-proof glass, but on street corners and even in shopping centers. An open, participatory democratic system requires a high level of political maturity and the kind of civility and civic respect that can never be instilled by law enforcement alone. We must, as a nation, now understand that the martial spirit that built America when it was a struggling young nation in the wilderness is not an appropriate spirit for an impacted, interdependent, 20th Century society. We need to replace the culture of violence with a culture of accommodation.

Nations, like individuals, can change and grow from experience. We need, first of all, to reduce our obsession with the gun and with the winner. Although 21,000 Americans die every year by gunfire, Congress continues to refuse to control handguns, which were created for shooting people. The Wall Street Journal estimates that a new handgun is sold in America every 24 seconds. But there are hopeful signs. According to an April, 1972, Gallup poll, 79 per cent of Americans favor requiring a police permit before a gun can be purchased. Americans should be outraged if Congress still fails to act on gun control legislation and the President still fails to use his leadership to this end.

THE HAPPY LOSERS

There are also some indications that Americans, particularly younger Americans, are becoming less obsessed with winning, with being "number one." A Trendex poll in November, 1971, indicated that more than 30 per cent of Americans felt that, as a general concept, the idea that America had to be first in the world in everything was not valid. Over 39 per cent of those in their 20s held this view. Unfortunately, President Nixon has decried this tendency as "defeatism and self-doubt," which, he claims, is chipping away at the "moral strength" of the nation. Can we not ask what price the nation is to pay for sustaining this particular definition of "moral strength?"

To make a place for those who are now regarded as losers, we must re-humanize patterns of work and the American lifestyle. This, to be sure, is no small task, and much of it is beyond the power of government. But we must nonetheless strive for these changes. We hear repeated accounts of the failure of increased financial incentives to motivate the assembly-line man whose job it is to tighten screws on a metal plate 480 times a day. We read of high absenteeism among younger workers, some of whom regularly show up only four days a week and, when asked why, respond that they cannot make enough money in three. We need new concepts and patterns of work that will allow people to find satisfaction and a sense of accomplishment in their daily jobs.

George Santayana once said that a nation that could find no satisfying place for its least gifted citizens deserved to be remembered no more than the sands of the sea. A basic failing of the Marxist approach is that communism's preoccupation with material goods for sharing is actually no advance over capitalism's preoccupation with material goods for profit.

Finally, we need a further opening of the political process and the corridors to power so that people have a sense of participating and affecting, if only in a small way, the forces that control their lives. Ironically, what we do not need is an increase in the distance between the political leaders and the people, as has been suggested in the wake of the attack on Gov. Wallace. Rather, we need to bring them closer together. There was much psychological insight in Sen. Eugene McCarthy's 1968 "campaign promise" to take down the fence around the White House.

When the human body suffers a massive wound, it either expires or it resists, adapts, adjusts and survives. When the human mind sustains a traumatic shock, it is either destroyed or it accommodates, resolves and incorporates the experience as learning and survives. The process is not so very different for the national body that is all of us.

COMMENCEMENT ADDRESS BY SENATOR MILLER AT GEORGETOWN VISITATION PREPARATORY SCHOOL FOR GIRLS

Mr. FANNIN. Mr. President, yesterday, June 6, the distinguished senior Senator from Iowa (Mr. MILLER) gave the commencement address at Georgetown Visitation Preparatory School for Girls, in Washington.

The address contains some most timely guidance for young people who are moving into their new role of full participants in guiding the destiny of our society. I ask unanimous consent that the address be printed in the RECORD.

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

GEORGETOWN VISITATION PREPARATORY SCHOOL COMMENCEMENT ADDRESS BY JACK MILLER, U.S. SENATOR FROM IOWA

Members of the Class of 1972: This is a happy day for both you and me. For you, it represents a major achievement after four years of commitment—the beginning of your golden rainbows. For me, it happens to be my birthday.

I recall one of my high school class reunions several years ago. Few of us even remembered who our commencement speaker had been. No one remembered what he had said. But all of us retained a distinct impression that the auditorium had been very warm and that the commencement speaker spoke much too long.

I intend to do better than that for this outstanding class.

Most of you are familiar with Flip Wilson's wonderful characterization of Christopher Columbus discovering America.

As Chris anchors his ships off the shore of what he believes to be America, a maiden rebukes him this way: "What . . . you want comin' round in them ships? We don't wanna be discovered."

Contrary to what some people are saying, most of the youth of today want to be discovered—to be recognized as individuals—and to have a piece of the action, so to speak.

There is no one here today who doesn't have some doubts about the future. As your class song expresses it: You are "not sure of what will come".

But the answer to those doubts is not going to be to just sit and do nothing.

The answer lies in involvement. And one of the most crucial challenges facing you from the moment you receive your diploma will be whether you will live up to your responsibilities by becoming involved in the cause of helping to make ours a good society.

Actually, each of you will become involved—actively or passively—in one way or another, whether you wish to or not, in shaping solutions to the problems of our society. The only question is how much.

Your class, along with the thousands of others across the land in this year 1972, has had thrust upon it—more than any other in history—the new politics of involvement.

Yours is the first class ever to hold in its hands some of the voting power which, in a democracy, CAN lead to the solution of our problems. I say "can", because voting power, unwisely exercised, will inevitably lead to more problems and worse problems.

"There is nothing more frightful than ignorance in action," said the philosopher Goethe.

Will that apply to you, in this first year in which graduating classes at the high school level have been given the opportunity to cast your ballots for public officials?

Will you exercise your franchise wisely and ably, through thoughtful and effective awareness of today's issues and problems?

Will you take your voting power seriously and conscientiously?

These are not mere rhetorical questions, for I regret to say there have been many of the older generations who have not, in the years past, taken the time and trouble to be able to answer those questions affirmatively.

While no one is expecting you to solve all the problems of the world, it will be up to you, through your voting power and through other action-type involvement, to demonstrate that you have the stuff to contribute significantly to the betterment of not only yourselves but also your community, your state and your country.

We all have read articles which say that some students have lost faith in America. This is true. But there have always been pessimists—ever since our country was born. Those who have lost faith might admit to the relative goodness and prosperity that is ours. But they are impatient—terribly impatient—over the fact that our system has not overcome the problems that concern them. However, they aren't the only ones who are concerned, or the only ones who are impatient.

All of us are concerned and impatient in one way or another. The difference is that most of us believe in reform—which is change for the better—not just change for the sake of change—and we believe that reform *within* our system will be far more lasting and helpful than abolishing our system. Most of us recognize that had it not been for our system, our problems would be more numerous and worse. And we realize that countries which have not had our system generally have far more and far worse problems than we do.

I am afraid that we have been hearing too much about the rights of citizenship and not enough about the correlative responsibilities that accompany those rights. Our system is not to be blamed if it is abused by someone who claims all the rights our system affords, but chucks the responsibilities off onto someone else's shoulders.

The right of free speech is not an absolute right, and it has a correlative responsibility to respect the rights of others to speak, to

avoid false statements which may damage the reputations of others, and to help—not to hinder—others in their search for truth.

The right to academic freedom is not an absolute right either, and it has a correlative responsibility to help in the search for truth, knowledge and wisdom, to broaden horizons, and to enhance—not tear down—the good name of the school, college or university.

The right to dissent is matched by the right of others to agree.

The right to equal job opportunities has a correlative responsibility to be loyal to one's employer, to be tolerant and understanding of one's fellow employees, and to earn advancement on the basis of merit.

The right to own property has a correlative responsibilty to respect the property of others, including public property owned by all the people.

The right to vote has a correlative responsibility to do one's homework and to know whom and what one is voting for.

If these correlative responsibilities of American citizenship are not lived up to, the rights of citizenship are not going to be worth very much and, indeed, any system" would be in trouble.

I am confident these responsibilities will be met by the vast majority of the members of your generation. Your generation recognizes, more than those which have gone before—that quality—not quantity—in our society should be the principle by which to measure progress. Your generation realizes we cannot have a "great" society simply by calling it "great," that we must have a "good" society if we are to have a great society.

Let me make a few points about your newly acquired voting power. The first is that you should never get the idea that your vote doesn't count. It does, and it counts just as much as the vote of the President of the United States, or the vote of your teachers and parents.

The second point is: Don't waste your vote. During my first campaign for the Senate in 1960, the League of Women Voters of my state ran a series of ads a couple of weeks before the November election. All these ads said was this "Vote—But Don't Vote in the Dark." What the League was saying was don't waste your vote by failing to live up to your responsibility to do your homework first.

Thomas Jefferson once wrote that for the great experiment in self-government to succeed, the will of the majority is a necessary condition, but it isn't a sufficient condition. The necessary and sufficient condition, he said, is the will of the *enlightened* majority.

It is often said that people get the quality of government they vote for. If they are uninformed voters, they are likely to get poor government. The uninformed voters can, of course, offset the vote of an informed voter. He really wastes two votes. If voters take the trouble to become informed, they are likely to get good government.

My third point ties in with this. Polls disclose that nationwide some 60 percent of the new voters are identifying themselves as "independent," and it is well known that an increasing percentage of old voters are also registering independent. Even among the new voters who are identifying with a Party, an overwhelming number say they are more candidate- or issue-oriented than Party-oriented.

To me, this means that most of the new voters are going to take their time and do their homework before they cast their vote. And I don't believe they are going to be impressed by glittering generalities and all kinds of promises. They want specifics. They are not interested in change just for the sake of change. They know that campaign promises are very cheap; that it's performance that counts. There may be a few of them who will vote for someone who promises the most, but I believe most of them *expect to have to work for a better America* and they like those challenging words of the late President Kennedy: "Ask not what your country can do for you, but what you can do for your country."

Just like my generation has been, your will power and your intellects will be subject to some very severe tests. These tests will often not be clear-cut, and they may arise under nice-sounding labels of "social justice," "fairness," and "change." They will try your consciences. But beware of false prophets. Persevere in the proposition that we can correct injustices through the use of proper means just as well as through improper means—and a lot better in the long run. We can assure equal opportunities for all our citizens and a better life for all within the system which has produced a nation, which is the acknowledged leader of the Free World.

Our first national goal is a just and lasting world peace. Without genuine peace in the world, the peace, security, and freedom of our people cannot last. And our second national goal is a good society for America, because without that, all else fails.

These goals are part of what being an American citizen means. And they are not beyond our reach!

But if we reach them, it will be because we have called upon the best that is within us—commitment to hard work, recognition that the easy road is not always the right road, respect for the rights of others, patience, and, above all, firm adherence to sound moral principles—the ones you have had the opportunity to learn here at Visitation.

I am confident that you will meet these responbilities of good citizenship; and, if you do, I can promise that you will gain the happiness and peace of mind which always accompany the realization that one has made a contribution towards making ours a nation of better people.

Each of you can make a meaningful contribution. As Edward Everett Hale so well put it: "I am only one, but still I am one. I cannot do everything, but still I can do something. And because I cannot do everything, I will not refuse to do the something I can do."

As you leave here today my fondest wish for each of you is that you will be good citizens.

Congratulations, good luck, and God bless!

AGRICULTURE AND THE ENVIRONMENT

Mr. MOSS. Mr. President, many city dwellers who have recently joined the environmental crusade are not aware of the great efforts which have been made down through the years by our rural agricultural community to protect our land, our air, and our water from environmental deterioration. Most farmers and ranchers were action environmentalists long before the current public interest was aroused.

I recently received a report from A. W. Hamelstrom, vice chairman of the Utah Rural Development Committee, which said, in part:

The farmers and ranchers in Utah have been carrying out environmental improvements for years, yet few people recognize this. For example, erosion control measures installed on our farms and ranches reduce sediment deposits in our lakes and streams. This results in cleaner water. Wind erosion control practices such as strip cropping and residue management reduce air pollution. Proper management of cropland, woodland, rangeland, and pasture stabilizes soil erosion, provides wildlife habitat, and provides a pleasing view to the observer. All of these contribute to environmental quality. Many of the lakes and reservoirs in our state which provide so many hours of recreation for large numbers of people started out as irrigation reservoirs constructed by farmers and ranchers. These are only one of the many contributions agriculture has made to preserve environmental quality.

I am glad to have the opportunity to spread the word of the excellent work Utah agriculture has done and is continuing to do in this field.

MANTUA INDUSTRIAL DEVELOPMENT CORP.

Mr. SCHWEIKER. Mr. President, the Mantua Industrial Development Corp., of Philadelphia, was written up in Business Week.

The Mantua project was initiated by two dedicated Philadelphians, Wilbur W. Pierce and Herman Wrice. Over 2 years ago, Wilbur Pierce was working on a doctorate at the University of Pennsylvania when he met an energetic young black leader named Herman Wrice. At that time, Wrice had already organized a group called the Young Great Society. YGS was running drug abatement, rat control, housing renewal, medical, and educational programs on a shoestring. Wrice was convinced that one of the keys to the development of the black community was to find jobs for the local residents, and he also knew very well that YGS needed money to continue its vitally needed programs.

Herman Wrice and Wilbur Pierce teamed up to organize the Mantua Industrial Development Corp. The story of the struggles and the successes, along with the wonderful support they received from several helpful Philadelphia businessmen, is told in the Business Week article.

Mr. President, the Mantua project represents a wonderful example of dedication and determination. I commend the story of how it was done to the Senate and ask unanimous consent that the Business Week article be printed in the RECORD.

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

BLACK CAPITALISM: A STUDY OF STRUGGLE

Frederick S. Jackson, Jr., the black president of Mantua Techtron, Inc.: "I have firsthand knowledge of the many days Wilbur Pierce sat in a heatless building trying to put together the operation. I saw and heard the abuse of so-called militants who demanded immediate action or removal of the 'Honkey' from the neighborhood. I called the office within minutes after Wilbur had been attacked with a pick ax. . . . I was there when the kids broke windows and there wasn't enough money to buy heating fuel, let alone replace windows. Yes, I saw Wilbur take abuse after abuse, and when questioned as to why, his answer was: 'We all have a job to do.' "

The job Wilbur W. Pierce of Philadelphia had to do reached a heady plateau at yearend when, after a year of wrangling, the Small Business Administration approved a $600,000 loan to complete financing of a $1-million building to house the first primarily black-owned cooperative industrial complex in the United States.

Through Pierce's dedication, tenacity, and coaching, 10 small businesses, seven black owned, have been brought together to form Mantua Industrial Development Corp. The 190,000-sq.-ft. MIDC building will house a line-up that includes a printed circuit-board maker, a producer of sophisticated plastic molded parts, a computer softwear designer, a contract engineering and part-time help company, and a janitorial service. Alongside the primary black-owned operations will be a Mexican-American furniture manufacturer and two white-owned companies: a printing plant and a medical supply distributor.

The MIDC affiliates expect to:

Employ 350 people and gross $3-million this year.

Merge and remerge into companies that make products three or four can produce together and sell through a common marketing front.

Show that an integrated group of companies can cope—face to face—with the realities of business life.

Help a downrodden neighborhood finance its own revival.

BACKGROUND

Tracing the hurdles that MIDC participants overcame to reach this point is a case study of the problems that can attend efforts to assist black capitalism.

The saga started more than two years ago when Pierce, who was working on a doctorate in Russian history at the University of Pennsylvania, met a charismatic young black leader, Herman Wrice. Working in a dismal ghetto called Mantua, Wrice had organized a cadre of young men into a group he called the Young Great Society (YGS). Living hand-to-mouth, Wrice managed to fund and run drug abatement, rat control, housing renewal, medical, and special preschool-to-college-level educational programs. In the process, he learned to work his way through two mazes: foundations and Washington.

Most importantly, Wrice knew his people needed jobs and YGS needed money. He put it to Pierce: Why not start some businesses that could put jobs in the ghetto and possibly profits into YGS? Pierce says Wrice told him, "I know 'social' but I don't know econonic." Pierce adds, "I didn't know economic either, but I decided to figure it out." For Pierce, 29, this meant the school of hard knocks.

ADVICE

From all sides—Wharton B-school professors, Philadelphia bankers, and government agencies—Pierce was told to keep his efforts simple because the blacks he would hire had little or no work experience. His advisers thought making pallets for fork-lift trucks would be ideal. A bank loan of $10,000 provided money to rent a garage, buy some nail guns, and order a load of lumber.

One large company donated a 1938 truck, which broke down on its first trip and never ran again despite $800 in repairs. Another company gave a fork-lift truck, which did not have enough power to get up the driveway to the garage. "That taught me something about business handouts," says Pierce, who was rapidly and painfully learning some fundamental lessons in business management.

Wrice kept sending to Pierce workers who simply were not ready to work eight hours a day with rough lumber. Orders were slow and equipment broke down. The oversized staff amused itself by firing nail guns at a sign that read: "No job is so important that safety can be sacrificed." Nail gun battles became an occupational hazard.

Piecework was tried, and within an hour Pierce was called a "Jibe Mother Honkey." Against a market price of $4.85 per pallet, Mantua was producing pallets at an average cost of $61.43. Within four weeks, the company failed. "From then on, whenever I went to a bank, I felt like a schmoo trying to climb over a stack of my pallets barricading the doors," recalls Pierce.

With $80 left in the till, Pierce tried a different tack. He wrote a rubber check to buy a machine to make plastic name plates. It was lighter work, more easily learned, and the venture managed for a time to get enough business to keep ahead of the rubber checks. But banks were not willing to loan enough to buy better equipment to make the operation more efficient.

Through the winter of 1968–1969, Pierce had no money to heat his office, toilets flushed into the basement, typewriters and adding machines were stolen, and solid oak doors were destroyed within a week. But the phone bill was conveniently overlooked by a former Bell vice-president.

One day, word got out that YGS had received a $120,000 grant and that Pierce had some of it. Two hoods decided they wanted to open a shoe store and stalked Pierce in his frigid lair at gunpoint, demanding $10,000. On the pretense of getting the money, Pierce managed to escape onto the roof. Another time, harassers knocked him unconscious with a pick ax.

UNDAUNTED

Pierce kept pushing. The Mantua project tried to start a moving company to move welfare families displaced from their homes. Government funds were supposed to pay the cost, but the welfare recipients cashed the checks first and the operation folded with $1,500 in receivables. "And we dropped a couple of refrigerators along the way," says Pierce.

Though Pierce started with Wrice's YGS at $130 a week in salary, that dropped to nothing within a month. Friends, black and white, still are awed by his commitment. Many a day he and his wife, Sara, lived on Philadelphia's functional and filling soft pretzels. Other days they would be fed by friends like Wayne Owens of General Electric's Re-Entry & Environmental Systems Div., or Ben Lane of the printing company which is now a part of MIDC, or Stanley Bernstein, a quiet benefactor and president of Quaker Export Packaging Corp.

In fact, GE's RESD operation, located near Mantua and strongly committed to the community, was a second home for Pierce. "I could cry there, I could get warm there, and I sure abused their phone privileges. It's a good thing Otto Klima doesn't know everything his people did for me." Klima, vice-president and general manager, knows and applauds what happened.

Pierce eventually became convinced that he could not help YGS and Mantua if he had to work in fear for his life. And he had learned that business cannot be run for purely social benefit. It has to be run for profit, he says, before there can be any social benefit. Perhaps most importantly, he concluded that black business would have no meaning unless it entered the industrial mainstream. "To make an impact, don't go into barber shops and dashiki shops," he says. "You have to be fair-sized, and you have to be in manufacturing. Oh, there may never be a black Alcoa, but there might be an integrated one."

To make the impact he wanted, Pierce needed money, a facility, a type of business that would mean something, and a black entrepreneur. With nothing but three failures to show, the tasks were incredibly difficult.

THE ENTREPRENEURS

"Bernard Baruch," says Pierce, "said find a need and fill it. No, the need's there. The problem is to find the man to fill it." For Pierce, this meant finding black entrepreneurs: men who could build a business, "live with the agony of Friday" when the payroll falls due, and do business with white executives.

MIDC's enterpreneurs come from a variety of backgrounds, but the majority threw over secure corporate jobs to take the plunge. One such is Frederick S. Jackson, Jr., president and 51% owner of Mantua Techtron, Inc., a manufacturer of printed circuit boards. He had spent 12 years in electronics with RCA Corp. when, by the summer of 1968, he realized he wanted to become more involved in black affairs. But with six children and a mortgage, he could not take welfare-oriented offers.

At the same time, Pierce was deciding—in a leap of fancy his associates have learned to accept—that what pallets could not do, printed circuit boards could. He saw an ad for a plant and called Owens at GE to see if he knew a black with electronic experience who could run that sort of operation. Owens put Jackson and Pierce together.

YGS was to be a large shareholder in the venture, with Jackson receiving a $12,500 salary for two years before getting 25% control. But in two months, the salary stopped, and Jackson scraped by on $70 a week from the owners of the plant, while they waited for Pierce and YGS to find funds and buy the operation.

Finally, as Pierce says, "I met a babe in swaddling clothes." The "babe" was Norman L. Bitterman of Central Penn National Bank who had not been burned by pallets, liked the idea, and arranged a $25,000 loan.

Mantua Techtron, Inc (MTI) was incorporated last June with Jackson, at Bitterman's insistence, holding 51%, Pierce with 10%, and YGS and Wrice the balance. Monthly income is up to $13,000 and pushing the break-even mark. But before he got this far, Jackson often faced the agony of Friday and the specter of failure.

"I have $16,000 in this business," says Jackson. "I sold my insurance policies and used my life savings. My house was next to go." But the payroll was always met. When things began to look too bleak, he would call Bitterman, who would say, "Call me on Friday and we'll work something out."

Pierce's contribution was twofold. He was there when Jackson needed him and he helped open corporate doors. Pierce has a simple sales theory. "You have to deal with the big companies whose top men have reputations to protect. A medium-size company doesn't give a damn."

CUSTOMERS

MTI's first customer was Leeds & Northrup. Now, both RCA and IBM are steady customers. IBM, in fact, has programmed purchases through 1971 at a rate that should assure MTI of a profitable year. Other customers include GE's Switchgear Div. and Boeing's Vertol. Div. But the companies weren't easy to sell. One buyer told Pierce flatly: "A black can't make printed circuit boards." Pierce replied: "You're right. A black can't make anything unless you give him an order."

MTI, like other MIDC companies, is afloat now because of an SBA-guaranteed loan of $100,000 at 5½% interest for 15 years. Some $32,000 of that went to wipe out the initial loan and the ever growing line of credit from Bitterman. The balance was used to buy new equipment and to cover operating expenses. But it is still touch and go, says Jackson. "I'm very uncomfortable on working capital. I'm working strictly on accounts receiveable."

The SBA and MIDC directors are confident that Jackson will make it. "He's bright, and we felt he should have the opportunity to fly," says SBA Regional Director Russell Hamilton, Jr., who loaned MTI $15,000 more than it requested. In total, SBA and Philadelphia banks have backed the 10 MIDC companies with about $750,000 in loans issued or pending.

THE SHOWCASE

MIDC Chairman Jay Tolson says: "This thing died at least a hundred times. Each time, somehow, someway, Wilbur brought it back to life." Getting the showcase building was an example. By September, 1969, Pierce thought he had enough companies lined up

to justify building a big industrial park near the Philadelphia airport. He had learned that while the Mantua goal was to give jobs to ghetto residents, the jobs had to be accessible and yet situated far enough from employees' homes to eliminate noontime disappearances. The airport site, he still tells skeptics, was "accessible."

Through corporate clients, Pierce met real estate executive Robert M. Brasler, who quickly proved that the industrial park scheme was too grandiose. But Brasler had a 190,000-sq.-ft. building on his books, which was only a short streetcar ride and stroll from Mantua. Brasler struggled to put the deal together all year—first with banks, then with a state agency, and finally the SBA. "Never have I worked so hard. It's been like handling a bomb. One false step and it would blow," he says:

The loan was delayed at least three months by seemingly endless SBA regulations and policies. "In most business deals," says an MIDC director, "You agree to clean up points A, B, and C and then you have a deal. With the government, they say 'clean up A, B, and C then come back and see if we have thought up D, E, and F.' Furthermore, they have to ask Washington if *it* thinks you cleaned up A, B, and C. There has to be an easier way."

The SBA's Hamilton never doubted that the loan would go through. "That Pierce," he says, "has more brass than a statue. He and the black businessmen carried the load, and the things they have done are phenomenal. This has to work and has to spread. Really, MIDC is what the hell it's all about."

ORDERS

Even as they waited for the building, some of the MIDC's dreams started to come true. Norman Moore's Jeannor, Inc. a knitting mill, got a $250,000 contract to make sweaters for the Navy, and some work for Sears, Roebuck & Co. Q-Pel Corp., controlled by Willie Cunningham, a black, gregarious plastic parts for a new IBM computer, pushbuttons for Ford car radios, parts for GE switchgear controls and Philco TV sets. Pierce is a partner in Q-Pel. He will get a 32% interest if he brings in $1-million worth of business. But if he does, his stock will go into escrow, at SBA insistence, to insure black control of Q-Pel. Says Cunningham: "If Wilbur were dipped in a deep rich bath of milk chocolate and looked like an M&M candy, he might be allowed to earn something for the year he went without salary and the midnight hours he spends helping people."

But Pierce has not given up his role as MIDC cajoler and coordinator. One of his goals is to form separate companies out of the MIDC components, which would make new products to be marketed originally under special small-business set-aside contracts. Negotiations are under way for Philco-Ford Corp. to join with three Mantua firms—MTI, Q-Pel, and Creative Computer, Inc.—to form a company called Nucleus, Inc. to make transceivers. Philco would contribute its marketing and management knowhow and after three years would divest its interest.

Pierce expects Nucleus and other synergistic permutations of the little businesses to soak up 60,000 sq. ft. of the MIDC building which the seller, Logistics Industries Corp. has agreed to continue to rent from MIDC for three years. And he is already negotiating with a black dental supply firm, and a Chinese importer to join MIDC.

But MIDC's real hope is to keep the companies already in the fold growing and to move them on to other, bigger buildings, which it will finance in part from the profits made on the present building. Besides offering tenants a favorable rent—$1 per sq. ft. for the first three years—MIDC is so structured that the tenants will own the building. That is small recompense, say MIDC's creators, for the years that black entrepreneurs have suffered the fear of payless Fridays, the sight of reluctant bankers, and often the skepticism of white business.

REGULATION OF TRANSPORTATION

Mr. COTTON. Mr. President, on May 17, Mr. John A. Creedy, president of the Water Transport Association, spoke before the 15th annual transportation seminar at St. Anselm's College, in Manchester, N.H. The subject of Mr. Creedy's address was "Better Regulation: Time to Get at the Real Problems."

In Mr. Creedy's address, I find much with which I can agree, but there are some assertions with which I am not wholly in accord. However, I believe Mr. Creedy's address to be a thought-provoking statement of current regulatory problems affecting our transportation industry which may be of interest to Senators.

Therefore, by request, I ask unanimous consent that the text of Mr. Creedy's address be printed in the RECORD.

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

BETTER REGULATION: TIME TO GET AT THE REAL PROBLEMS

It is always a special pleasure to have an excuse to visit New Hampshire and New England and it is a privilege to participate in the St. Anselm's College Transportation Seminar.

We have never been more in need of good communications in the transportation industry and between the industry and government than we are today.

At a critical time when probably, realistically, only weeks are available to agree on a program for action in the Congress this year, we need to get down to business. Forums such as this can be helpful in untangling some of the confusions.

Far and away the most important immediate problem to resolve is the question of priorities this year. There is great momentum for long range reform, but also there is an emergency situation as to the railroads which has to be dealt with first. This is basically what the joint rail-water-truck approach in the Surface Transportation Act is aimed at doing. We know there is more in this proposal for the railroads than for any other segment of transportation, but their need is more immediate. It is time for the transportation industry and shippers and government to back an effective approach to prevent nationalization of the railroads now and, later on, of the rest of the transportation industry.

Having said that, what about "Economic Regulation—How Much?", our topic today? In the testimony before the Congress so far this year, I think that question has been resolved. It is not how much. The deregulation idea has become obsolete. The question is how to achieve *better* regulation.

But even before we can get to that question, we urgently need much better analysis of the problems than we have had so far. Very distinguished scholars in the Council of Economic Advisers and elsewhere have discussed transportation problems. But unfortunately they have relied for their conclusions on some of the most undistinguished economic scholarship in recent history.

This scholarship is now being torn to shreds in testimony before the Congress. In essence, the underlying data supporting the reform theories of the Department of Transportation has dealt with small segments of the trucking industry, not with the trucking industry as a whole, nor with the rest of surface transportation. Even for what the scholarship purports to prove about a small segment of trucking, the data has been shown to be at the best obsolete, inconclusive and irrelevant, and at worst, totally mischievous and misleading. As to its relevance to the rest of transportation, it is completely useless.

I am not proposing here a massive new study program. We tend to study our problems to death. But it is necessary to analyze the industry enough to recognize its real problems. A 15-year-old study—itself faulty—by the Department of Agriculture of a small segment of trucking is not enough as a justification for drastic change in regulation for the entire transportation industry. Nor does it help to be offered, as I have been, experience in Australia or Canada or airline experience in California or the experience of the taxicab industry in Washington as a substitute for a thorough analysis of U.S. railroads, U.S. water carriers and all segments of U.S. trucking. Indeed, attempts to justify the shoddy thinking and inadequate data are becoming ludicrous.

It is increasingly clear that the DOT proposals are in reality a massive attack on the trucking industry. The proposals would seriously damage the railroads and the water carriers as well, but apparently mostly by mistake, and certainly in ways that were not foreseen. Of course the truckers are perfectly capable of defending themselves, but any student of transportation recognizes that the instant overnight service of trucking makes a decisive contribution to the nation's productivity and any attack on trucking which threatens to undermine its efficiency is a very serious matter for everyone who produces and uses transportation.

The ready availability of trucking as a connection for gathering and distribution of water carrier business works at maximum efficiency as an aid to our industry. Some years ago, as president of a school board, I was deeply involved in the construction of a new school in Westchester County. It was impressive to observe how the bricks from Baltimore, the windows from Providence, the steel from New York and all the other components were assembled on time by the trucks. Where one supplier failed, the trucks could reach out at once to an alternate one and the school opened very close to schedule. Any delays we had were not the fault of the truckers. We take this sort of efficiency for granted. It does seem that the proponents of drastic change should feel an obligation to provide more than one 15-year-old study of an extremely limited segment of trucking to show that such far-reaching proposals would necessarily provide better solutions.

One obvious trap the policy makers fall into is the assumption that the transportation market place is like every other market place. In fact, there are many different market situations in the economy and transportation has its own market imperatives which cannot be dismissed lightly.

For example, guaranteeing agricultural and industrial producers access to their markets on an equitable basis is quite a complex problem. There probably isn't one simple solution to providing equity as between competing ports, communities, factories, and commodities.

The problem of equitable access to markets for competing producers in part has been recognized by the establishment of rate bureaus, where timely protests can be lodged as legitimate interests are affected. These may look like cartels to those who are satisfied with over-simplifications, but they perform a very necessary function. Rate bureaus can be abused, but the cure is to improve the way the bureaus operate, not to eliminate them. This is now being accomplished through a series of meetings between shippers and carriers at which the actual rather than theoretical problems are being discussed.

The very inadequate scholarship of those who propose change has obscured the basic

fact that, far from holding up rates to artificially high levels, the industry has failed to produce adequate revenues and earnings. The shippers are getting the best of the rate level argument; average rate levels for transportation lag far behind the consumer and wholesale price indices.

So, far from having to reduce profits of the industry as appears to be the erroneous view of some experts, the real problem is how to coax new investment into an industry which has a very poor reputation for earnings.

And for that we need to talk about improving the regulatory process; not necessarily more regulation or less regulation but better regulation.

One of the simplest first steps is to stop starving the ICC. The Congress provides adequate funding for the ICC, but the funds are arbitrarily withheld by the government bureaucracy and the regulatory process is slowed to a snail's pace, even sabotaged, as a result. A quick cure would be to remove authority for the ICC's budget from the Office of Management and Budget, as is proposed in the Surface Transportation Act.

A second step would be to go directly to the most important problem, adequacy of revenues and earnings. Astonishing as it may sound, the ICC so far has not developed any standard as a yardstick to determine what rate levels are adequate in the public interest to provide for the public service. Shippers claim they are willing to pay a fair price for freight service. They say they do not want to be subsidized by the transportation industry. But there is constant controversy over and resistance to necessary rate increases, in large part because adequate intelligence is not available on adequacy of revenues.

Transport rate levels are tied to historic costs. Particularly, with long-lived equipment such as rail and water carrier equipment, the gap between acquisition cost and replacement cost has been disastrous. In the last five years, for example, a 1,200 ton covered hopper barge has doubled in cost from $60,000 to $120,000. Rates based on historic cost of equipment now 15 years old will fall far short of providing the necessary means for replacement and expansion. The bright side is that although it is complicated, it is perfectly feasible to quantify the inflation factor acceptably and feed it into the consideration of rate standards. One would of course make due allowances for whatever productivity increases have resulted from investment in new equipment. As long as the standard is tied to "useful equipment," the shipper is protected against the inclusion of redundant capacity.

The modernized standards will simply provide accurate recognition of the revenues needed to perform well in the public interest. This is not a new idea. Assets of oil pipelines, for example, are revalued every year and a standard rate of return allowed on the revalued assets. In the non-regulated economy, prices rise to a level which covers replacement cost of assets and the current costs of obtaining capital. The tremendous lag between increases in transport rates and increases in the wholesale and consumer price indices is symptomatic of something fundamentally wrong in present transport pricing standards.

The development of adequacy of earnings standards should be rounded out by the early completion of the present rate structure, rate base and cost finding proceedings. Perhaps special additional staff should be made available to the ICC to complete these cases promptly.

A continuing study of capital requirements for the industry over the next 10 years would help complete the picture. Shippers can hardly object to rate levels which will buy necessary hardware to improve and expand service. It would help to identify the requirements beyond reasonable dispute. Having a capital requirement study would give the ICC an opportunity to audit the relationship between investment and revenues and earnings.

Much has been made by the Council of Economic Advisers of the need to improve the way the forces of competition work in transportation. Contrary to the impression the CEA tries to give, the transportation industry is far less concentrated and more competitive than most of industry. The water carriers have thoroughly orthodox views on competition. They believe that competition *is* one of the most reliable forces available to ensure and promote efficiency. They are not for protection of the inefficient. At the same time, clearly, the more efficient producer should not be knocked out of the market place by the abuse of economic muscle. Water carriers urge that an analysis be made of the present actual roadblocks to improved healthy competition looking toward the development of reasonable rules to make sure that the more efficient competitor is not artificially shut out of an opportunity to compete.

Finally, it is time to open a very large new subject which has been curiously neglected by the policy makers in transportation. This is the question of how productivity improvement may be achieved in transportation.

Oddly enough, the leading transportation texts have little to say about transportation productivity. There is seldom much discussion of it in the current articles on transportation policy in the transportation magazines. Every other aspect of transportation is fully covered, but productivity does not have the center of the stage.

And yet obviously the main hope of holding down rates is improvement in productivity. No one can entertain the illusion that, in the future, wages are going down or the cost of fuel, or the cost of steel, or the price of engines, or the price of rubber tires, or groceries for the galleys, or the cost of printing tariffs, or the cost of repairs and maintenance will be less than they are today.

Indeed most people throw up their hands at the mere prospect of improving productivity. How can you take all those components, each of which is getting more costly by the minute, and expect to produce stable rates or even lower rates? It is manifestly impossible, they say.

The issue of improving productivity is so crucial that the policy makers, as a matter of priority, ought to know all there is to be known about it. In fact, they know very little about it. Their intelligence on the subject is so primitive that they do not even have a price index of freight transportation by mode. They do not have a productivity index. They don't know how productivity improvement is achieved in transportation.

Obviously change in production of anything begins with new investment. Workers have to be trained to improve their skills and training costs money. New technology has to be bought, re-organization of production to take advantage of economies of scale means discarding old methods and buying new; committing more capital per worker means heavy new investment.

It is precisely heavy new investment which has worked in improving productivity in the water carrier industry. The container system, pioneered in the domestic trades, replaced the old break-bulk system which had survived virtually unchanged since before the time of Christ. The new development was the investment of about five times as much per ton of capacity for the container system than the break-bulk system. Savings for the customer have been substantial.

In barging, big towboats were purchased at heavy cost capable of pushing upwards of 40,000 tons of cargo at a time, replacing much smaller units which could handle less than half that load. Again heavy new investment paid off. Average barge rates today are less than they were in 1960.

One thing that stands out in all the discussion of transport problems is the failure to recognize that transportation is far more capital intensive than most other segments of the economy. In manufacturing, fifty cents of investment will, in general, produce a dollar of revenue. But in railroads three dollars of investment are required to produce a dollar in revenue and a somewhat similar picture emerges when water carriers are analyzed.

When the ICC talks of capital starvation of transportation companies, this is not just another factor among many, it may be *the* paramount factor explaining carrier difficulties. Not enough attention has been given to the significance of the formation of capital for transportation companies, particularly railroads and water carriers, in the struggle for improved productivity.

Thus, in summary, we make four suggestions for improving regulation of surface freight transportation.

The first is to fund the ICC adequately and stop playing games with this vital agency.

The second is to determine on a continuing and accurate basis standards for the adequacy of earnings for transportation.

The third is to identify the roadblocks to competition and remove them and the fourth is to find out just what triggers improved productivity in transportation and invest in it.

It seems to me that the shippers and carriers have plenty of reason to work together on these issues in the coming months. As one of the early promoters of the joint rail-water-truck approach, I have invited shippers to work with us as fellow experts to produce a program that will really help.

A program which has as its target disadvantaging the trucking industry or tries to help one industry at the expense of another or is not fair to the consumers of transportation services is, in my opinion, doomed.

Transportation is not a simple industry. There are unlikely to be simple solutions to its problems. A doctrinaire approach to the solutions borrowed from pure economic theory without adjustment to the realities of the transport market place has done more harm than good. If the legitimate requirement of industrial and agricultural producers for equitable access to their markets at reasonable rates is to be recognized, the policies adopted have to fit the problems. There is no escape from that simple fact.

The DOT's search for new directions is commended by everyone. In essence, the objectives are sound—more competition, less government intervention with business decisions. Nobody can be against those objectives and nobody is. What they have turned out, however, is obviously the result of an attempt to apply a doctrine, then tinker with it to anticipate political objections. The end product is now unworkable, unhelpful and probably unfixable. An alternative approach is to identify the problems needing attention more precisely. To do that the help of shippers and carriers is needed. Up to now the DOT has been selling a pre-determined doctrine, and has not been receptive to constructive alternative suggestions from the consumers and producers of transportation.

Looking at the wrong solution to a problem is often a necessary prelude to finding the right solution. In my view, if we develop effective lines of communication on the rest problems, the Department is in a position to do the public a significant service. The present system is not all bad as some extremists would have us believe; perhaps there is much more good than bad in it. A conservative approach to change so that matters are not made worse seems indicated. The four-point program suggested here is both conservative and far-reaching.

TAX REFORM—OR IS IT?

Mr. HANSEN. Mr. President, as one headline writer recently put it, "Rich Man's Loophole is Little Man's Shelter."

He went on in the article to point out that there are, of course, a number of loopholes in the tax laws by means of which people with large incomes are able to avoid paying significant amounts of income taxes.

But most of these tax avoidance possibilities were written into the tax laws not as loopholes but to encourage those with substantial capital holdings to invest that capital in ways which Congress thought would be helpful to a particular cause of the Nation as a whole.

For example, a homeowner is subsidized by allowance as a tax deduction the amounts paid for property taxes and mortgage interest.

And one of the best-known tax avoidance techniques is the purpose of municipal bonds the interest on which is exempt from Federal income tax and generally from State income tax as well.

But, if the tax exemption for municipal bond interest were to be eliminated, only about a third of the revenue increase to the Federal Government would come from the investor while the other two-thirds would be added on to the already crushing local tax burdens.

The same would be true of other so-called loopholes. The investment tax credit is a good example. Intended to stimulate business and industrial activity—more jobs.

The oil depletion allowance intended to stimulate exploration and development of new oil and gas reserves has worked well for almost 50 years. Now that the Nation's insatiable appetite for energy is devouring oil and gas faster than it is being discovered, incentive for discovery of new supplies is needed more than ever.

The prospects of the billions of dollars which will flow out in trade deficits for imported oil and the hazards of dependence on unstable foreign sources are added reasons for retaining the oil depletion allowance. But the compelling reason is again, that whatever is taken away from the oil companies in tax deduction will as surely as the sun rises be added to the consumer price of gasoline, home heating oil and other petroleum products just as the added cost of the interest on tax exempt bonds would be paid by the average taxpayer.

Removal of the tax and interest deduction for homeowners would eliminate the incentive to own a home. Why not rent and let someone else pay the expenses?

Mr. President, the real answer to the overburdened taxpayer's problems is not tax reform but Government spending reform. I am in favor of a new awareness and, in fact, a militancy on the part of the American taxpayer toward the big spenders in Government—those who would cure all of our ills with money. During the past decade, Federal spending has doubled and there is no end in sight.

Mr. President, it should by now be obvious to the average taxpayer that someone keeps turning the screw as his taxes go up year after year. And that someone is the Congress of the United States, over which only he has control. When he, the average taxpayer, decides he has had enough, he can do something about it. Each 2 years he has an opportunity to vote for a Congressman or Senator. Each 4 years, a President.

Mr. President, I have a more detailed analysis and commentary on the Tax Policy Review Act of 1972—the Mills-Mansfield tax reform proposals. I ask unanimous consent that the following explanation and comment be printed in the RECORD.

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

THE MILLS-MANSFIELD TAX REFORM PROPOSAL
(H.R. 15230, S. 3657)

I. EXPLANATION

1. *Proposal.*—The Mills-Mansfield bills ("Tax Policy Review Act of 1972") would amend the Internal Revenue Code by terminating 54 tax differentials which were originally enacted, largely with bipartisan support, to provide incentive, equity, and/or fairness in accordance with stated economic or social rationales. Under the proposal the termination of 18 differential items would occur on January 1, 1974, with an additional 18 items terminated in each of the two succeeding years. The groupings of the items in their respective termination categories follow no consistent pattern and are at best illogical. The differentials in tax treatment specified for termination in the bills include Code provisions allowing exclusions, exemptions, deductions, and credits affecting such items as capital recovery allowances, research and conservation expenditures, exploration expenses and percentage depletion in the case of over 100 minerals, special reserves of financial institutions, interest on state and local bonds, home mortgage interest, educational expenses, retirement benefits, personal exemptions, dividend income, capital gains, estate taxation, charitable contributions, etc. The sweeping thrust of these terminations would affect all variaties of taxpayers at all income levels.

2. *Purpose.*—The professed sole purpose of this unique sudden-death approach to tax reform is to "provide a guarantee" of an "orderly and systematic review" of virtually all differentials in tax treatment presently contained in the Federal tax law. Presumably, in connection with the three-year review that is to follow enactment of the termination measure, the Congress could take such action, if any, which it deemed appropriate with respect to the Code provisions affected. If Congress did not act, the provisions of present law covered by the Mills-Mansfield bills would be terminated on the dates scheduled.

3. *Legislative status.*—The Mills-Mansfield bills are now pending before the House Committee on Ways and Means and the Senate Committee on Finance respectively. The intention has been indicated to offer the legislation as an amendment to a measure increasing the statutory debt limit ceiling. The debt-ceiling bill has not to date been introduced but it is scheduled to be considered by the Congress during the month of June and must become public law by midnight June 30, 1972. The Committee on Ways and Means has begun brief public hearings on the subject. The hearings are to be immediately followed by executive sessions. The amendatory attempt may occur at any of several stages in the legislative process. However, it is considered the most likely stages for the effort are in executive session by the Ways and Means Committee or during Senate Floor debate. Other possible legislative stages include House Rules Committee, House Floor, or Senate Finance Committee action.

II. COMMENT

1. *Economic effect.*—Economic growth and the creation of new and improved job opportunities would be seriously jeopardized if the Mills-Mansfield proposal were enacted. Business investment would encounter a tax climate of unprecedented uncertainty. The American businessman would become an endangered species. Economic recovery could be turned into recession. The House Committee Report accompanying the Revenue Act of 1971 stated as a reason for that bill, "The growth in our gross national product has been small, unemployment has remained too high, and capital goods expenditures have hardly grown at all." (p. 3, H. Rept. No. 92-533) Enactment of the Mills-Mansfield proposal would make those lamentable conditions seem like the "good old days" as the resulting tax uncertainties stifled economic progress.

2. *Family effect.*—The Mills-Mansfield proposal would cause uncertainty regarding numerous tax provisions that have important bearing on long-range family planning. Home acquisitions and real estate values would be adversely affected by the termination of the deductibility of interest on home mortgages. Automotive financing would be similarly affected. The retirement security of millions of Americans would be threatened by the proposed terminations of Code provisions relating to insurance, retirement income, pension distributions, additional exemptions for the aged, and estate taxation. Additional provisions affecting individuals that would be terminated include the tax treatment of charitable contributions, scholarships and fellowships, medical expenses, child care expenses, and sick pay.

3. *Fiscal effect.*—An acknowledged principal objective of the more militant and precipitous tax reformers is the quest for more revenues to finance higher governmental expenditures. The probabilities are that enactment of the Mills-Mansfield proposal would actually produce *less* revenues at all echelons of government during the three-year tax hiatus because of the inevitable economic downturn. Under these conditions, governmental fiscal affairs would seriously deteriorate and even the cost of maintaining existing programs would become more onerous. An additional fiscal complication would arise in those 33 states which conform their income tax structures with the Federal law.

4. *Tax perspectives.*—America's preeminence among Nations is contingent on the vitality and durability of our free enterprise system. Capital formation and investment and the productivity of its citizens are keys to America's continued economic progress. It is essential that tax policy have a minimum inhibitive effect on the business decision-making that is a daily part of our economic life. Reasonable continuity and stability of treatment are important aspects of this tax objective. The present tax structure is an integral part of our economy and any proposal which threatens sweeping adverse changes in that structure is bound to be disruptive. Part of the present clamor for instant tax reform is predicated on the false assertion that recent tax legislation has favored corporate taxpayers over individual taxpayers. The facts prove the contrary. For the 12-year period 1969–1980, the Revenue Acts of 1969 and 1971 and the adoption of the Asset Depreciation Range System (accelerated depreciation) will decrease corporate income taxes by an aggregate of $8.1 billion (an average of $0.7 billion a year), decrease individual income taxes by an aggregate of $140.7 billion (an average of about $11.7 billion a year), and decrease excise taxes by an aggregate of $19.7 billion (mostly benefiting individuals). The advocates of instant tax reform seek to leave the impression that tax avoidance is rampant among the wealthy. Factual examination of this assertion proves it is grossly exaggerated as a revenue raising factor. To the extent the assertion is true, a proper remedy must be found but it hardly justifies threatening the

entire Nation with a tax recession induced by the Mills-Mansfield proposal.

5. *Spending perspectives.*—The so-called Taxpayers' Revolt may in fact be a revolt against the burgeoning level of governmental spending. Public concern is mounting over the apparently insatiable demand of government for tax dollars to finance new and expanded programs of doubtful effectiveness. Published instances of mismanagement of public funds are increasing in frequency and provide little comfort to the harassed and overburdened American taxpayer. The level of Federal spending has more than doubled in the eight-year fiscal period 1965 ($118.4 billion to 1973) ($246.3 billion projected). Serious question exists as to whether or not there has been a commensurate public benefit. Spending projections for the balance of the 1970's make it clear that the future will demand stringent frugality in the initiation, maintenance, and administration of governmental programs if the private enterprise sector of our economy is to survive. The Nation's ability to spend more for governmental programs will largely depend on the extent to which our private economy is expanding or contracting.

III. CONCLUSION

The unprecedented Mills-Mansfield approach to sweeping tax reform is a dangerous and unnecessary departure from traditional tax reform procedures. It is dangerous in the light of the aggravated apprehensions and uncertainties that would be reflected adversely in economic trends. It is unnecessary in that all that would be required for the Congress to undertake tax reform is for the Committee on Ways and Means to announce public hearings on the subject. Such an announcement should reflect a bipartisan commitment by the Committee which could be made now. It should be aimed at the commencement of such hearings early in 1973 so as to avoid undue election-year political input into the decision-making process. Such timing would allow affected taxpayers reasonable time in which to prepare their presentations and would provide Congress with an opportunity for a comprehensive and deliberate study. It would avoid the inevitable imputation of "guilty until proved innocent" that is inherent in the prejudgment approach of the Mills-Mansfield proposal.

Tax reform as a political issue in 1972 can be put in context by recognizing that most of the differentials in tax treatment that are covered in the Mills-Mansfield proposal were adopted with bipartisan support in the Congress. Furthermore, in the last two decades control of the Executive Branch has been vested in the Republican Party during 12 years and in the Democratic Party 8 years. The Democratic Party has been in control of both houses of the Congress 18 years and the Republican Party in control 2 years. Our present Federal tax structure can be ascribed to no one party label and to no one institution of government.

THE EDUCATION AMENDMENTS OF 1972

Mr. BAYH. Mr. President, on May 24 the Senate approved the conference report on S. 659, the Education Amendments of 1972. Despite my opposition to the bill's attempt to frustrate desegregation of the public schools, I voted to approve the conference report. I did so for three reasons: First, the bill contains some of the most significant advances in Federal aid to education Congress has ever enacted; second, the bill's unfortunate and misguided attempt to inhibit school desegregation is of questionable constitutionality and dubious effectiveness; third, to return the bill to conference was to risk both loss of the higher education bill and enactment of a more restrictive pupil transportation provision.

Every Member of Congress knows the emotional response the words "school busing" bring in this election year. And every Member knows or should know that the issue has been blown far out of proportion to its importance. Busing has always been an integral part of our Nation's educational system. Before anyone ever heard of "forced busing," close to 40 percent of the country's public school students were taking the bus to school. For two generations busing has been the way to provide bigger, consolidated, more modern school facilities; that is, better educational opportunities or, in the current phase, a quality education. Court-ordered busing designed to facilitate the desegregation of the schools has increased preexisting busing by only about 3 or 4 percent.

Every Member of Congress knows, too, that, despite the various directions in which lower courts have gone, the Supreme Court has given only very limited approval to school busing. In Swann against Charlotte-Mecklenburg Board of Education, the Court unanimously stated that busing is only one of many remedies which a lower court may use to overcome the effects of State-sanctioned racial discrimination in the public schools—and even then it cannot be ordered where the time or distance of travel is so great as to risk the health of the children or to impinge on the educational process. The Court has never approved busing which is shown to be educationally harmful. The Court has never spoken to the question whether school districts can be consolidated or students bused across political boundaries. The Court has never even considered whether busing can be ordered to overcome de facto segregation.

Indeed, one of the most serious difficulties we face in trying to deal dispassionately with the busing issue is that we in Congress—and the lower courts—have had little guidance from the Supreme Court. Partly for this reason, partly to allow time for emotions to cool, and partly because some lower court orders appear to have gone beyond Swann, I supported the Mansfield-Scott amendment to the education bill.

Briefly, Mansfield-Scott prohibited the use of Federal funds for busing which was so extensive that it risked the health of children or significantly impinged on the educational process. It prohibited all Federal employees from urging or requiring school busing which endangered public school pupils' health or safety, or which resulted in students going to schools substantially inferior to those they would otherwise lawfully attend. And it postponed—for 1 year, or until judicial appeals were completed, whichever is shorter—district court orders requiring interdistrict transfer or transportation of pupils or consolidation of educational agencies.

This last provision of Mansfield-Scott—which postpones the effective date of certain busing orders for a limited period of time—is particularly important. It was designed to give the courts, including the Supreme Court, an opportunity to clarify the law. Once the legal situation is clarified, I am confident the issue will be put in its proper perspective. We can then consider additional legislation, if it is needed.

But now—when politics and emotion are joining together to cloud reason—is no time to tamper with the fundamental human rights involved in assuring high quality, equal educational opportunity to every child. For this reason I supported Mansfield-Scott. For the same reason, I opposed the unconstitutional and unwise Griffin amendment, which attempted to withdraw from the Federal Courts all jurisdiction to provide for pupil transportation, even where it is the only remedy available to end forced segregation. And for the same reason I am opposed to those proposed constitutional amendments which would deal with the busing issue by cutting back on our commitment to equal protection of the laws.

Mansfield-Scott was a responsible and reasonable effort to deal with a highly divisive issue. Unfortunately, section 803 of the education bill as it came from conference, is not. That section is far too broad to be acceptable to a nation dedicated to overcoming its past and existing racial segregation. For section 803 purports to stay, for up to 18 months, the effectiveness of any district court order requiring "the transfer or transportation of any student—from any school attendance area—for the purposes of achieving a balance among students with respect to race." This broad language could conceivably be interpreted to stay the most ordinary court order not involving busing at all which was designed to prohibit segregation. For example, its language might be thought to reach a court order transfering a student from a school to which he has been bused for the purpose of racial segregation to a nearer integrated school, within walking distance of his home. If section 803 were so interpreted—and if it were constitutional—it would indeed be a drastic step backward from Brown against Board of Education. And precisely for this reason, I have the gravest doubts as to the constitutionality of this provision.

Moreover, there is a great likelihood that section 803 will have no legal effect whatsoever. It stays only court orders which are intended to achieve a racial balance. But the Supreme Court has never permitted or authorized any court order—involving busing or any other tool of desegregation—simply to achieve racial balance in the public schools. The Court in Swann went to great pains to remind us all that "judicial powers may be exercised only on the basis of a constitutional violation"—namely, State-imposed racial segregation in the public schools. For these reasons, section 803 is very likely to be either unconstitutional or wholly ineffective.

The question I faced as a responsible legislator was whether to vote against the whole education bill because I opposed section 803. The decision was extremely difficult because the bill contains a number of absolutely vital reforms in Federal aid to education policy. I can

touch only on the highlights here. First, the bill contains a national commitment that students who want postsecondary education—whether in a community college, a vocational institution, or a traditional 4-year college or university—will receive financial assistance if they need it. While maintaining and improving the existing work-study and student loan programs, the bill would provide a basic grant of $1,400 to every postsecondary school student, less the family contribution. This provision will assure the poor and underprivileged access to the advanced education they need to realize the promises of America. Second, the bill recognizes the shaky financial conditions of many colleges and universities today, and provides direct operating subsidies to help them stay alive and functioning. The subsidy is based primarily on the percentage of scholarship students in the school, which, in keeping with the thrust of the bill, should help open the doors of our Nation's postsecondary schools to those who might otherwise be unable to attend. Third, the bill provides $2 billion in 2 years to assist those school districts which are working to provide public school students with quality integrated education. Obviously, this money is desperately needed by the many school districts which are trying to comply with the law, but face rapidly rising school costs.

These are the major programs in the bill. In addition, there are provisions for a special Indian education program; for continuation of the Teacher Corps; for the establishment in inner city and poverty areas of educational centers to provide guidance to young people entering college; for special programs to improve the educational opportunities of disadvantaged and bilingual children; for a new National Institute of Education to coordinate educational research and to promote innovative ways of opening postsecondary education to all. The bill also contains, I am glad to report, a prohibition against sex discrimination by educational institutions, a provision virtually identical to an amendment which I offered and the Senate accepted when the bill was being debated in this Chamber.

Thus, rejection of the conference report would have deprived American educational institutions and American students—particularly those of low and moderate income who might otherwise never become students—of desperately needed new programs and funds. And I fear that sending the bill back to conference would have risked more blatant—and perhaps more effective—assaults on Brown against Board of Education. Accordingly, I supported the conference bill.

WELFARE REFORM

Mr. KENNEDY. Mr. President, welfare reform has been the center of public debate since the President submitted his family assistance plan to the Congress nearly 2 years ago. Controversy about the essential features of meaningful reform has often focused on the principles highlighted by welfare advocates and the opposing views of those who are not interested in meeting the needs of the poor.

For months, while the Committee on Finance has studied the details of the House-passed welfare proposal many of us have grown increasingly more concerned about the prospect of achieving the changes that are needed to produce an adequate and humane system.

Peter Edelman, who is now vice president for policy and plans at the University of Massachusetts, has concisely described the present conditions concerning this very critical matter. I ask unanimous consent to have printed in the RECORD the article entitled "Welfare Reform . . . or Repression?" published in the Boston Globe on May 31, 1972.

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

[From the Boston Globe, May 31, 1972]

WELFARE REFORM . . . OR REPRESSION?

(By Peter Edelman)

In a few weeks Sen. Russell Long, chairman of the Senate Finance Committee, will report to the full Senate a new version of H.R. 1, the omnibus Welfare-Social Security bill that has been pending in Congress in various forms for most of the Nixon years.

As part of this new version, Sen. Long has managed to come up with a new extreme in punishment of welfare recipients—no assistance at all for families with children over 6, only grossly substandard wages for "voluntary" public and subsidized private contract employment at menial jobs.

It is likely that the Long legislation will be viewed by nearly all who claim concern for the poor as grossly reactionary and an unacceptable equivalent to slave labor. The House-passed version—President's Nixon's Family Assistance Plan—will probably be revived with a sigh of relief. The trouble is that the House bill does not constitute reform, either. It, too, is dangerous and punitive, as much an effort to control and regulate the poor as Sen. Long's, just more subtle.

To call President Nixon's plan "reform" as the House passed it is a fraud. It is not reform, it is repression. This is the view of the National Welfare Rights Organization, the National Urban League, the American Civil Liberties Union, the Black Congressional Caucus, the National Council of Churches, the Child Welfare League of America and dozens of other organizations.

The first of the bill's regressive features is the so-called work "incentive"—allowing the government to force mothers to work, exempting only those with children under 3.

There are few standards governing forced work. People may be required to work for three-fourths of the regular minimum wage. A mother would have no control over the choice of day care for her children, the location of her job or her working conditions. And she may end up taking home less money than she would receive from welfare, not much of an "incentive" to work.

A second step backward is the series of sanctions for noncompliance of various kinds. It is a Federal crime, punishable by a year in jail or $1,000 fine, for a father to cross state lines with the intention of leaving his family on this program.

Failure to comply with a bureaucratic directive for work or training, or for referral to vocational rehabilitation for drug abuse or alcoholism treatment, can result in loss of $800 in benefits for the family. Failure to report family income promptly and accurately every three months can result in a fine or even total cut-off.

In any case, all recipients are cut off the rolls every two years and must reapply.

Third is the lack of simple due process. The bill turns back the clock on an array of procedural safeguards declared by the courts in recent years. The facts as determined by bureaucrats cannot be appealed in court; appeals are possible only on interpretation of the legislation.

The Secretary of Health, Education, and Welfare can determine who is fit to represent a recipient in an administrative hearing. Payments alleged to be erroneous can continue until a hearing is held, but must be paid back if the finding goes against the recipient. Each of these provisions, is contrary to present law.

A fourth problem is the level of assistance. It is not just that $2400 for a family of four is inadequate when the poverty line is $4000 and the Federal "modest but adequate" standard is $6500. The $2400 figure is less than 45 states now pay.

Worse, the bill does not require states to preserve current levels where they are higher. Indeed it invites them to cut benefits, an invitation not likely to be refused. But even if the legislation provided an adequate income, it would still be reprehensible as an assault on the civil liberties of the poor.

If all of this is not a system for controlling the poor, I do not know what is. I do not see how a liberal senator can vote for legislation with these provisions in it, regardless of what may be in other titles of the bill.

How can welfare reform be saved, then? First, we must recognize that HR 1 is not welfare reform at all. Second, there is simply no effective way to liberalize the bill in the Senate. Why? Because whatever family assistance plan the Senate enacts will be sent to a conference between Wilbur Mills and Russell Long to resolve the differences, which is a little like asking Andrew Carnegie and John D. Rockefeller to design a plan for the redistribution of wealth in America.

A Mills-Long meeting is sure to produce the worst bill possible under the parliamentary circumstances. I can bear personal witness to this. I was legislative assistant to Sen. Robert Kennedy when the Senate passed a series of liberalizing amendments to some damaging welfare legislation in 1967. Every last amendment was removed in conference.

What, then should be done? The answer proposed by a Massachusetts citizens group—the Ad Hoc Committee Against Bogus Welfare Reform—is that H.R. 1 should be killed outright. The Committee, which is chaired by Hubie Jones and Rev. James Breeden and includes representatives from a wide range of black, peace and liberal groups, has been actively meeting with Sens. Brooke and Kennedy to work toward this end. Both senators have been responsive.

Sen. Brooke has already urged the defeat of H.R. 1. He has proposed that a 20 percent Social Security increase and reforms for the aged, blind and disabled be passed separately. This is a sound idea. There is no reason to delay Social Security reforms because the Senate Finance Committee is not prepared to approve real welfare reform.

Sen. Kennedy has indicated his opposition to the House version, and is considering introduction of a stop-gap welfare measure to provide fiscal relief to the states, a modest national floor and preservation of present state benefit levels.

This will not be welfare reform either, but it is not repression. And it will ease the present crisis while we take the time to have a thoughtful national debate on what true welfare reform really is.

THE NEED IS FOR NEW EMPHASIS FOR ENERGY RESEARCH

Mr. RANDOLPH. Mr. President, today the National Fuels and Energy Policy

Study being conducted by the Senate Interior and Insular Affairs Committee pursuant to Senate Resolution 45, sponsored by Senator JACKSON and me, held a hearing on Federal Energy Research Priorities and Programs. The consensus among the witnesses, who included the President's Science Adviser, Dr. Edward David, Jr.; Dr. Alfred J. Eggers, the National Science Foundation's Assistant Director for Research Applications; and S. David Freeman, is that the viability of our Nation's energy future is critically dependent on developing during the 1970's environmentally acceptable means for the use of domestic fossil fuels for example, both high and low B.t.u. synthetic gas from coal. Longer term alternatives energy sources include solar energy, the breeder reactor, and fusion nuclear power. In addition improved efficiencies and methods for the extraction, conversion, and transportation of energy offer relief for our Nation's emerging gap between energy supplies and requirements.

Mr. President, I feel the statement of Prof. Raymond F. Baddour, the distinguished head of the Chemical Engineering Department at Massachusetts Institute of Technology and Director of the M.I.T. Environmental Laboratory, is most informative. He graphically presents the technological case for Federal leadership in developing process innovation in the extraction and use of our Nation's abundant fossil fuel energy resources.

I ask unanimous consent to have printed in the RECORD the statement by Professor Baddour.

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

A NATIONAL NEED FOR PROCESS INNOVATION IN THE FOSSIL FUELS INDUSTRY

(By Prof. Raymond F. Baddour)

Projections of energy demands and alternative sources of energy supply in the coming decades vary according to a wide range of existing and potential technologies and available economic resources. Considerations of the quality of the environment and regional differences of economic and natural resources, levels of industrial development, and population further serve to increase the variance in what options are most feasible. These options were studied in depth for the National Science Foundation by Resources for the Future, Inc., of Washington, D.C., in cooperation with the M.I.T. Environmental Laboratory. This study and its conclusions were reported under the title, "Energy Research Needs," and published last October. In the interest of time, I will concentrate my remarks on the most likely trends for the immediate future and discuss the need for process innovations vital to the continued development and use of fossil fuels.

In this regard, the pressing national need for new technology is concerned primarily with producing pipeline quality and low-BTU clean gas from coal, and synthetic crude oil from coal, tar sands, and shale oil. The alarming depletion of our domestic proven reserves of gas and petroleum and projected demands to the year 2000 and beyond, consideration of our national security in terms of our energy consumption and industrial well-being, and the measurably vast potential reserves of coal and shale in particular all combine to make the development of processes to upgrade our low grade fuel reserves not only attractive but imminently imperative.

Until the present (since about 1850), new fuels typically have not displaced but generally added to existing fuels, and since about 1885 our total energy consumption has increased at a faster rate than the population. Wood is the only fuel which has had a declining use, but its present consumption is estimated at just under a half of what it was in 1900, and the energy produced nationally from wood in 1970 was about four times that from nuclear sources.

With dwindling reserves and greatly increased costs of exploration and drilling to add to our proven reserves of high grade fuels, this situation is bound to change. Synthetic and substitute fuels must begin to assume more of our national energy burden, and they must do so in the very near future.

According to the latest complete data compiled by the Bureau of Mines, oil supplies 43% of our present energy needs. Gas supplies 32.8%, coal 20%, hydro power a little less than 4% and nuclear power about 0.3%. Nuclear power will inevitably take on a greater share of our energy demands but by 2000, the major portion (in the order of ¾ or more) of our energy demand will have to still be met with hydrocarbons. In terms of our conventional use of fuels and present rates of use, we simply cannot expect to meet such continued demand without severe economic and environmental costs, massive energy shortages, strategically harmful foreign policy alternatives, or combinations of all of these difficulties. Our total energy requirements have for the past 40 years doubled on the average every 22 years and for the past nine years the doubling time has held steady at 15.5 years. In these terms, the year 2000 is alarmingly close at hand.

In terms of environmental quality considerations, ease of handling, and efficiencies in energy production, our most attractive hydrocarbon fuel is natural gas. However, even though our total energy requirements doubling time is now 15.5, the doubling time for the consumption of natural gas is 11 years and, thus, is growing at a much faster rate than total energy consumption.

The problem is immediate. For almost 4 years, gas distributors have had difficulty in contracting for increases in long term gas supplies. Major distributors are now defaulting on some industrial contracts, and the situation has become critical with the curtailment of gas deliveries to industrial plants during severe cold spells as early as two winters ago.

There is strong evidence that the present 6 per cent per year growth rate in natural gas use will combine with continuously decreasing discovery rates of new gas to produce a great shortage of natural gas if both trends persist. The United States will need gas from coal at a time not yet established, but very probably soon, on a scale that will dwarf all other industry of comparable chemical content.

In consequence, the Office of Coal Research, the Bureau of Mines, and the American Gas Association are vigorously pursuing research on synthetic gas from coal. Four processes—two in pilot stage—deserve strong support; they have demonstrated sufficient promising results, freedom from serious faults, and differences in concept to warrant being kept in the running during the period of pilot-plant assessment of the processes. The four organizations involved are the Institute of Gas Technology, Consolidation Coal Co., the U.S. Bureau of Mines, and Bituminous Coal Research. The first two of these have pilot plants for the main gasification process near completion; the last two have plans for pilot plants and have done the necessary research.

In view of the magnitude of the final commercial operation based on the research of these four teams to date, the nation cannot afford to overlook the possibility that any one of the four processes may have advantages properly assessable only on a larger scale than that of the laboratory research which has been completed to date.

The strong recommendation of continuation of four processes at least through the pilot-plant stage implies that much basic research has already been carried out on coal gasification, but it does not imply absence of the need for more. Any process that wins the race will be in need of continuous modification and improvement; and a strong research program, both basic and applied, on the physics and chemistry of coal gasification is needed.

The air-blown gas producer that left the American scene in the 1920's is due for a comeback if it can be made larger, automatic, and capable of handling coking coals, and if it can be given a high capacity through operation under pressure. A major impetus for developing a process for making low-BTU gas from coal comes from the electric power industry. Producer gas made under pressure and scrubbed to remove sulfur is an ideal gas-turbine fuel, and the combining of gas producers with gas-steam power cycles of high efficiency looks attractive as a solution to the sulfur problem in power production. The implications of low-BTU gasification for power production are so striking as to warrant a more vigorous support of research on air gasification of coal at moderate pressures than at present exists.

Although our immediate energy shortages concern the supply of natural and synthetic gas, significant process research is being applied to the conversation of coal, tar sands, and oil shale to synthetic crude oil. In terms of our national needs beyond this decade, such continued research is imperative. Failure to couple the expectation that nuclear fuel will in the long run supply our power with the recognition that this cannot happen fast enough to eliminate the need for clean fossil fuels now is a real national danger; inadequate emphasis on research to produce clean fossil fuels both for power and for processing operations could produce an impasse between industrial energy needs and the need to protect the environment.

The various processes for making liquid fuel from coal are in too early a stage of development to allow meaningful estimates to be made of comparative costs. Processes which appear to be in the running include the H–Coal process, which uses a cobalt molybdenum catalyst to hydrogenate fine coal at high pressure in an ebullating bed, the Consol process modified to make low-sulfur synthetic crude oil, the PAMCO process for light hydrogenation of coal to make an ash-free product which is pumpable only when hot, and the COED process of staged pyrolysis to make gas, oil, and char. Opinions differ on the relative merits of these processes.

Research on H–Coal is being supported by a consortium of oil companies, and a National Academy of Engineering panel has recommended continued support of the Consol process. Though published studies of the probable cost of oil from coal have indicated the possibility of production of synthetic crude at prices comparing favorably with quoted market prices of crude oil, the estimates may not be realistic in their allowance for contingencies associated with new processes and for escalation during completion of development and plant construction.

The need for technological sophistication in recovering oil from nonpetroleum fossil deposits is much less when the raw material is tar sands or oil shale than when it is coal. This may cause earlier developments of oil from shale than from coal, regardless of ultimate comparative economics.

Tar sand treatment has become commercial in Alberta, on sands averaging 12.5 per cent bitumen, and shale oil would be attractive to U.S. industry largely because of vast domestic deposits in Colorado. The hydro-

gen-carbon ratio is higher than that for tar sands, which increases its attractiveness, and three retorting processes have operated on sufficient scale (260–1000 tons/day) to evaluate the retorting operation. Cost estimates for processing oil shale appear reasonable, but experience with mining and acceptably disposing of shale at a rate in excess of one ton per second—the rate required in a plant producing 50,000 barrels of oil daily—is missing.

An intercomparison of the conversion processes considered—pipeline-quality gas from coal, low-BTU gas from coal, oil from coal, oil from tar sands, and oil from shale—is difficult because of different objectives of different customers, national energy policy, foreign energy policy and import-pricing, differences in status of development of the processes, limits on ability to predict resources, the differences in cost-estimating procedures used in the economic studies, and the degree of interchangeability of the products.

Within the limitations these uncertainties impose, certain conclusions are possible. Contrary to widely held public opinion, the pessimistic conclusions of a year ago of a National Academy of Engineering Panel concerning SO_2 removal from stack-gas still stand, and the shortcomings of stack-gas sulfur-dioxide clean-up systems so far investigated make processes for the production of sulfur-free fuels or for sulfur removal during combustion look especially attractive. Within this scope, two concepts—making clean low-BTU gas from coal and making an ash-free, sulfur-free heavy hydrocarbon from either coal or oil—should be of great interest. If the cost estimates are realistic, completion of development along both lines is justified. Because of the capital-intensive character of fuel conversion processes, federal support is warranted on research on coal hydrogenation and on coal gasification with air, and on development of larger advanced-cycle gas turbines.

The resources of coal, tar sands, and oil shale are all so enormous as sources of oil that they must certainly someday be tapped. The timetable for this, however, is very difficult to establish, especially because of changes in import quotas and in prices established by foreign governments.

With respect to coal versus oil shale as sources of synthetic crude oil, the assessment is more difficult. Despite the considerable effort that has gone into oil-from-coal development, research processes for oil shale treatment are simpler and more nearly ready for use. But the yield from coal is so much greater (3 to 3.5 barrels per ton versus 0.8 barrel for relatively rich oil shale) and the disposal problem so much simpler that vigorous pilot-plant development followed by demonstration-plant operation is in the best national interest. The very fact that the processing of coal to produce oil is considerably more complex than the production of oil from shale is reason to expect a greater improvement, through research, in the efficiency and cost of the latter.

The development of any of the previously discussed oil recovery processes to the point of producing synthetic crude at prices reasonably near present crude prices could well turn out to be primarily an insurance policy—but a very valuable one—against excessive increase in the price of imported oil. On this ground alone strong federal support of fuel conversion research is eminently warranted.

But the problems are not simply a matter of technology. To illustrate the capital investment costs involved and place a perspective on the magnitude of the foreseen industry necessary to adequately utilize synthetic pipeline gas and augment our energy needs, I would like to cite remarks presented to the American Association for the Advancement of Science this past December by Professor Hoyt C. Hottel, a senior member of our Chemical Engineering faculty at M.I.T. and a nationally-recognized authority on combustion processes and energy technology:

"The probable size of the synthetic gas industry is indicated by the following: the United States consumed in 1970 some 23×10^{12} cu. ft. of natural gas. If 40% of that much gas were to be made synthetically by 1983 when the 11-year doubling time has elapsed and the synthetic gas then represents only 20% of the total, 100 gas plants of 250 million cubic feet per day each would have to be built, each requiring an investment of the order of $200 million and each consuming 15,000 tons of coal per day—a total investment of $20 billion and a total annual coal consumption of one-half billion tons, approximately our present total coal consumption."

A major problem, of course, concerns the time-lag involved in developing such a massive industry. The effects of gas shortages are immediate, and if we, with our present rates of gas consumption and pricing, wait until natural gas shortages create enough economic strain such that prices are allowed to rise and other incentives provided to alleviate the stress, the time scales will be too long to adequately prevent major damage to our industrial economy.

To illustrate the time-lags involved, I will cite an example where the technology is fully developed and for which overseas reserves exist; that is, liquefied natural gas.

It is estimated that a facility for the production, liquefaction, and delivery of 400 million cubic feet a day costs about $500 million, and from inception to first output a time span of 5 years is minimum.

The subject of foreign reserves brings up the question of national security. The risks, of course, are concerned with our becoming primarily dependent on the Middle East and North Africa, where 70% of the world's reserves of petroleum and natural gas are located. We run great future danger of our supply of energy from this highly unstable region of the world being cut off at critical times of our industrial and consumer needs. Adequate and timely development of processes related to upgrading our low-grade fuels such as shale oil and coal (which if completely developed could combine to satisfy our energy needs for even centuries to come) would greatly assist in reducing our foreign policy risks.

An additional and most important point concerns our maintaining a competitive edge in bargaining with foreign parties in filling our energy gap. The national costs of developing commercially viable processes to upgrade our low-grade fuels will surely be less than the alternative of not doing so. It is only reasonable to expect what the exporter can ask for a price just below the price of the next best alternatives. The development of coal liquefaction and gasification and oil from tar sands and shale oil will provide us those alternatives at prices reasonably arrived at.

The immediate costs in terms relative to current industrially sponsored research and development are great, however. I am of the opinion that Federal research and development support is absolutely essential until viable processes have been developed. A present situation, for example, is this: there is no single good coal gasification process and no single oil company can produce the capital to research and develop such a process adequately. The government must share, with partial support, the development costs of non-proprietary processes, the results of which would be generally available. If, then, government regulations are properly prepared, industry could apply the necessary capital from private sources to construct plants for the processing of coal and distribution of its products.

Such a program of research and development, coherently arrived at, would afford a great opportunity for universities, industry, and the government to jointly provide a vital security for the nation for generations to come.

Thank you.

EDITORIALS IN SUPPORT OF GUN CONTROL

Mr. BAYH. Mr. President, the tragic shooting of Governor Wallace, like the tragic assassinations of President Kennedy, Martin Luther King, and Senator Robert F. Kennedy has focused public concern on the question of why the United States is the only civilized country in the world in which deadly and useless weapons are freely available for over-the-counter sale. At this late date, there is no need to take the time of this body to recite the statistics showing the senseless slaughter, both deliberate and accidental, which this plague of weapons inflicts upon us each year. As the distinguished Senator from Utah (Mr. BENNETT) said here in 1969:

I think the Senate knows what the issues are.

Gun control is an issue "which every Senator understands."

But if the facts of this situation are known to us all, it may still be useful to bring to the attention of the Senate indications of the mood of the country on the question of gun control. I therefore ask unanimous consent to have printed in the RECORD a number of editorials which have been published on the subject since the shooting in Laurel, Md.

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

WMAL AM–FM–TV EDITORIALS

MAY 15–16, 1972

What kind of madness so twists a man that he tries to thwart the political process with a gun?

And how much more senseless violence must the nation endure before we wake up and rid ourselves of the menace of handguns.

Too often in recent years, gunmen have struck down prominent Americans: President John F. Kennedy, Medgar Evers, Malcolm X, Dr. Martin Luther King, and Senator Robert Kennedy.

Now, Alabama Governor George Wallace lies wounded from bullets fired from a .38 caliber pistol.

This latest shooting is even more tragic because it might have been prevented by effective national gun control legislation.

For nearly a year we have appealed to Congress to *get the guns off the streets* through federal licensing and registration of gun owners, and federal control of the manufacture and sale of firearms.

We said then . . . Congress has the power to do it . . . you the people can make Congress act.

We say it again. Let our national leaders know that Americans are sick of violence and murder by guns.

President Nixon has asked the nation to pray for the recovery of Governor Wallace. We join in that prayer. We add this fervent plea of our own—get the guns off the streets in the name of our national sanity.

MAY 17, 1972

Commenting on the attempted murder of Governor George Wallace, former Attorney General John Mitchell said: ". . . the American political process now subjects political

leaders to such personal danger that it deprives the American people of direct access to those leaders."

We respectfully disagree with Mr. Mitchell. It is not the American political system that is at fault. We have great faith in the system which has served us so well for so long. We are concerned, however, with our mindless refusal to adopt strict controls on handguns.

We refuse to accept the premise that assassinations and attempted assassinations by several lunatics are a sign that the nation is sick. But it should tell us that we do have many insane, troubled and frustrated people in this country. It should cause us to question the policy that makes it easy for such people to buy guns and ammunition. And, it should cause us to question the continued refusal of our political leaders to call for strict controls on handguns.

Murders and assassinations would be far more difficult if we sharply reduced the availability and use of handguns.

That is why we have argued we must *get the guns off the streets.*

It is time to ban handguns for all but law enforcement officers and the military.

Congress must control the manufacture, sale, and transportation of handguns, and enact tough licensing laws which will in fact *get the guns off the streets.*

MAY 18, 1972

Yesterday, WMAL urged Congress to enact an immediate ban on the manufacture and sale of handguns to all but law enforcement officers and members of the military.

This will not stop assassinations and senseless murder, but it will make both much more difficult, and it will dramatically reduce the rate of both.

This nation has been incredibly lax in controlling guns—especially handguns. The effect of our policy has been to make it easy for lunatics, criminals, and addicts to obtain and use guns.

There are two undeniable facts about guns in the hands of deranged people: Guns give them the power of life and death; and the gun is an essential factor in the violence and fear in this nation.

Guns make our streets unsafe, cause the deaths of more than 20,000 people a year, and result in the wounding of tens of thousands more.

In this presidential campaign, there will be more discussion of the violence unleashed on American society. But that dialogue will be futile if it deals only with alleged sickness in society, and if it ignores the need for strict federal gun licensing and registration, and controls on the manufacture, sale and transportation of firearms.

Congress must *get the guns off the streets.*

MAY 19, 1972

The time is over for hand-wringing and desperate talk about the sickness in American society as the cause of assassinations and assassination attempts.

It is time now to get the guns off the streets.

It is time to question why our highest officials and Congress refuse to eliminate the one thing that makes this madness possible—handguns.

Let's face it. They're afraid of the propaganda mill of the gun lobby. They know that if they eliminate handguns for all but the military and law enforcement officers that we could drastically reduce murder, assassination and fear in this country.

The Nixon administration calls itself a law and order administration. If it really wants to earn that label, now is the time.

And the time calls for leadership and courage. The watered down bill to ban the cheap, short Saturday night specials isn't the answer.

Most of our murders, shootings, and armed robberies are committed with good, high-performance pistols. So, look for the National Rifle Association, Senator Roman Hruska and friends try to confuse this issue in the days ahead. The fact that this country is an armed camp is a monument to their skill in delaying and confusing the issue of gun control.

You *can* do something to put this nation back on the right track. Write and phone your Congressman. Tell him to *get the guns off the streets.*

[From the Washington Star, May 17, 1972]

AND THE HANDGUN PROBLEM

A grim piece of irony associated with the shooting of George Wallace is that the victim has long been opposed to legislation restricting the availability of handguns. Moreover, many other Americans vehemently resisting such legislation are firm Wallace supporters.

We trust at least some of the gun lobby is having second thoughts today. If that is the case, so much the better. For an inevitable consequence of the assault on Wallace will be the revival of efforts to pass effective gun-control legislation. Success of these efforts will depend to a great deal on the muting of the vociferous gun-lovers and gun-makers, along with some greater candor and courage on the part of our politicians.

Three years ago, in the wake of the killings of Robert Kennedy and Martin Luther King, Congress passed a gun-control act that was supposed to end the flow of cheap, imported handguns into this country. It did not work. Because of a loophole in the law, vast quantities of handgun parts continue to pour into the United States, and by the hundreds of thousands a year these "Saturday night specials" are assembled and sold on the open market.

And so things are worse than ever on the American crime front. Where else in the civilized world is the handgun so readily available to the common criminal or the deranged assassin? Why does this nation continue to put up with it?

We believe nothing less is needed than a flat, nationwide ban of handguns, together with heavy, mandatory penalties for their possession or use. An extreme step, yes. And yet what kind of case can be made for the handgun? Very little. As a means of household defense or as a hunting instrument, it is inferior to the shotgun or rifle. That leaves target shooting, a hobby for some. Well, this is one hobby group that should get out of the way.

It is too much to expect, of course. But for starters, we would commend the long-delayed proposal of Senator Bayh of Indiana. It makes room for the hobbyists, and it avoids any attempt to outlaw, or even register, the millions of pistols that citizens now own. It would, however, prohibit dealers from selling any more new handguns, unless the purchaser is a law enforcement officer or unless the guns are designated by the Treasury as suitable for sport.

Senator Bayh's judgment is that this proposal is the most that can be hoped for. Perhaps he is right. Since hearings were held in September, he has not been able to move even this bill out of his own juvenile delinquency subcommittee. For one thing, President Nixon kept promising his own version of gun-control legislation. That promise hasn't been kept. Then, too, Senator Hruska of Nebraska, a darling of the gun lobby, keeps threatening an executive session filibuster. But other subcommittee members, including Maryland's Senator Mathias, also have shown little enthusiasm for the bill.

Today, in the wake of the Wallace shooting, Senator Bayh called another session of his subcommittee in an attempt to clear the measure. We hope the gun lobby, including its numerous Maryland adherents, remain mindful of what happened in Laurel. We hope Senator Mathias, whose vote could be critical, stands up for the legislation. It does, after all, have the endorsement of the nation's police chiefs' and patrolmen's association. It is a modest, necessary step in the right direction.

[WNEP–TV editorial, Wilkes-Barre-Scranton Airport, Avoca, Pa., May 17, 1972]

THE WALLACE SHOOTING AGAIN POINTS UP THE NEED FOR STRONG GUN CONTROLS AND A BETTER UNDERSTANDING OF FREE SPEECH

The barbaric assassination attempt on the life of Governor George Wallace in Laurel, Maryland, is like a bad dream. It brings back all of the horrible memories of all of the political assassinations of the past. It forces Americans to confront the reality of senseless violence which has become so characteristic of our time. The wounded body of Governor Wallace is but another reminder of one of the most serious threats to our democracy, for if a man cannot seek political office or espouse a controversial point of view publicly without threatening his life of the lives of those close to him, our democratic guarantees of free speech are nothing more than paper promises.

No longer can anyone argue that political assassination is an aberration in the United States. The deaths of President John F. Kennedy, Reverend Martin Luther King, Robert Kennedy, Malcolm X, Jock Yablonski and several others clearly indicate that those who speak their minds expose themselves to possible assassination. This must not be tolerated.

Perhaps the shock of the most recent senseless act of violence will convince us of the need to do something to take revolvers—the instrumental cause of these barbarous deeds out of the hands of would be assassins. It is a sad and ironical fact, but the very State which repudiated Senator Joseph Tydings for his gun control position, now must bear the terrible reality of being the scene of the crime.

As ABC's Howard K. Smith so accurately put it, the politicians want controls, the courts want controls, the police want controls but the National Rifle Association prevents these controls from becoming a reality.

The time has come for each of us to stand up and be counted. We have more evidence than we need or can tolerate that substantial reform is in order. We are the only civilized country in the world which does not have controls and we are one of the least civilized when it comes to the statistics on political assassination and death at the hands of the midnight special.

Earlier this week we pointed out statistics which indicate that one of every ten Americans suffers from some form of mental or emotional illness. To permit these sick people to have guns or to make guns easily available to them is to invite trouble.

Certainly we are appalled by what has happened, but we have seen it all before on the national level and in our cities. This madness and the climate of polarization which so contributes to it must be ended. The first most difficult step must be strong gun control legislation which would take the hand guns away from would be assassins. The second step involves the personal realization that this country is built on the principle of free speech. It is at the very heart of our democracy and each time it is denied by a violent act a little bit of each of us dies.

[WNEP–TV editorial, Wilkes-Barre-Scranton Airport, Avoca, Pa., May 25, 1972]

HAND GUN CONTROL LEGISLATION IS NEEDED

It is more than a week since Governor George Wallace was shot. Since that time much has been written and said about gun control legislation. Our opinion remains the same. Strict hand gun controls are necessary and they should become law.

Some of our viewers disagree. They write

telling us that our position is "too emotional," "too hysterical." A typical comment goes something like this, "Our laws are perfectly good as they are." Another viewer writes "the politicians are in favor of gun control because most of them are such weasels that they should be hung and they are afraid of being shot."

"People kill, not guns" one viewer wrote. Another told us "There should be tougher laws to punish those who use guns in criminal acts" and one person said "Something should be done, but not more blind laws which encumber honest people."

The last two points are well taken. The U.S. Firearms Act which requires the registration of guns, constitutes a good half step toward effective gun control, but we need much more.

Senator Birch Bayh's bill banning the manufacture and sale of all concealable hand guns, the Saturday night special variety, should be passed. Senator Philip Hart's bill which would put guns only in the hands of the military, the police, the antique collector and the target shooting clubs—to remain at the clubs, is another necessary reform. Moreover, strict federal and state laws designed to punish those who use guns in criminal acts are also in order.

We believe this to be a constructive legislative approach to a most serious national problem. In no way would it compromise the target shooting sportsman. In no way would it endanger the police or the public figure. Nor would it harm the honest citizen. On the contrary, it would help to reduce the more than 30,000,000 hand guns circulating in this country, many of which are being used to the disadvantage of society.

As necessary as these proposed laws are, however, they must be accompanied by a new state of mind which diminishes the wild west psychosis which causes some of us to believe that the court of last resort is an act of violence.

[KNXT editorial, Los Angeles, Calif., May 18 and 19, 1972]

TIGHTER GUN CONTROLS

Last November a young man was arrested in Wisconsin for carrying a concealed weapon. In December, his gun was confiscated. In January, he went out and bought another one. All he had to do was sign a form that said he was not a felon or not otherwise prohibited by law from owning a handgun. Today that young man is being held in the shooting of George Wallace.

California law might have stopped that man from getting another pistol. We have a five-day waiting period between the purchase and delivery of a handgun. During that time, the authorities can check the buyer's record and find out if he's an ex-convict or a former mental patient or otherwise disqualified. It's a good law and it should apply nationally.

But recording names of original buyers is not enough. Guns can be sold again and again, and there's no record of the owner. That's why we also need a registration law.

Senator Bayh of Indiana wants to ban the sale of any handgun to anyone, except police, unless it is a sporting gun. His bill is before the Senate Judiciary Committee and has a bare chance of passing if the public will support it.

(Picture) Now here's the kind of gun used in the Wallace shooting. What does anyone need with a gun that can be hidden so easily? Sportsmen don't need them. It's not a sporting gun and we see no reason for anyone to buy one.

Federal law prohibits the importation of such guns, but it doesn't prevent their production in this country. An American company can even import all the parts and assemble them here. The law is a farce. It doesn't protect the public. It only protects the American manufacturer from competition.

None of us who enjoys hunting or target shooting wants any restriction on the right to own sporting guns. But the sportsman owes something to the public at large, too. We've got to support reasonable gun control bills. Nobody can guarantee that they're going to stop all crime, but we've got to give it a try.

[WOR editorial, New York, N.Y., May 25 and 26, 1972]

GUN CONTROL

America needs tough gun control legislation.

It is needed to protect men like John Kennedy, Martin Luther King, Robert Kennedy, and George Wallace. It is needed to protect the 21,000 Americans killed by guns every year.

A United States Senate subcommittee recently voted to bar the sale of snub-nosed pistols; pistols like the one that seriously wounded Alabama Governor George Wallace last week. The bill is already running into opposition from the powerful gun lobby. That lobby must not again win the fight against tough gun control laws.

Every American owes it to the families of those 21,000 Americans killed by guns every year to fight for tough gun controls. Every American should fight for the passage of the subcommittee bill banning the sale of hand guns. Every American should fight for laws banning the sale of parts used to make home-made guns, the so-called "Saturday night specials." Every American should fight for laws requiring the registration of the 25-million owners of hand-guns in this country.

Tough gun control legislation is urgently needed. Tell your Congressman, Senators, and The President to ignore the special-interest gun lobby. Tell them tough gun control legislation is needed now.

This has been a WOR 710 Editorial. I'm Robert S. Smith.

[From the New York Post, May 22, 1972]

GUN CONTROL: THE PERIL OF DELAY

In the immediate aftermath of the shooting of George C. Wallace, the gun lobby once again found itself temporarily on the defensive. But each moment that passes without the enactment of new, stringent gun-control legislation increases the danger that Congress will once more unleash a water-pistol rather than a massive offensive against the domestic merchants of death. Its tendency to retreat under fire as soon as the anti-control forces mount a new attack—under the old slogans—has been demonstrated too often.

Sen. Birch Bayh (D-Ind.), a long-time advocate of effective curbs, recalled yesterday on ABC's "Issues and Answers" what happened with the adoption of limited legislation following the death of Sen. Robert Kennedy. The bill did in fact restrict the import of certain parts and materials vital to gun-making; the major result appears to have been a boom for creative home-front manufacturers who swiftly—and profitably—moved into the breach.

Even the measure now moving in the Senate, Birch conceded, falls far short of the decisive action needed. It would not, for example, do anything about the registration of 25,000,000 owners of handy hand-weapons now roaming the land; it would ostensibly block future production. Certainly the passage of this bill would be better than nothing. But can we really do no better at a time when revulsion against terrorism by gun-fire must be felt in every political camp?

Bayh pointed out that the Nixon Administration has been conspicuously negligent about coming forward with any serious challenge to the gun lobby. At a moment when the President is emphasizing his hope for international arms restrictions in his Moscow meeting, surely a real measure of domestic disarmament deserves full-scale support.

We have never contended that gun-control offers automatic safety for political candidates—or anyone else. But neither are we impressed by those who demean its importance while addressing solemn sermons to the verbalizers of political hatred. A free society cannot impose standards of rhetorical civility; too often one man's demagogy is another's inspirational sermon. But it can undertake a major, bi-partisan drive to remove firearms from the hands of millions who have capriciously obtained them. No "sporting" interests—so often the front for the gun lobby—should be permitted to stand in the way of that effort. Time is crucial in that battle; delay is the ally of legislative mutilation.

SHAPE OF ONE MAN'S OPINION—MAY 23, 1972

This is Edward P. Morgan, ABC News Washington, with the Shape of One Man's Opinion. A look at arms control at home, after this word. . . .

At the Kremlin summit, the president and Brezhnev are pursuing ways to stabilize peace in the world, so Moscow dispatches say. On Capitol Hill, the pursuit of peace at home is languishing. An item of top priority of the Moscow agenda is an arms control agreement to limit the production and placement of certain nuclear weapons and weapons systems by the two super powers. This won't be easy to perform. But what a monstrous irony it is that a domestic arms control agreement to limit the weapons systems people use to kill each other is almost impossible to achieve—even after the attempted assassination last week of Governor Wallace.

Why is this so? Why do Congress and other law-making bodies continue to be held in thrall by the virulence of the socalled gun lobby despite a 1971 record of some 10,500 citizens murdered by gunfire? How do you explain legislative delay and the pusilanimity of what it does enact in the face of such proof of rising public concern as the Wall Street Journal cited in a long lead article about gun control last Friday? Namely, a Gallup Poll showing that in April—before the attack on the Alabama governor—a record 79 percent of Americans favored requiring a police permit to buy *any* gun.

On ABC's Issues and Answers Sunday, I put this contradiction to Indiana's Birch Bayh, chairman of a Senate judiciary subcommittee which, roused by the Wallace shooting, finally approved his bill to outlaw sale and purchase of handguns.

He answered that it was extremely difficult to get good legislation—he emphasized his own bill was no panacea—because of the propaganda pressure of outfits like the National Rifle Association, because of deliberate misrepresentation and a kind of hysteria generated over the issue.

Reminded that there were already some 25 million hand guns in private possession in the U.S. which his bill would not touch, Senator Bayh argued there had to be a beginning of control. Indeed he would extend nationwide Indiana's requirement that you can't carry a hand gun without a license.

"Why should you walk around the street with a weapon in your belt, concealed," he asked, "without having some test placed upon your ability to know how to use that weapon?"—or, he might have added, to justify your carrying it. But, he conceded, "whenever you move this far, then they turn the dogs loose and we don't get anything."

Well, it's time to put those dogs on leash and push for meaningful gun control. No bill can prevent assassinations, or murders, motivated by passion or in cold blood. But their chances of happening can be shrunk by shrinking and/or controlling the supply of guns. The Bayh bill is a good start.

Ironically, the senator reports that the Nixon administration has thrown nothing but roadblocks in the way of his measure for two years. From the president down to Acting Attorney General Kleindienst, Bayh charges, the thinking is: the less said about gun control, the better off you'll be politically.

Any such thinking on arms control, domestic or international, puts us all in trouble.

This is Edward P. Morgan, ABC News Washington, with the Shape of One Man's Opinion.

[From the Christian Science Monitor, May 31, 1972]

GUN CONTROL WATCH

By the time you get to the end of this sentence, at a reading-aloud pace, another new handgun will have been sold in the United States.

Will it have a history like the one a 14-year-old Virginia boy went home for after a playground fight and took back to school, firing at three classmates and killing one?

By now in your reading, two new handguns have been sold and a used one traded. A handgun in new hands every 13 seconds.

This multiplying of handguns in America occurring with the deadly consistency of punctuation to sentences, can be stopped.

Congress has this week the materials, in the form of legislation already introduced to end the proliferation of handguns—particularly the cheap or concealable variety which are causing so much havoc.

The Senate has four major pieces of gun-control legislation: Sen. Philip Hart's bill, which would prohibit possession of all handguns after 180 days; Sen. Edward Kennedy's bill which would require the licensing of owners and registration of all guns, and would restrict handgun ownership; Sen. Birch Bayh's bill which would end the proliferation of cheap handguns by settling quality and size regulations; and Sen. Adlai Stevenson III's bill which would set federal licensing and registration standards for handguns.

The hopeful sign in recent days on the Senate side is that the Bayh bill outlawing the "Saturday night special" handgun may soon reach the full Judiciary Committee after being buried in subcommittee for a year.

In the House there are three important handgun bills: Rep. John Murphy's bill banning the manufacture and sale of Saturday night specials; Rep. Abner Mikva's bill prohibiting the manufacture, sale, import of handguns or bearing them outside one's home; and Rep. Emanuel Celler's bill which combines Senator Kennedy's proposal to require the licensing and registration of long guns and Representative Mikva's proposal on handguns.

The hopeful sign in the House is that Representative Celler, the key man in House gun control action, has promised to start hearings now that the Memorial Day weekend is over.

It is important to stress that the stirrings in Senate and House committees are only opportunities. There is still great resistance to gun control. In the Senate, Senators Bayh and Hruska are near dead-lock on what constitutes a permissible "sporting" handgun. In the House, Representative Celler is worried that the start of hearings could boomerang into repeal of handgun control progress to date. The White House remains opposed to meaningful handgun control. The other day Republican presidential campaign strategist John Mitchell repeated his opposition to gun controls, indicating the likely White House and Republican line until November.

But we are convinced that the resistance to gun control progress will yield. The majority of Americans (by three to one) want controls. The logic and statistics on the issue argue inescapably for greater control. What is most needed is a clear setting forth of the facts so that those in Washington will have no choice but to respond to the dictates of reason. To this end these columns are undertaking a "gun control watch," to monitor events in Washington and to help build the case for effective controls. We urge our readers to join us in this vigil.

WHAT IS WRONG WITH TITLE IX OF S. 3010?—II

Mr. CURTIS. Mr. President, it is my understanding that other Senators will be discussing the specific problem areas with the legislation and what amendments ought to be considered in an effort to make this a workable piece of legislation. I wish to continue that item-by-item discussion.

OUTSIDE PRACTICE OF LAW

A prohibition against any outside practice of law whatsoever is needed to prevent circumvention of proscriptions otherwise made in the title or by regulations.

Section 906(d) attempts to proscribe full-time employees of programs funded by the Corporation from any outside practice of law, but an exception is made, to wit: "unless permitted as pro bono publico activity pursuant to guidelines established by the Corporation."

In section 906(i), the bill purports to prohibit the provision of legal services with respect to any criminal proceedings.

The exception provided for in proposed section 906(d) could vitiate any other proscriptions contained in this bill, for pro bono publico representation could be expanded to permit legal services thought to be proscribed by this body. A not infrequent method of circumvention of prohibitions under the existing legal services program within OEO is to represent a criminal defendant—that one is prohibited from representing during duty hours—as pro bono publico representation in off-duty hours. If the criminal case requires one to be present in court during working hours, the project attorney simply takes annual leave or compensatory time leave for those hours. Thus, he is still able to represent the client and is not in strict violation of the proscriptions, although he is clearly in violation of the spirit of those proscriptions. I suggest that prohibitions contained in the bill before us can all be circumscribed, unless the Congress strictly forbids the outside practice of law in any manner whatsoever.

An amendment is needed placing the responsibility for insuring against the outside practice of law by project attorneys onto the executive director of the corporation, project directors, and, of course, on the individual project attorneys. Such a responsibility must be both joint and several. The amendment must preclude the outside practice of law by project attorneys in any form whatsoever.

LEGISLATIVE AND POLICY ADVOCACY

Other Members of this body have spoken on this matter today, I do not need to dwell further upon the particulars of where project attorneys have deeply involved themselves in policy advocacy where it had no relation to the needs of a particular client. If advocacy on behalf of, or opposed to, a particular point of public policy must be aired as a required and necessary aspect of the representation of the needs of a particular client, it should not be prohibited or restrained. Unfortunately, project attorneys have become deeply involved in policy advocacy, and in legislative advocacy, when it had no relation to a client, or when they had to seek out a particular client in order to have a relationship to the issue at hand.

The propriety of the Federal Government authorizing and funding programs and activities which authorize, and frequently encourage, legislative advocacy—usually known as lobbying—has seldom been fully debated by the Congress. It has never been debated with respect to the legal services program.

Because of its gradual development, and because of the similarly slow development of the premises which underlay it, legislative advocacy has grown into a controversial public issue, the resolution of which may significantly impact upon our society. It seems appropriate, therefore, for the Congress to address itself forthrightly to the question of the propriety of such authorization.

These issues arise from several sections of the bill, but primarily from section 906(e) which reads;

> The Corporation shall insure (1) that all attorneys who are not representing a client or group of clients refrain, while engaged in activities carried on by legal services programs funded by the Corporation, from undertaking to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representations to such bodies, their members, or committees, unless such bodies, their members, or their committees request that the attorney makes representations to them, and (2) that no funds provided by the Corporation shall be utilized for any activity which is planned and carried out to disrupt the orderly conduct of business by the Congress or State or local legislative bodies, for any demonstration, rally, or picketing aimed at the family or home of a member of a legislative body for the purpose of influencing his actions as a member of that body, and for conducting any campaign of advertising carried on through the commercial media for the purpose of influencing the passage or defeat of legislation.

Several questions arise from an investigation of the proposed legislation, from the current statute and regulations, and from the historic record as to the subject matter:

First, ought the Federal Government to support with funds, or otherwise assist, independent or semiautonomous entities which authorize and permit lobbying and political activities?

Second, ought the Federal Government to support with funds, and otherwise assist, independent or semiautonomous entities which seek, through lobbying and political activities, to undercut the antipoverty policies and objectives established by the Congress and administered by the Executive, and also to do some on State and local levels?

Third, ought any of this to be permitted with virtual immunity from leg-

islative and executive oversight, as such immunity is provided for in proposed section 913?

A negative answer is obvious as to each of these questions.

Inherent in our freedoms is the notion that government ought not to expend taxpayers dollars to promote ideological, philosophical, political, or partisan points of view. This taboo against government expending, or authorizing to be expended, sums of money for such viewpoints is deeply imbedded in the American tradition and in our laws. In summary, the taboo can best be characterized as a guarantee against infringements on the rights of free thought.

From time to time, the Congress has enacted statutory prohibitions reflecting this taboo, the most stringent of which is 18 U.S.C. 1913, a prohibition against lobbying with appropriated funds, as follows:

No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution opposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member of Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

Whoever, being an officer or employee of the United States or any department or agency thereof violates or attempts to violate this section, shall be fined not more than $500 or imprisoned not more than one year, or both; and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment.

The responsibility which a Federal officer or employee has under this section of the code can be variously interpreted. Nonetheless, it is clear that the issue is the use to which Federal funds are put, immediately or ultimately, and that no less than these responsibilities and duties are mandated for a proper administration of the public trust: first, a Federal offiical should make a preaward survey to determine the risks of noncompliance with the proscriptions of his statute; secondly, he ought to stipulate prohibitions in the form of conditions, if he feels there are questionable areas of conduct which might arise; and he ought to make audits of those Federal funds at routine intervals.

Congress has addressed itself to the issues of direct action and political activities through amendments to the Economic Opportunity Act of 1964, as amended, principally in sections 603(b) and 613, which, respectively, prohibit political activity in a broad sense, and prohibit unlawful activities. But OEO has worked around these prohibitions. In the implementation of the EOA by Sargent Shriver, its first administrator, the theme of OEO being "an advocate for the poor" was developed, through which theme OEO, at all levels, was encouraged to be the spokesman within, and without, the Federal Government for the interests at law of the poor and disadvantaged. Pursuant to provisions of the EOA, guidelines in the form of OEO instructions have been issued as to restrictions on political activities; limitations with repect to unlawful demonstrations, rioting, and civil disturbances; and employee participation in direct action.

A combination of these items—the statute, the theme, and the guidelines—with the trend of intensified activity on behalf of the poor has produced lenient interpretations of the permissible scope of political, lobbying, and direct action activities. In reality, more is now permitted under the system than is prohibited. OEO has drifted a great measure from its indication in Guidelines for Legal Services Programs, promulgated in 1968, that legislative advocacy was not within the "scope of legal services rendered," to the pronouncement in the OEO-funded publication, Clearinghouse Review, of Febuary 1972 that:

A campaign may, of necessity, have to be planned over numerous legislative sessions because of the difficulty in developing and passing new, sophisticated, or controversial pieces of legislation—Kantor, Legislative Advocacy, Clearinghouse Review, Vol. 5, p. 574, 576.

What has legislative advocacy come to mean for federally funded project attorneys? Why? And how?

Rather than making judgments and evaluations myself, the article to which I have referred—Kantor, Legislative Advocacy, 5 Clearinghouse Review 574—gives us the answers to these questions without any equivocation. Mr. Kantor is the executive director of the Action for Legal Rights, Inc., and the publication is the federally funded monthly sent as the primary reference source to all project attorneys and directors. Here is what Mr. Kantor has to say about legislative advocacy:

Legislative advocacy is the stepchild of the Legal Services Program. . . . However, this area of involvement is an emerging concern. Because of its importance and the developing attitude of the Supreme Court over "legislating in the courts" a reevaluation of the role and emphasis of the Legal Services attorney and overall program priorities has become critical. . . .

With all of its benefits, litigation remains expensive, time-consuming, often frustrating, and it nearly always results in less for the client than was pleaded for or anticipated. Similarly, litigation can be dysfunctional in terms of building organizational strength among the poor. . . .

Use of litigation as an advocacy tool remains important today. However, because times change, so must strategies, and other advocacy alternatives must be nurtured and developed. . . .

Your weapon is not political reprisal but preparation, facts, sensitization and ultimately the development of a coalition of concern and interest. . . .

A campaign may, of necessity, have to be planned over numerous legislative sessions because of the difficulty in developing and passing new, sophisticated or controversial pieces of legislation. . . .

A legislative strategy must be developed prior to introduction or immediately thereafter. Is it an issue which should be publicly debated—and thus the subject for a media campaign—or is it better left to a quiet consideration without a public ventilation of the issue? . . . Is a grassroots effort required to develop support among the legislators? If so, how is it to be organized? Who does the organizing? . . .

If during the struggle over the second Murphy Amendment, the forces supporting the amendment had been able to define the issue as decentralized government or the need for a governor to determine the resources operative in his state and therefore had been able to enlist the aid of credible governors, the result might have been different. . . .

The advocate's role is to inform and provide information, persuade and be a constant source of information and ideas for the client, the legislator or his staff, and interested groups. . . .

The . . . area of need is for a legislative advocacy service in Washington, D.C. It could be a vital part of the proposed, but heretofore unimplemented, Administrative Counsel for the Poor. . . .

The various back-up centers should produce a resume of important federal and state legislative proposals in their particular area of concern as well as suggestions for needed legislation.

Mr. President, certain provisions of the legislation before us, notably proposed section 906(e), are put into a more realistic perspective by this article. We are being asked to fund what will, in reality, be lobbyists to lobby in the Congress and the State legislatures. Our dollars will be used for developing and passing new, sophisticated, or controversial pieces of legislation. We are to be made the objects of federally funded legislative strategies. Is the National Legal Service Corp. the "legislative advocacy service" advocated for location here in the Nation's Capital?

In Smith, "Legislative Advocacy at CRLA," 5 Clearinghouse Review 584—February 1972—several other interesting observations are made as to what really is going on:

Develop the most effective means of introducing the legislation. In some instances a coalition with other community groups or other legislative advocates is essential. The selection of a legislative author is, by far, the most important decision.

The three criteria most germane to selecting the best author are:

1. That he is generally viewed as a conservative or moderate by his colleagues, and that the legislation he carries will not be viewed as a radical departure;

2. That he is viewed as an expert in the field affected by the legislation and has credibility in the field; and

3. He believes in the legislation and will push hard for it.

. . . By a process of "Christmas treeing" the bill—that is by putting in all possible benefits to our clients, and dealing with the opponents in a give and take negotiation, e.g., "I will accept this amendment if you will withdraw your opposition to the bill," an eventual cooption of the opposition is possible. . . .

It seems far more useful to become part of a welfare or education coalition with community, client, church, minority, and teacher or social welfare worker groups so as to maintain and define a policy position that is rational and distinct from those who wish to reduce the cost of state government whatever the consequences.

Mr. President, the legislation before us transfers these OEO-funded activities to a to-be-created National Legal Services Corporation. We can rest assured that

the activities and directions being deployed presently within OEO will be transferred to the new corporation, with an immunity from responsible criticism never before possible. I ask unanimous consent that the full text of the Kantor and Smith articles be printed in the RECORD.

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

APPENDIX II

LEGISLATIVE ADVOCACY

(By Mickey Kantor, executive director, Action for Legal Rights, Inc.)

Legislative advocacy is the stepchild of the Legal Services Program.[1] This important forum for protecting the poor has been largely ignored in the past by Legal Services lawyers. However, this area of involvement is an emerging concern. Because of its importance and the developing attitude of the Supreme Court over "legislating in the courts" [2] a re-evaluation of the role and emphasis of the Legal Services attorney and overall program priorities has become critical. In addition, the role of the effective legislative advocate must be explored—especially with regard to present OEO regulations.

There has been little doubt—in fact it is mandated—that a lawyer is obligated to utilize every legitimate forum possible in order to redress his client's grievances.[3] Litigation was initially viewed as the most relevant and productive forum for the poor. Indeed the most dramatic and far-reaching decisions on behalf of the poor have been the result of litigation.[4] With all of its benefits, litigation remains expensive, time-consuming often frustrating, and it nearly always results in less for the client than was pleaded for or anticipated. Similarly, litigation can be dysfunctional in terms of building organizational strength among the poor.

Yet it was litigation which created the credibility of the Legal Services lawyer with his client and sensitized the bar and the public to the most glaring and outstanding abuses which were, and continue to be, visited upon the poor. For these reasons, litigation was a valuable strategy for the Legal Services Program in its first six years of existence. Use of litigation as an advocacy tool remains important today. However, because times change, so must strategies, and other advocacy alternatives must be nurtured and developed. For example, there are some who argue that in the area of welfare reform litigation is no longer viable.

Legal Services lawyers have not been completely unaware of other avenues of potential redress. Administrative procedures and informal negotiations with agencies have been used with great success. Programs have responded to city councils and state legislatures, as well as the Congress, with their views on various issues affecting the client population. But it would be an overstatement to consider these activities equal to litigation in terms of the commitment of resources and manpower.

One of the inhibitions that characterized this reluctance to move into the area of legislative advocacy was a misinterpretation of OEO regulations. Legislative advocacy has always been encouraged by OEO. There has never been a ruling that Legal Services lawyers must be invited to appear before a legislative committee as a pre-condition to participation. However, many programs and attorneys felt this to be the case and therefore hesitated before engaging in these activities.

The American Bar Association's *Code of Professional Responsibility* makes it an affirmative responsibility of the lawyer to advocate for appropriate changes in the law and to propose and support legislation in the public interest:

"By reason of education and experience, lawyers are especially qualified to recognize deficiencies in the legal system and to initiate corrective measures therein. Thus they should participate in proposing and supporting legislation and programs to improve the system. . . ." [5]

This professional duty was in no way limited by the congressional intent relating to Section 222(a)(3) of the Economic Opportunity Act of 1964.[6] That section's directive, "To further the cause of justice . . . by legal counseling" is obviously broad enough to encompass representation in all types of forums.

The original guidelines for Legal Services Programs stated:

"Advocacy of appropriate reforms in statutes, regulations and administrative practices is a part of the traditional role of the lawyer and should be among the services afforded by the program. This may include judicial challenge to particular practices and regulations, research into conflicting or discriminating applications of laws or administrative rules, and proposals for administrative and legislative changes." [7]

Specific OEO directives encouraged utilization of the legislative arena for change:

"Grantee and delegate agencies may, of course, undertake activities dealing with issues related to their basic program responsibilities. In carrying out the basic mission and goals of community action, grantee and delegate agencies may actively engage in campaigns connected with constitutional amendments, referenda, municipal ordinances, law reform and lawful attempts to influence government officials to respond to the grievances of the poor. Grantee and delegate agencies need not avoid such activities merely because partisan officials or candidates for public office may take or have taken positions with respect to the issue." [8]

The National Legal Services Corporation Act,[9] as proposed by the Senate and House conferees, clearly authorizes legislative advocacy by Legal Services attorneys on behalf of their clients. The only limitations are that (1) the lawyer must represent a client or client group, *or* (2) he is invited by a legislator or committee to make representations. There are other prohibitions but they do not limit attorneys in pursuit of legitimate representation.[10]

The Administration bill would have prohibited such advocacy; that bill only allowed legislative advocacy in the event attorneys were asked to make representations to a committee. However, Frank Carlucci, then Director of OEO, in response to questioning by Senator Walter F. Mondale said that:

"We would interpret the administration proposal as permitting it on behalf of a client. Let me stress that our intent was to prohibit self-generating of self-initiated lobbying activities not on behalf of clients. We would recognize that the attorney ought to pursue all possible remedies on behalf of an individual client." [11]

Other witnesses appearing before the House and Senate Committees specifically endorsed the necessity for legislative reform as a permissible activity for Legal Services programs.[12]

Legal Services lawyers have a grave responsibility with regard to the impact of legislation on their client community. The poor remain disenfranchised and powerless because they lack input in the political arena. There are very few state legislators and congressmen who are directly responsible to the poor or minorities in a political sense. Thus their legislative priorities do not reflect the needs of the poor. When "tradeoffs" are made or bills are drafted, labor, management, and vested interests are represented at every stage—either directly or through legislators particularly sensitive to their needs. The interests of the poor are taken into account only indirectly in most cases—and virtually never by reason of constituent demands. Therefore the job of a Legal Services advocate is crucially necessary and extremely difficult.

The Legal Services program must first of all be alert to legislation which would affect the interests of their clients. Clients must be informed of the meaning of pending bills and the ways they affect their interests. The chances of passage must be assessed. Finally, the clients' judgment as to the posture of the lawyer should be scrupulously observed.

This is basically a negative or reaction kind of strategy to legislation. However, it is highly effective and crucial. The identification of a potentially harmful amendment or act, the sensitization of legislators to its impediments, and the advocacy of its defeat can save the poor from immediate adversity and from thousands of dollars in litigation costs.

Further, the coordination and implementation of a positive legislative program on behalf of clients is important. There are obvious areas to be addressed including:

(a) the enforcement of judicially recognized rights through legislation;

(b) the recognition and implementation of the changing relationships between landlord and tenant;

(c) the implementation of programs for child care, housing, health and other programs which are necessary for the benefit and protection of client groups;

(d) the amendments of various laws which have excluded certain classes from protection—such as child labor laws as they relate to farm workers;

(e) the recognition of the inequality and ineffectiveness of our present public school financing system and the fostering of legislation to readdress these imbalances;

(f) the adoption of laws and regulations which would more effectively address the problems of consumer abuse and juvenile delinquency.

In each of these areas particular expertise is required. It is extremely difficult to advocate in a legislative forum for the poor. They are virtually powerless. Your weapon is not political reprisal but preparation, facts, sensitization and ultimately the development of a coalition of concern and interest. Each step must be accompanied by complete and real client participation in the decision-making, professional preparation of arguments, and development of an overwhelming factual base for the presentation.

In order to avoid the consequences of an ill-prepared position, a Legal Services attorney should be careful to:

(a) truly reflect the interests of his client or client group;

(b) have a firm working knowledge of the legislative process;

(c) develop convincing expertise in the particular substantive area he is addressing;

(d) be careful not to duplicate the efforts of other programs in the state—but to coordinate resources;

(e) examine applicable lobbying laws and follow them scrupulously;

(f) constantly consult with friendly legislators and their staff as to drafting problems, strategy and similar problems;

(g) be aware of the ABA *Code of Professional Responsibility* which states:

"Whenever a lawyer seeks legislative or administrative changes, he should identify the capacity in which he appears, whether on behalf of himself, a client, or the public. A lawyer may advocate such changes on behalf of a client even though he does not agree with them. But when a lawyer purports to act on behalf of the public, he should espouse only those changes which he conscientiously believes to be in the public interest." [13]

Footnotes at end of article.

There are many considerations in developing a program for legislative advocacy. Certainly the major concern is one of client priorities. Once issues have been defined by the client groups (or individual clients) priorities must be established. All these plans are considered with the knowledge that during a legislative session, issues will arise which will momentarily assume a priority status. In addition, in attempting to advocate positive legislation, a campaign may, of necessity, have to be planned over numerous legislative sessions because of the difficulty in developing and passing new, sophisticated or controversial pieces of legislation.

Drafting a piece of legislation involves much more than technical knowledge or ability. In fact, because many legislatures and the Congress have their own technicians, it may become relatively unimportant. A thorough understanding of what the client wants to accomplish and a realization of attendant problems is crucial. A good example is the development of legislation to transfer the Legal Services Program to an independent entity. The clients' problem could have been simply stated—*i.e.*, a desire to free the Program from debilitating political influences. Implementation of the desire, however, involved many considerations. What were the alternatives? How do you legitimize the idea? What were the positions of the bar, the clients, the lawyers, the White House, and various key members of Congress? What parts of the Economic Opportunity Act dealt with Legal Services? What other acts needed to be considered? Would the Executive Branch adopt your position and advocate it as well?

After these questions were answered, a first draft had to be prepared, a sponsor had to be found. Who is best suited to introduce the bill? What about bi-partisan support?[14] Co-sponsors? Do you make trade-offs prior to introduction in order to gain the support of key congressmen? To what committee will it be assigned?

The most crucial initial issue (I consider initial issues those decisions which must be made prior to introduction) involved a complete understanding of the minimum package the client would accept. In drafting all legislation, the drafter must contemplate the various compromises and trade-offs which may be made. He must create a piece of legislation which can be flexibly considered to allow for changes and compromises. However, there are issues which are so fundamental to the entire effort that they cannot be compromised. This is not to say particular strategies will not change. New alternatives will present themselves. But certain fundamental considerations—if eroded—will render any particular piece of legislation meaningless or potentially harmful. These issues must be identified and decisions made before introduction.

A legislative strategy must be developed prior to introduction or immediately thereafter. Is it an issue which should be publicly debated—and thus a subject for a media campaign—or is it better left to a quiet consideration without a public ventilation of the issue? Are there natural allies for the bill among groups or individuals? What kinds of groups are these and how would their support help or hinder the legislation? Is a "grass roots" effort required to develop support among the legislators? If so, how is it to be organized? Who does the organizing? How can the hearing process be used to publicize the issue or to create special interest or public support?

Whether or not your campaign involves a public battle or quiet consideration, it is essential that your sponsors create the issue and its parameters. The person who defines the issue creates the rules of the game and the elements of the debate. If during the struggle over the second Murphy Amendment, the forces supporting the amendment had been able to define the issue as decentralized government or the need for a governor to determine the resources operative in his state and therefore had been able to enlist the aid of credible governors, the result might have been different. However, the bar and Legal Services advocates in the Congress were able to show clearly that the issue was really the independence of the lawyer in his attempt to serve the poor.

Another major concern is the ability to be completely aware, at all times, of the status of each bill. Many crises are potentially harmful actions can be averted by an alert advocate who is in touch with those most particularly concerned with the bill. The advocate must be available for research, consultation and review at any time.

There are a myriad of issues in addition to those that have been mentioned. One caution should be in the forefront of the legislative advocate's mind at all times. The advocate cannot become so personally identified and involved with the bill that he becomes the issue. Legislators have the responsibility and the position to advocate your cause in the proper arena. Others can assert their positions on behalf of your clients' concerns, from outside the arena—at public hearings or in private conversations. The advocate's role is to inform and provide information, persuade and be a constant source of information and ideas for the client, the legislator or his staff, and interested groups.

There is always the danger that the advocate will become so identified with an individual legislator or party that his effectiveness becomes limited. There are, of course, situations in which this is impossible to avoid. However, the advocate should attempt to develop continuing relationships and support from persons who are members of both political parties. This enables him to proceed more flexibly and effectively in pursuing an issue and having an influence over the legislative decision-making process.

The state "back-up" centers in Massachusetts, Michigan and Ohio have been invaluable resources in the area of legislative advocacy and reform. They have proved themselves to be incomparable resources—able to concentrate on legislative advocacy and coordinate state resources in this regard. Recent moves in California and Oregon[15] indicate that individual programs are moving swiftly to fill the role in states without these centers. The national back-up centers also have, in varying degrees, been advocates for their particular interests at both national and state levels.

Glaring deficiencies, however, are apparent in terms of resources available in Legal Services for the purpose of legislative advocacy. There is no reporter with the resources to compile legislation which may affect the interests of the poor and which indicates through articles and presentations, opportunities for advocacy in this regard. The *Clearinghouse Review* is making valiant attempts[16] to provide such a service—but its resources are inadequate. Individual projects, such as the Migrant Legal Action Program, are developing an ability to report on federal legislation which may affect farm workers—but in that regard, as well, their resources are limited.

The second area of need is for a legislative advocacy service in Washington, D.C. It could be a vital part of the proposed, but heretofore unimplemented, Administrative Counsel for the Poor.

It is gratifying to note that the National Training Program at Catholic University is moving to establish training programs in legislative advocacy. Similarly, the Director of Legal Services has noted the importance of legislative advocacy.[17] The first priority of the Office of Legal Services, with or without the new corporate structure, would be to utilize any available funds provided to reflect the growing need for activity in this area.

Even without additional resources, certain steps can be taken to increase participation in the legislative process. The various back-up centers should produce a resume of important federal and state legislative proposals in their particular area of concern as well as suggestions for needed legislation. The Reggie Program could add a session on legislation to its already fine orientation effort. Programs in the larger states could combine resources to staff a small office in the state capitol as part of their law reform effort. Private groups such as NLADA and the Lawyers Committee for Civil Rights Under Law should combine or coordinate resources to develop a continuing legislative program analogous to the structure of the effort of the ACLU in this regard. Law school clinical efforts should be expanded to include an emphasis on legislative advocacy for the poor.

There are, of course, concerns about the tax status of programs which engage in extensive advocacy. These concerns have been addressed in a memorandum prepared by Mitchell Rogovin of Arnold and Porter, available from the Clearinghouse, Clearinghouse No. 6928. The proposed National Legal Corporation Act specifically exempted the Corporation under § 501(c)(4) of the Internal Revenue Code and does not require a local share to be contributed to each program.

Legislative advocacy, the stepchild of the Legal Services Program, must soon achieve full kinship status with litigation as an advocacy tool or Legal Services will not be providing a comprehensive attack on the problems of the poor.

FOOTNOTES

[1] Gross, The Legislative Struggle, at 153–4:

The existence of choice, of course, is a relative matter; it shifts from one situation to another. For many contestants in the social struggle, there is no choice whatsoever. The battleground is picked for them by the action of opponents and competitors. For stronger groups, the area of choice is far broader than for a weaker people faced with identical problems. The ability to make choices is itself a good measure of power. For all groups, strong and weak, the availability of alternatives is limited by habit; many of the obstacles to the use of one process as opposed to another flow entirely from an inability to break with customary methods of operation.

Others have argued, in the past, that so called "law reform" efforts are better left to the legislatures. *See* Hazard, *Social Justice Through Civil Justice*, 36 U. CHI. L. REV. 699 (1969). The author feels this is an overly simplistic view of the role of the courts in our society as related to the rights of the poor.

[2] Address by Chief Justice Warren E. Burger before the ABA Convention in London, England, July 1971.

[3] ABA Code of Professional Responsibility and Canons of Judicial Ethics, No. EC 7–1 (1970):

In our government of laws and not of man, each member of our society is entitled to have his conduct judged and regulated in accordance with the law, to seek any lawful objective through legally permissible means, and to present for adjudication any lawful claim, issue or defense.

[4] *See* Boddie v. Connecticut, 401 U.S. 371 (1971); Serrano v. Priest, 96 Cal. Rptr. 601 (Cal. Sup. Ct. 1971); Tate v. Short, 401 U.S. 395 (1971); Goldberg v. Kelly, 397 U.S. 254 (1970); Shapiro v. Thompson, 394 U.S. 618 (1969); Smith v. King, 392 U.S. 309 (1968).

[5] ABA Code of Professional Responsibility and Canons of Judicial Ethics, No. EC 8–1 (1970).

[6] Economic Opportunity Act of 1964 as amended, 42 U.S.C. § 2701 (1964).

[7] Office of Economic Opportunity, Community Action Program, *Guidelines for Legal Service Programs.*

[8] Restrictions on Political Activities, OEO Instruction 6907–1.

[9] S. 2007, 92d Cong., 1st Sess. (1971).

[10] *Id.* at § 906 (e).

[11] *Hearings on S. 1305 and S. 2007 Before the Subcommittee on Employment, Manpower and Poverty of the Senate Committee on Labor and Public Welfare,* 92d Cong., 1st Sess. pt. 5 at 1621 (1971).

[12] *Id.* at 1679.

[13] ABA Code of Professional Responsibility and Canons of Judicial Ethics, No. EC 8–4 (1970).

[14] 117 Cong. Rec. (daily ed. Mar. 18–19, 1971). One hundred Congressmen and Senators initially co-sponsored the legislation including leaders from both parties. This support tended to provide (1) momentum (2) legitimacy (3) initially defined a base from which all would proceed and (4) gained the support of a number of Republican legislators who were crucial for its safe passage on the House floor.

[15] Williamson, *Legislative Law Reform: A New Challenge,* 5 Clearinghouse Rev. 380, 402 (November 1971). California Rural Legal Assistance and the Portland Program have begun to pay serious attention to, and devote considerable resources to, legislative advocacy.

[16] *See* 5 Clearinghouse Rev. 142, 215, 295, 446 (1971).

[17] *See* 5 Clearinghouse Rev. 434 (December 1971).

Appendix III

Legislative Advocacy at CRLA

(By James F. Smith, staff attorney and legislative advocate, California Rural Legal Assistance)

California Rural Legal Assistance (CRLA) has maintained a legislative office in the state capital at Sacramento since the beginning of the 1969 legislative session. This will discuss the techniques we have utilized in sensitizing other Legal Services attorneys to the legislative process, cooperating with other legislative advocates who are our natural allies, selecting priority issues of law reform in the legislature and implementing these priorities with specific examples of successes and failures. In addition to the bills used as examples herein, an Appendix attached to this article describes the fate of all other bills in the 1971 CRLA legislative package.

Obtaining Legislative Suggestions From Other Legal Services Attorneys

Our legislative office does not see clients on a regular basis. Accordingly, we are not directly involved with the legal problems faced by our clients but must rely on the information provided us from other Legal Services attorneys as to what issues capable of resolution by the legislature are of critical importance to our clients. In order to establish and maintain a viable communication with those attorneys we found that it was extremely important to sensitize them to the use of the legislature as a forum for bringing about law reform for the benefit of their clients. This has been by no means an easy task.

Attorneys are trained to look to the courts for redress of an individual client's grievances as well as law reform. The fact that state legislatures are a more suitable forum for law reform, both because of constitutional separation of powers, and because of the more lasting implications of enacted statutes, has not been seriously considered by most attorneys. They are not familiar with the legislative forum and they do not think of it as a practicable arena in which to represent their clients.

Within CRLA our efforts to induce attorneys to suggest and draft legislation of benefit to their clients have been reasonably successful. Most of our regional offices (7 of 9) in the past year have submitted legislative proposals in behalf of their clients to our office.

The Legislature Itself

There are literally hundreds of legislative advocates at the California legislature. This fact alone, plus the fact that over 7,000 bills are now introduced on an annual basis, requires us to make very careful determinations of our priorities. In terms of defense work, that is, stopping bad legislation, we have found it most useful to maintain close contact with other legislative advocates who are our natural allies. We attempt to determine if they will take action to stop that legislation, or more specifically, if any of those lobbyists who, because of their personal relationships with legislators, committee staff, etc., are in a position to evaluate such legislation's chances of passage.

The underlying axiom in defense work is that it is much easier to stop a bad bill than to achieve passage of a good bill because a bill has to pass through several committees, the floor votes of two houses, and the governor's desk. We have found the following groups to be most helpful to us in this regard: The American Friends Service Committee, NAACP, ACLU, organized labor, social welfare workers, teachers associations, church groups (Council of Churches), League of Women Voters and other similar groups.

Selection of Legislative Programs

Having developed procedures and relationships for defensive work on behalf our clients, we then determine what input by our office is likely to be productive in offensive programs. If other legislative advocates are heavily involved in a given issue (e.g., welfare rights organizations on welfare), or if the likelihood of success in a given poverty law area (e.g., the creation of thousands of public works jobs) is totally unlikely, those issues are not considered priorities. If, on the other hand, major law reform efforts have been stymied in the past because of ignorance of state legislators or misinformation supplied them by other legislative advocates, then we consider those areas for sponsoring or co-sponsoring significant law reform legislation.

We apply an analysis similar to that used in major test case litigation:

1. What law reform measures would affect most of our clients in a meaningful sense or a significant number of clients in a profound sense, and

2. Are those issues susceptible of administrative reform by the defendant private industry or governmental entity?

The latter question is probably the most important practical one, because major test case litigation as well as major law reform efforts are usually resolved in a less than complete victory.

After determining that the issue is one possible of resolution at the legislature and one that will significantly affect our clients, the next step is to develop the most effective means of introducting the legislation. In some instances a coalition with other community groups or other legislative advocates is essential. The selection of a legislative author is, by far, the most important decision. The three criteria most germane to selecting the best author are:

1. that he is generaly viewed as a conservative or moderate by his colleagues, and that the legislation he carries will not be viewed as a radical departure;

2. that he is viewed as an expert in the field affected by the legislation and has credibility in the field; and

3. he believes in the legislation and will push hard for it.

Most legislation is not carefully considered by legislators but is voted on by reason of the members' feeling toward the author and thus the importance of the moderate and credible author. These criteria are not always possible to achieve—legislators might not be interested in offering major law reform legislation—but there is no harm in asking. If that legislator will not introduce the desired legislation, then a close second should be obtained.

Major Law Reform Effort Versus the More Modest Legislation

The most useful and exciting work in the legislature on behalf of our clients is the major law reform effort in which legislation is sponsored by Legal Services attorneys on behalf of their clients. We have sponsored major law reform efforts in the areas of random selection of jury reform (SB 1420, Clearinghouse No. 7150), health and safety protection for field workers handling or exposed to pesticides (SB 432, Clearinghouse No. 7151), and the use of isolation and segregation cells in state prisons (AB 2904, Clearinghouse No. 7152). Because each of these bills presented a major departure from the past and a significant law reform, a great deal of educating committee members who would pass on the bills was necessary. The mere introduction of major legislation can have this effect. It will probably take two to three years to secure passage of any such bills and maybe longer. But it is interesting to contrast this period with that of major law reform litigation which often takes as long and the results of which are usually more fragile than the enactment of a chapter in the codes to deal with the problem.

The Pesticide Safety Bill was originally introduced in the 1970 session and rapidly killed. This year it had passed the California Senate, the more conservative house. Actually, two CRLA-sponsored bills were introduced in the 1971 session dealing with the problem of farm worker exposure to deadly pesticide. AB 2399 (Arnett, R–San Mateo) provided that a county could, upon the request of the county medical officer, obtain the technical assistance of the state to conduct an epidemologic study after a pesticide poisoning incident occurred. SB 432, Clearinghouse No. 7151 (Petris, D–Okla) was directed at preventing pesticide poisoning by requiring handwashing facilities, protective garments, and complete disclosure to the farm worker of the pesticides that he was coming into contact with, including first aid instruction.

The major opposition to the bills was that of the Department of Agriculture and the California Farm Bureau Federation, both of whom argued that the Department of Agriculture was doing a fine job in protecting the farm worker, and that these bills, which involved the Department of Public Health in the issue, were unnecessary. Eventually, the opposition decided on the strategy of endorsing AB 2399 so as to argue that SB 432 was not necessary. This argument would have presumably been used by the Governor's Office to justify the veto of SB 432. In fact, the strategy was unnecessary, as AB 2399 was signed into law and SB 432 failed to pass the assembly floor on the last day of the legislative session. Time simply ran out, as there were ample votes to pass the bill, but not enough time to gather them. Of course, of equal significance was the concerted and sustained opposition of the Farm Bureau and its members to SB 432. Unquestionably, they still carry considerable political clout. As a by-product of this activity, the pertinent administrative agencies have been influenced to enact numerous administrative regulations dealing with the problem and unquestionably our clients are the beneficiaries of better enforcement practices because of this legislation.

A bill introduced for the first time this year to require random selection of members of the grand jury (SB 1420, Clearinghouse No. 7150) passed the California Senate and seemed likely to pass the California Assembly. The numerous challenges to the composition of indictment grand juries across the country, particularly in California in recent years, provided the groundwork for this bill. It was the right bill introduced at the right time. However, the comprehensive package died on the vine during the all-night session December 2. The vote came well after midnight and 36 "aye" votes were cast; 41 were needed.

One of the most active areas of prison

reform litigation is that involving solitary confinement for extended periods on the basis of a perfunctory hearing which in most states, including California, has no pretense of even rudimentary due process. Placing a prisoner in solitary confinement usually means additional years of confinement since he loses his "good time" credit or the paroling agency is disinclined to grant paroles to one so confined. AB 2904, Clearinghouse No. 7152, provides for due process protections appropriate to prison disciplinary procedures. The bill passed the lower House, but faced considerable opposition in the Senate. The bill was taken up in the Senate after the San Quentin massacre of August 21st. After six weeks of maneuvering, the bill finally surfaced from the Senate Judiciary. More than the usual amount of difficulty was encountered in setting the bill for hearing before the Senate Finance Committee. It was eventually set for November 29, the last hearing of that Committee.

The Senate Finance Committee is chaired by Randolph Collier (D-Yreka), a member of the California Senate since 1938. The Committee is composed of older, more conservative members, who see their task as stopping progressive legislation. The Committee has the opportunity to pass on legislation having any fiscal impact whatever. Any legislation which involves a state agency eventually has a fiscal impact. As a consequence, that Committee has been the traditional graveyard of progressive legislation.

It appeared that the seven necessary votes were likely for passage of AB 2904 but, as so often happens, two members who had indicated "aye" votes were not in attendance when the bill was heard. It was, however, a very thorough and educational hearing. Testimony before the Committee demonstrated that most of the prisoners in the solitary confinement adjustment centers (80%) were placed in 6′ x 9′ cages for 23½ to 24 hours a day—not because of any disciplinary infractions, but in the Department's words, "as part of our regular prison assignments." The Department representative went on to testify that prisoners so confined would be released to the general population after they showed significant improvement. One puzzled Senator asked the Department representative: "If these men are held in cells virtually all of the time, how do you tell if they are improving—by looking in on them to see if they smile a lot?"

The defeat of the adjustment center bill was not completely discouraging, because the legislation had traveled further through the legislature for the first year of introduction than most observers expected, and certainly it added increased pressure to the Department to modify their barbaric practices.

NEGOTIATIONS WITH OPPONENTS OF LEGISLATION BENEFICIAL TO OUR CLIENTS

We have found that after introduction of a major law reform bill that opponents of that legislation are likely to be influenced to sit down with us and to negotiate possible legislative resolution of the problem. By sponsoring the bill, we are in a far better negotiating position because of our ability to work through the legislator carrying the bill and because the opponents are somewhat on the defensive. By a process of "Christmas treeing" the bill—that is by putting in all possible benefits to our clients, and dealing with the opponents in a give and take negotiation, *e.g.*, "I will accept this amendment if you will withdraw your opposition to the bill," an eventual cooption of the opposition is possible.

COALITION ON MAJOR BUDGETARY PROBLEMS

Decision by the Executive branch involving major budgetary problems such as the allocation of state funds to welfare or education can be influenced by broad coalitions. In these situations, the legislative advocacy of the Legal Services attorney alone is usually in and of itself quite impotent because of the major political ramifications of the issues. For that reason, it seems far more useful to become part of a welfare or education coalition with community, client, church, minority and teacher or social welfare worker groups so as to maintain and define a policy position that is rational and distinct from those who wish to reduce the cost of state government whatever the consequences. Following is an *Appendix* which chronicles the fate of other 1971 legislative efforts.

APPENDIX A

Consumer

Motor Vehicles. AB 620, Clearinghouse No. 7153 (Waxman, D-Los Angeles), motor vehicle financing anti-deficiency bill. The bill was heard in Assembly Finance and Insurance Committee and passed through the Assembly on April 13, (41–32). As the bill left the Assembly, it provided for abolition of the deficiency judgment as to both new and used cars. However, in order to get the measure out of the Senate Judiciary Committee, the bill had to be watered down such that deficiency judgments would be abolished on used car sales only. The bill was carried for us in the Senate by Senator Moscone (D–San Francisco) who lost the first floor vote despite a massive Legal Services campaign in support of the measure. Senator Moscone was able to obtain reconsideration of the bill. The vote would have been extremely tight. Many of the supposed "committed" votes changed their minds at the last minute. Fortunately, or unfortunately, the bill never got to a final floor vote in the Senate because that house adjourned for the year before the bill came up again. As now planned, the measure will be reintroduced next year, hopefully in its original form. As we have learned increasingly, the key to consumer issues is constituency pressure. Work on this will have to be started quite early in the year.

SB 1627, Clearinghouse No. 7154 (Beilenson, D–Los Angeles), used car fitness warranty bill. The bill was initially assigned to the Senate Committee on Transportation, It requires that there be a distinction between major and minor defects for purposes of the remedy provided. This distinction was to have been developed by the joint efforts of the Department of Motor Vehicles and the California Highway Patrol. Both of these agencies protested that the task would require months of study, if it could be accomplished at all. The bill was then weakened so as to require only a general warranty of fitness. The choice was whether to get something through the legislature this year or scrap the entire measure. We opted for the latter, feeling that the measure, if passed, would actually do quite little. Our efforts were pulled off, and the bill was allowed to die quietly in the senate committee. Following this, our office has been in touch with the National Center for Consumer Law and the Center for Auto Safety (Ralph Nader's group) in Washington, D.C., and together we are developing a method of easily distinguishing between major and minor defects in automobiles. Hopefully, next session a more tightly drafted measure can be introduced into the legislature.

Small Claims Courts. AB 2720, Clearinghouse No. 7155 (Waxman, D–Los Angeles) would have limited the number of times a party could bring a small claims court action to 12 within each calendar year. The intent was to curtail corporation usage of the small claims court as its collection agency. Opposition here was so strong that the bill was removed and effectively killed.

AB 1142, Clearinghouse No. 7156 (Brathwaite, D–Los Angeles) raised the jurisdictional amount of small claims courts from $300 to $500 with no other protections. This measure passed both houses and was signed into law by the Governor. Bills become law 60 days after the legislature adjourns. Obviously, because of this new element in small claims practice, measures similar to AB 2720, above, will hopefully be introduced in the 1972 session.

Default Judgments. AB 1905, Clearinghouse No. 7157 (Warren, D—Los Angeles), default judgment statute regarding venue. The bill passed easily out of the Assembly (60–0) on June 23 with support for the Assembly Judiciary Committee. The Bill, as amended, passed out of the Senate 24–4, and was signed by the Governor (Chapter 1640, Stats. 1971). In its final form, the bill extends to all consumer transactions the same type of venue protections now available in Unruh and Rees-Levering situations. The new parts of the bill, dealing with default situations, are of great significance. Defendant/debtor now has 60 days *after levy upon his property* to move to defend the case in the proper county (the bill also extended this provision to Rees-Levering and Unruh cases). Where venue is improper, plaintiff has the burden of showing he used reasonable diligence to select the proper court. If he fails in this, defendant has the right to actual damages and costs, including reasonable attorneys' fees. For the sake of passage of the measure, punitive damages and dismissal with prejudice were deleted from the final document.

Voters' Rights

Bilingual Voter Registrars. AB 2101, Clearinghouse No. 7158 (Maddy, R—Fresno) died in the Senate after passing the first time. Senator Richardson and the Republican caucus led the opposition. The bill would have provided that bilingual voter registrars be deputized whenever there are significant linguistic minority groups in a county.

Education

Placement of Mentally Retarded Minors. SB 33, Clearinghouse No. 7159 (Burgener, R—San Diego) was signed at an early date by Governor Reagan. The California Department of Education has issued extensive regulations to implement this Act, and copies are available from the Clearinghouse.

Parolees' Higher Education Act. AB 3002, Clearinghouse No. 7160, was passed by the Senate Education Committee and failed by one vote in Senate Finance. Los Angeles State College recently received a grant in excess of $25,000 to provide services along the lines proposed by the bill.

School Finance. No bills passed this year. A special joint committee has been established and is expected to report its findings by May 1, 1972.

Mr. CURTIS. Mr. President, deficiencies in the present statute and guidelines include, but are not limited to, the following: Inadequate restrictions on off-duty activities of officials with high visibility and public identification with programs funded by OEO; inadequate penalties for violations of the restrictions; inadequate restraints on the solicitation of clients in order to have a client whose interests one is representing before a legislative body, committee, or member; encouragement of activities if they are related to public issues impacting upon the poor.

What can a party still do under section 960(e)? How can he, knowingly or unknowingly, circumvent its provisions? I remind my colleagues that this new section 906(e) is not new at all. Its first appearance was in the bill vetoed by the President on December 9, 1971; thus, it has already been vetoed once before.

Section 906(e) does not, in reality, guard against what it is intended, or what it superficially, guards against. Rather, for the first time, it specifically authorizes legislative advocacy—lobbying—which by definition is a type of political activity—here, Federally funded—when such is in furtherance of the in-

terests of a client, a group of clients, or when such is requested by a legislative body, committee, or member. Now, let's look at this in its real application. Is there really a neighborhood legal services project attorney alive who cannot find a client whose interests conform to the subject under legislative consideration? Of course, the answer is no. Is there a legal services attorney alive who would find it difficult to obtain the consent of a group of clients—that usually means an organization—which would not give him their consent to represent their interests? Again, the answer is no. Finally, is there a project attorney alive who does not know a legislator friendly to his cause, which legislator would request him to make representations to the body, the committee, or to himself? Again, the answer is no. Additionally, the language of section 906(e) does not prohibit grassroots organization of legislative advocacy efforts through such client groups as the National Welfare Rights Organization, the National Tenants Union, et cetera, and their local affiliates.

In the opinion of many, efforts to restrict such activities are, in reality, more likely to be successful through amendments to the statute, thereby reflecting the will of the Congress, than they are likely to be successful through maneuvers within the administrative system. We can truly expect the modus operandi of the Office of Legal Services, OEO, to become the modus operandi on this matter within the new Corporation. An amendment should say:

Funds or personnel made available to, or made available by, the Corporation pursuant to this title or pursuant to any other provision of law or any other source of public or private funding, shall not be used in a manner involving the use of such funds, the provision of services or facilities, or the employment or assignment of such personnel in a manner supporting or resulting in the identification of the Corporation, of legal services programs assisted by the Corporation, or of their personnel, with—

(1) Consideration in any form by any Federal or non-Federal legislative or executive body of any proposed convention, constitutional amendment, code, statute, executive order, initiative, ordinance, regulation, rule, or similar enactment or promulgation, or any amendment thereto, or any similar legislative or executive activity; or

(2) Organization of others, or the encouragement of the organization of others, to directly or indirectly promote changes in public policy.

Such an amendment would preclude legislative advocacy for advocacy's sake.

I call upon Senators to examine these, and other, criticisms of the particulars of the legislation which will be coming before us soon. Only by making substantial changes in the reported bill will this legislation warrant affirmative action by this body.

QUORUM CALL

Mr. ROBERT C. BYRD. 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.

ORDER FOR CONSIDERATION TOMORROW OF S. 722, RELATING TO CERTAIN FEDERALLY OWNED LAND

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the votes on the confirmations of nominations on the Executive Calendar, and at such time as the Senate returns to the consideration of legislative business, the Senate proceed to the consideration of S. 722, a bill to declare that certain federally owned land be held by the United States in trust for the Stockbridge-Munsee community.

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

Mr. ROBERT C. BYRD. Mr. President, there is a time limitation on that bill of 1 hour. There is a time limitation on any amendment, debatable motion, or appeal in relation thereto of 30 minutes. Action will be completed on that bill before the close of business tomorrow.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that when the hour of 2:30 p.m. arrives today, the conference report on the authorization for public buildings be considered as in legislative session.

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF RAILROAD RETIREMENT BOARD—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. WILLIAMS) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I hereby transmit to you the Annual Report of the Railroad Retirement Board for fiscal year 1971.

During that year retirement and survivor benefits totaling $1.9 billion were paid to more than one million beneficiaries. Benefits for unemployment and sickness totaling $95 million were paid to over 300,000 claimants. Cumulative benefit payments under both programs since their inception reached the $25 billion mark during the year and at its end had risen to $25.6 billion.

Legislation enacted in August 1970 provided for the establishment of a Commission on Railroad Retirement to study this system and to make recommendations for legislative changes to assure the continuation of retirement and survivor benefits in adequate amounts on an actuarially sound basis. The Commission's recommendations are due to be submitted by the close of fiscal year 1972.

RICHARD NIXON.

THE WHITE HOUSE, *June 7, 1972.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 12674) to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 12674) to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes, was read twice by its title and referred to the Committee on Veterans' Affairs.

NOMINATION OF RICHARD G. KLEINDIENST

The PRESIDING OFFICER. Under the previous order, the Senate, in executive session, will now resume debate on the confirmation of the nomination of Richard G. Kleindienst to be Attorney General of the United States.

The question is, Will the Senate advise and consent to the nomination of Richard G. Kleindienst to be Attorney General of the United States?

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

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

INTERNATIONAL PLANT PROTECTION CONVENTION, CONVENTION TO PREVENT AND PUNISH ACTS OF TERRORISM, TREATY WITH HONDURAS ON THE SWAN ISLANDS, CONVENTION ON TAKING OF EVIDENCE ABROAD, EXTRADITION TREATY WITH ARGENTINA, AND PARTIAL REVISION OF RADIO REGULATIONS (1959) RELATING TO SPACE TELECOMMUNICATIONS

Mr. MANSFIELD. Mr. President, after consultation with the Republican leadership, inasmuch as the Senate is in executive session, I ask unanimous consent that the pending nomination be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 20, Executive D, 84th Congress, second session, the International Plant Protection Convention; Calendar No. 21, Executive D, 92d Congress, first session, Convention To Prevent and Punish Acts of Terrorism; Calendar No. 22, Executive H, 92d Congress, second session, Treaty with Honduras on the Swan Islands;

Calendar No. 23, Executive A, 92d Congress, second session, Convention on the Taking of Evidence Abroad in Civil or Commercial Matters; Calendar No. 24, Executive F, 92d Congress, second session, Treaty of Extradition with Argentina; Calendar No. 25, Executive E, 92d Congress, second session, Partial Revision of Radio Regulations Relating to Space Telecommunications.

It is my understanding that all these treaties were reported unanimously by the Committee on Foreign Relations. I know of no opposition to any of them.

I ask unanimous consent that I be permitted to incorporate at appropriate points in the RECORD pertinent excerpts from the reports detailing what the treaties comprise, and that the treaties be considered as having passed through the various parliamentary stages, up to and including the presentation of the resolutions of ratification.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate as in Committee of the Whole, proceeded to consider Executive D, 84th Congress, second session; Executive D, 92d Congress, first session; Executive H, 92d Congress, second session; Executive A, 92d Congress, second session; Executive F, 92d Congress, second session; and Executive E, 92d Congress, second session, which were read the second time as follows:

EXECUTIVE D—84TH CONGRESS, SECOND SESSION

INTERNATIONAL PLANT PROTECTION CONVENTION

PREAMBLE

The contracting Governments, recognizing the usefulness of international co-operation in controlling pests and diseases of plants and plant products and in preventing their introduction and spread across national boundaries, and desiring to ensure close co-ordination of measures directed to these ends, have agreed as follows:

ARTICLE I—PURPOSE AND RESPONSIBILITY

1. With the purpose of securing common and effective action to prevent the introduction and spread of pests and diseases of plants and plant products and to promote measures for their control, the contracting Governments undertake to adopt the legislative, technical and administrative measures specified in this Convention and in supplementary agrements pursuant to Article III.

2. Each contracting Government shall assume responsibility for the fulfillment within its territories of all requirements under this Convention.

ARTICLE II—SCOPE

1. For the purposes of this Convention the term "plants" shall comprise living plants and parts thereof, including seeds in so far as the supervision of their importation under Article VI of the Convention or the issue of phytosanitary certificates in respect of them under Articles IV (1), (a), (iv) and V of this Convention may be deemed necessary by contracting Governments; and the term "plant products" shall comprise unmanufactured and milled material of plant origin, including seeds in so far as they are not included in the term "plants."

2. The provisions of this Convention may be deemed by contracting Governments to extend to storage places, containers, conveyances, packing material and accompanying media of all sorts including soil involved in the international transportation of all plants and plant products.

3. This Convention shall have particular reference to pests and diseases of importance to international trade.

ARTICLE III—SUPPLEMENTARY AGREEMENTS

1. Supplementary agreements applicable to specific regions, to specific pests or diseases, to specific plants and plant products, to specific methods of international transportation of plants and plant products, or otherwise supplementing the provisions of this Convention, may be proposed by the Food and Agriculture Organization of the United Nations (hereinafter referred to as "FAO" on the recommendation of a contracting Government or on its own initiative, to meet special problems of plant protection which need particular attention or action.

2. Any such supplementary agreements shall come into force for each contracting Government after acceptance in accordance with the provisions of the FAO Constitution and Rules of Procedure.

ARTICLE IV—NATIONAL ORGANIZATION FOR PLANT PROTECTION

1. Each contracting Government shall make provision, as soon as possible and to the best of its ability, for

(a) an official plant protection organization, with the following main functions:

(i) the inspection of growing plants, of areas under cultivation (including fields, plantations, nurseries, gardens and greenhouses), and of plants and plant products in storage and in transportation, particularly with the object of reporting the existence, outbreak and spread of plant diseases and pests and of controlling those pests and diseases;

(ii) the inspection of consignments of plants and plant products moving in international traffic, and, as far as practicable, the inspection of consignments of other articles or commodities moving in international traffic under conditions where they may act incidentally as carriers of pests and diseases of plants and plant products, and the inspection and supervision of storage and transportation facilities of all kinds involved in international traffic whether of plants and plant products or of other commodities, particularly with the object of preventing the dissemination across national boundaries of pests and diseases of plants and plant products;

(iii) the disinfestation or disinfection of consignments of plants and plant products moving in international traffic, and their containers, storage places, or transportation facilities of all kinds employed;

(iv) the issue of certificates relating to phytosanitary condition and origin of consignments of plants and plant products (hereinafter referred to as "phytosanitary certificates");

(b) the distribution of information within the country regarding the pests and diseases of plants and plant products and the means of their prevention and control;

(c) research and investigation in the field of plant protection.

2. Each contracting Government shall submit a description of the scope of its national organization for plant protection and of changes in such organization to the Director-General of FAO, who shall circulate such information to all contracting Governments.

ARTICLE V—PHYTOSANITARY CERTIFICATES

1. Each contracting Government shall make arrangements for the issue of phytosanitary certificates to accord with the plant protection regulations of other contracting Governments, and in conformity with the following provisions:

(a) Inspection shall be carried out and certificates issued only by or under the authority of technically qualified and duly authorized officers and in such circumstances and with such knowledge and information available to those officers that the authorities of importing countries may accept such certificates with confidence as dependable documents.

(b) Each certificate covering material intended for planting or propagation shall be as worded in the Annex to this Convention and shall include such additional declarations as may be required by the importing country. The model certificate may also be used for other plants or plant products where appropriate and not inconsistent with the requirements of the importing country.

(c) The certificates shall bear no alterations or erasures.

2. Each contracting Government undertakes not to require consignments of plants intended for planting or propagation imported into its territories to be accompanied by phytosanitary certificates inconsistent with the model set out in the Annex to this Convention.

ARTICLE VI—REQUIREMENTS IN RELATION TO IMPORTS

1. With the aim of preventing the introduction of diseases and pests of plants into their territories, contracting Governments shall have full authority to regulate the entry of plants and plant products, and to this end, may:

(a) prescribe restrictions or requirements concerning the importation of plants or plant products;

(b) prohibit the importation of particular plants or plant products, or of particular consignments of plants or plant products;

(c) inspect or detain particular consignments of plants or plant products;

(d) treat, destroy or refuse entry to particular consignments of plants or plant products, or require such consignments to be treated or destroyed.

2. In order to minimize interference with international trade, each contracting Government undertakes to carry out the provisions referred to in paragraph 1 of this Article in conformity with the following:

(a) Contracting Governments shall not, under their plant protection legislation, take any of the measures specified in paragraph 1 of this Article unless such measures are made necessary by phytosanitary considerations.

(b) If a contracting Government prescribes any restrictions or requirements concerning the importation of plants and plant products into its territories, it shall publish the restrictions or requirements and communicate them immediately to the plant protection services of other contracting Governments and to FAO.

(c) If a contracting Government prohibits, under the provisions of its plant protection legislation, the importation of any plants or plant products, it shall publish its decision with reasons and shall immediately inform the plant protection services of other contracting Governments and GAO.

(d) If a contracting Government requires consignments of particular plants or plant products to be imported only through specified points of entry, such points shall be so selected as not unnecessarily to impede international commerce. The contracting Government shall publish a list of such points of entry and communicate it to the plant protection services of other contracting Governments and to FAO. Such restrictions on points of entry shall not be made unless the plants or plant products concerned are required to be accompanied by phytosanitary certificates or to be submitted to inspection or treatment.

(e) Any inspection by the plant protection service of a contracting Government of consignments of plants offered for importation shall take place as promptly as possible with due regard to the perishability of the plants concerned. If any consignment is found not to conform to the requirements of the plant protection legislation of the importing country, the plant protection service of the exporting country shall be informed. If the consignment is destroyed, in whole or in part, an official report shall be forwarded immediately to the plant protection service of the exporting country.

(f) Contracting Governments shall make provisions which, without endangering their

own plant production, will reduce to a minimum the number of cases in which a phytosanitary certificate is required on the entry of plants or plant products not intended for planting, such as cereals, fruits, vegetables and cut flowers.

(*g*) Contracting Governments may make provision for the importation for purposes of scientific research of plants and plant products and of specimens of plant pests and disease-causing organisms under conditions affording ample precaution against the risk of spreading plant diseases and pests.

3. The measures specified in this Article shall not be applied to goods in transit throughout the territories of contracting Governments unless such measures are necessary for the protection of their own plants.

ARTICLE VII—INTERNATIONAL CO-OPERATION

The contracting Governments shall co-operate with one another to the fullest practicable extent in achieving the aims of this Convention, in particular as follows:

(*a*) Each contracting Government agrees to co-operate with FAO in the establishment of a world reporting service on plant diseases and pests, making full use of the facilities and services of existing organizations for this purpose, and, when this is established, to furnish to FAO periodically the following information:

(i) reports on the occurrence, outbreak and spread of economically important pests and diseases of plants and plant products which may be of immediate or potential danger;

(ii) information on means found to be effective in controlling the pests and diseases of plants and plant products.

(*b*) Each contracting Government shall, as far as is practicable, participate in any special campaigns for combating particular destructive pests or diseases which may seriously threaten crop production and need international action to meet the emergencies.

ARTICLE VIII—REGIONAL PLANT PROTECTION ORGANIZATION

1. The contracting Governments undertake to co-operate with one another in establishing regional plant protection organizations in appropriate areas.

2. The regional plant protection organizations shall function as the co-ordinating bodies in the areas covered and shall participate in various activities to achieve the objectives of this Convention.

ARTICLE IX—SETTLEMENT OF DISPUTES

1. If there is any dispute regarding the interpretation or application of this Convention, or if a contracting Government considers that any action by another contracting Government is in conflict with the obligations of the latter under Articles V and VI of this Convention, especially regarding the basis of prohibiting or restricting the imports of plants or plant products coming from its territories, the Government or Governments concerned may request the Director-General of FAO to appoint a committee to consider the question in dispute.

2. The Director-General of FAO shall thereupon, after consultation with the Governments concerned, appoint a committee of experts which shall include representatives of those Governments. This committee shall consider the question in dispute, taking into account all documents and other forms of evidence submitted by the Governments concerned. This committee shall submit a report to the Director-General of FAO who shall transmit it to the Governments concerned, and to other contracting Governments.

3. The contracting Governments agree that the recommendations of such a committee, while not binding in character, will become the basis for renewed consideration by the Governments concerned of the matter out of which the disagreement arose.

4. The Governments concerned shall share equally the expenses of the experts.

ARTICLE X—SUBSTITUTION OF PRIOR AGREEMENTS

This Convention shall terminate and replace, between contracting Governments, the International Convention respecting measures to be taken against the *Phylloxera vastatrix* of 3 November 1881, the additional Convention signed at Berne on 15 April 1889 and the International Convention for the Protection of Plants signed at Rome on 16 April 1929.

ARTICLE XI—TERRITORIAL APPLICATION

1. Any Government may at the time of ratification or adherence or at any time thereafter communicate to the Director-General of FAO a declaration that this Convention shall extend to all or any of the territories for the international relations of which it is responsible, and this Convention shall be applicable to all territories specified in the declaration as from the thirtieth day after the receipt of the declaration by the Director-General.

2. Any Government which has communicated to the Director-General of FAO a declaration in accordance with paragraph 1 of this Article may at any time communicate a further declaration modifying the scope of any former declaration or terminating the application of the provisions of the present Convention in respect of any territory. Such modification or termination shall take effect as from the thirtieth day after the receipt of the declaration by the Director-General.

3. The Director-General of FAO shall inform all signatory and adhering Governments of any declaration received under this Article.

ARTICLE XII—RATIFICATION AND ADHERENCE

1. This Convention shall be open for signature by all Governments until 1 May 1952 and shall be ratified at the earliest possible date. The instruments of ratification shall be deposited with the Director-General of FAO, who shall give notice of the date of deposit to each of the signatory Governments.

2. As soon as this Convention has come into force in accordance with Article XIV, it shall be open for adherence by non-signatory Governments. Adherence shall be effected by the deposit of an instrument of adherence with the Director-General of FAO, who shall notify all signatory and adhering Governments.

ARTICLE XIII—AMENDMENT

1. Any proposal by a contracting Government for the amendment of this Convention shall be communicated to the Director-General of FAO.

2. Any proposed amendment of this Convention received by the Director-General of FAO from a contracting Government shall be presented to a regular or special session of the Conference of FAO for approval and, if the amendment involves important technical changes or imposes additional obligations on the contracting Governments, it shall be considered by an advisory committee of specialists convened by FAO prior to the Conference.

3. Notice of any proposed amendment of this Convention shall be transmitted to the contracting Governments by the Director-General of FAO not later than the time when the agenda of the session of the Conference at which time the matter is to be considered is dispatched.

4. Any such proposed amendment of this Convention shall require the approval of the Conference of FAO and shall come into force as from the thirtieth day after acceptance by two-thirds of the contracting Governments. Amendments involving new obligations for contracting Governments, however, shall come into force in respect of each contracting Government only on acceptance by it and as from the thirtieth day after such acceptance.

5. The instruments of acceptance of amendments involving new obligations shall be deposited with the Director-General of FAO, who shall inform all contracting Governments of the receipt of acceptances and the entry into force of amendments.

ARTICLE XIV—ENTRY INTO FORCE

As soon as this Convention has been ratified by three signatory Governments it shall come into force between them. It shall come into force for each Government ratifying or adhering thereafter from the date of deposit of its instrument of ratification or adherence.

ARTICLE XV—DENUNCIATION

1. Any contracting Government may at any time give notice of denunciation of this Convention by notification addressed to the Director-General of FAO. The Director-General shall at once inform all signatory and adhering Governments.

2. Denunciation shall take effect one year from the date of receipt of the notification by the Director-General of FAO.

ANNEX: MODEL PHYTOSANITARY CERTIFICATE

PLANT PROTECTION SERVICE OF _____ No. ____

This is to certify that the plants, parts of plants or plant products described below or representative samples of them were throughly examined on (date) _____ by (name) _____ an authorized officer of the (service) _____ and were found to the best of his knowledge to be substantially free from injurious diseases and pests; and that the consignment is believed to conform with the current phytosanitary regulations of the importing country both as stated in the additional declaration hereon and otherwise.

Fumigation or disinfection treatment (if required by importing country):

Date _____
Duration of exposure _____
Treatment _____
Chemical and concentration _____
Additional declaration:
(Date) _____ 19____

(Signature)

_____

(Rank)

_____

(Stamp of the Service)

DESCRIPTION OF THE CONSIGNMENT

Name and address of exporter: _____
Name and address of consignee: _____
Number and description of packages: _____
Distinguishing marks: _____
Origin (if required by importing country): _____
Means of conveyance: _____
Point of entry: _____
Quantity and name of produce: _____
Botanical name (if required by importing country): _____

DONE *at Rome, Italy, on the sixth day of December, one thousand nine hundred and fifty-one, in a single copy in the English, French and Spanish languages, each of which shall be of equal authenticity. This document shall be deposited in the archives of the Food and Agriculture Organization of the United Nations. Certified copies shall be transmitted by the Director-General of the Food and Agriculture Organization to each signatory and adhering Government.*

IN WITNESS WHEREOF *the undersigned, duly authorized to that effect, have signed this Convention on behalf of their respective Governments on the dates appearing opposite their signatures.*

For Austria:
R PHILIP 6th of December 1951

For the Kingdom of Belgium:
A VAN HOUTTE 6 décembre 1951
ad referendum

For Brazil:
JOSUE DE CASTRO 6 de décembre 1951
ad ref.

For Canada:
H. BARTON Dec. 6, 1951
ad ref.

For Ceylon:
G. C. S. Corea 7th December 1951
For Egypt: On account of the fact that the Royal Egyptian Government does not acknowledge and has not up till now acknowledged the existence of Israel, my signature to this Convention does not bind my Government by any means to Israel and has been allowed with all rights reserved in this connection.
Mohamed Ali El Kelany 6.12.51 ad ref.
For France:
Andre Mayer 6 décembre 1951 ad referendum
For India:
J. N. Khosla 30/4/52
For the United States of Indonesia:
Suryo-Di-Puro December 6, 1951
For Ireland:
Thomas Walsh 6th December 1951 ad ref.
For Israel:
D Moshe Ishay 6.21.51
For Japan:
R. Yamazoe 6.12.51 ad ref.
For Lebanon:
For the Grand Duchy of Luxembourg:
Bruck 16 1 52 ad ref.
For the Kingdom of the Netherlands:
S. L. Louwes 6.12.51 ad ref.
For New Zealand:
C. S. M. Hopkirk 6.12.51
For Pakistan:
For the Republic of the Philippines:
J S Camus 12/6/51 subject to confirmation
For Portugal:
Antonio Pereira de Sousa da Camara 6 Dec. 51
For Spain:
Carlos Rein 10 décembre 51
For Switzerland:
L Maire 6 dec. 1951
For Thailand:
Phra Chuang Kashetra Dec. 6, '51
For the Union of South Africa:
S. J. de Swardt 6th Dec. 1951
For the United Kingdom of Great Britain and Northern Ireland:
Carrington 6.12.51 ad ref.
For the United States of America:
P. V. Cardon 6:12 '51 ad ref.
For Viet-Nam:
For Yugoslavia:
Dalibor Soldatic 6 Dec. 51 ad ref.
For Cuba:
Carlos Martinez 6 de decembre de 1951 ad ref.
For Denmark:
A. P. Jacobsen 6 Dec. 1951 ad ref.
For El Salvador:
Rod B. Schonenberg 6 Dec. 1951 ad ref.
For Sweden:
Johan Beck-Friis 11 Dec. 1951
For Italy:
Amintore Fanfani 2 fevrier 1952 ad ref.
For Ecuador:
R. Jacome 12 marzo 1952 ad referendum
For Chile:
C. Campo R. 3 abril 1952
For Guatemala:
F. Cosenza G. 23 abril 1952 ad referendum
For Costa Rica:
Teodoro B Castro 28 abril 1952 ad referendum
For Colombia:
Edu Zuleta Angel *Ambassador of Columbia* 29 abril de 1952
For the Federal Republic of Germany:
Clemens Brentano *Ambassador of Germany* 30 avril 52 ad referendum
For the Government of the Commonwealth of Australia:
C. V. Kellway 30th April 1952
For Uruguay:
C Giambruno 30 de abril de 1952 ad referendum

I hereby certify that this text is a true copy of the International Plant Protection Convention as signed in Rome by the representatives of 37 governments between December 6, 1951 and 1 May 1952.

/s/ Norris E. Dodd
Director-General of the Food and Agriculture Organization of the United Nations.

Executive D—92nd Session

CONVENTION TO PREVENT AND PUNISH THE ACTS OF TERRORISM TAKING THE FORM OF CRIMES AGAINST PERSONS AND RELATED EXTORTION THAT ARE OF INTERNATIONAL SIGNIFICANCE

Whereas:

The defense of freedom and justice and respect for the fundamental rights of the individual that are recognized by the American Declaration of the Rights and Duties of Man and the Universal Declaration of Human Rights are primary duties of states;

The General Assembly of the Organization, in Resolution 4, of June 30, 1970, strongly condemned acts of terrorism, especially the kidnapping of persons and extortion in connection with that crime, which it declared to be serious common crimes;

Criminal acts against persons entitled to special protection under international law are occurring frequently, and those acts are of international significance because of the consequences that may flow from them for relations among states;

It is advisable to adopt general standards that will progressively develop international law as regards cooperation in the prevention and punishment of such acts; and

In the application of those standards the institution of asylum should be maintained and, likewise the principle of nonintervention should not be impaired.

The Member states of the Organization of American States have agreed upon the following articles:

Article 1

The contracting states undertake to cooperate among themselves by taking all the measures that they may consider effective, under their own laws, and especially those established in this convention, to prevent and punish acts of terrorism, especially kidnapping, murder, and other assaults against the life or physical integrity of those persons to whom the state has the duty according to international law to give special protection, as well as extortion in connection with those crimes.

Article 2

For the purposes of this convention, kidnapping, murder, and other assaults against the life or personal integrity of those persons to whom the state has the duty to give special protection according to international law, as well as extortion in connection with those crimes, shall be considered common crimes of international significance, regardless of motive.

Article 3

Persons who have been charged or convicted for any of the crimes referred to in Article 2 of this convention shall be subject to extradition under the provisions of the extradition treaties in force between the parties or, in the case of states that do not make extradition dependent on the existence of a treaty, in accordance with their own laws.

In any case, it is the exclusive responsibility of the state under whose jurisdiction or protection such persons are located to determine the nature of the acts and decide whether the standards of this convention are applicable.

Article 4

Any person deprived of his freedom through the application of this convention shall enjoy the legal guarantees of due process.

Article 5

When extradition requested for one of the crimes specified in Article 2 is not in order because the person sought is a national of the requested state, or because of some other legal or constitutional impediment, that state is obliged to submit the case to its competent authorities for prosecution, as if the act had been committed in its territory. The decision of these authorities shall be communicated to the state that requested extradition. In such proceedings, the obligation established in Article 4 shall be respected.

Article 6

None of the provisions of this convention shall be interpreted so as to impair the right of asylum.

Article 7

The contracting states undertake to include the crimes referred to in Article 2 of this convention among the punishable acts giving rise to extradition in any treaty on the subject to which they agree among themselves in the future. The contracting states that do not subject extradition to the existence of a treaty with the requesting state shall consider the crimes referred to in Article 2 of this convention as crimes giving rise to extradition, according to the conditions established by the laws of the requested state.

Article 8

To cooperate in preventing and punishing the crimes contemplated in Article 2 of this convention, the contracting states accept the following obligations:

a. To take all measures within their power, and in conformity with their own laws, to prevent and impede the preparation in their respective territories of the crimes mentioned in Article 2 that are to be carried out in the territory of another contracting state.

b. To exchange information and consider effective administrative measures for the purpose of protecting the persons to whom Article 2 of this convention refers.

c. To guarantee to every person deprived of his freedom through the application of this convention every right to defend himself.

d. To endeavor to have the criminal acts contemplated in this convention included in their penal laws, if not already so included.

e. To comply most expeditiously with the requests for extradition concerning the criminal acts contemplated in this convention.

Article 9

This convention shall remain open for signature by the member states of the Organization of American States, as well as by any other state that is a member of the United Nations or any of its specialized agencies, or any state that is a party to the Statute of the International Court of Justice, or any other state that may be invited by the General Assembly of the Organization of American States to sign it.

Article 10

This convention shall be ratified by the signatory states in accordance with their respective constitutional procedures.

Article 11

The original instrument of this convention the English, French, Portuguese, and Spanish texts of which are equally authentic, shall be deposited in the General Secretariat of the Organization of American States, which shall send certified copies to the signatory governments for purposes of ratification. The instruments of ratification shall be deposited in the General Secretariat of the Organization of American States, which shall notify the signatory governments of such deposit.

ARTICLE 12

This convention shall enter into force among the states that ratify it when they deposit their respective instruments of ratification.

ARTICLE 13

This convention shall remain in force indefinitely, but any of the contracting states may denounce it. The denunciation shall be transmitted to the General Secretariat of the Organization of American States, which shall notify the other contracting states thereof. One year following the denunciation, the convention shall cease to be in force for the denouncing state, but shall continue to be in force for the other contracting states.

STATEMENT OF PANAMA

The Delegation of Panama states for the record that nothing in this convention shall be interpreted to the effect that the right of asylum implies the right to request asylum from the United States authorities in the Panama Canal Zone, or that there is recognition of the right of the United States to grant asylum or political refuge in that part of the territory of the Republic of Panama that constitutes the Canal Zone.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, having presented their full powers, which have been found to be in due and proper form, sign this convention on behalf of their respective governments, at the city of Washington this second day of February of the year one thousand nine hundred seventy-one.

For Nicaragua:
GUILLERMO SEVILLA SAC
For Trinidad and Tobago:
ELLIS CLARKE
For Peru:
_____ _____
For Honduras:
ROBERTO PERDOMO PAREDES
For Guatemala:
_____ _____
For Uruguay:
JOAQUIN COSTANZO
For Bolivia:
_____ _____
For Ecuador:
_____ _____
For Chile:
_____ _____
For Barbados:
_____ _____
For Mexico:
EMILIO O. RABASA
For the United States of America:
JOHN N. IRWIN II
CHARLES A. MEYER
JOSEPH JOHN JOVA
MARK B. FELDMAN
For Panama:
NANDER PITTY VELASQUEZ
For Costa Rica:
GONGALO J. FACIO
RAFAEL ALBERTO ZUNIGA
HUMBERTO PACHECO
RODRIGO OREAMUNO
ROGELIO NAVAS
For Brazil:
_____ _____
For Haiti:
_____ _____
For Paraguay:
_____ _____
For the Dominican Republic:
JAIME MANUEL FERNANDEZ
ENRIQUILLO A. DEL ROSARIO C.
MARCO A. DE PENA
For Venezuela:
ARISTDES CALVANI
GONZALO GARCIA BUSTILLOS
MARTIN MARQUEZ ANEZ
ESTEBAN AGUDO FREITES
ALEJANDRO TINOCO
OSWALDO GAMBOA
For El Salvador:
JULIO A. RIVERA
JUAN SCAFFINI H.
For Colombia:
ALFREDO VAZQUEZ CARRIZOSA
CARLOS HOLGUIN
ALBERTO VENEGAS TAMAYO
JOSE CAMACHO LORENZANA
For the Argentine Republic:
_____ _____
For Jamaica:
EGERTON RICHARDSON

EXECUTIVE H

TREATY ON THE SWAN ISLANDS

The Government of the United States of America and the Government of Honduras,

Acknowledging that both Governments have heretofore claimed sovereignty over the Swan Islands,

Recognizing that the Government of the United States of America has for many years maintained a radio air navigational, meteorological observation, and telecommunications facility there, and

Desiring to reach an amicable settlement with respect to their conflicting claims to the Swan Islands and regarding the continuance in operation of the radio air navigational and meteorological facility thereon,

Have agreed as follows:

ARTICLE I

The Government of the United States of America recognizes the sovereignty of Honduras over the Swan Islands.

ARTICLE II

The Government of the United States of America and the Government of Honduras, recognizing the benefit derived by both countries from the maintenance of a meteorological observation and telecommunications facility in the Swan Islands, declare their intention to establish a cooperative program between them for the continuation of that facility, according to terms to be agreed upon between them.

ARTICLE III

The Government of Honduras assumes responsibility for operation and maintenance of the radio air navigational facility in the Swan Islands as long as it is included in the International Civil Aviation Organization Caribbean Regional Air Navigation Plan.

ARTICLE IV

The Government of the United States of America transfers to the Government of Honduras as of the date of this Treaty enters into force all land, buildings, equipment, and other real and personal property in the Swan Islands to which it holds title, except as agreed pursuant to Article II of this Treaty.

ARTICLE V

(1) This Treaty shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

(2) This Treaty shall enter into force on the date of the exchange of the instruments of ratification.

In witness whereof, the undersigned, duly authorized, sign this Treaty in the city of San Pedro Sula, in duplicate, in the English and Spanish languages, both texts being equally authentic, this twenty-second day of November, nineteen hundred and seventy-one.

For the Government of the United States of America:

HEWSON A. RYAN (Ambassador of the United States of America to Honduras)

ROBERT H. FINCH (Counsellor to the President of the United States of America)

For the Government of the Republic of Honduras:

ANDRES ALVARADO PUERTO (Minister of Foreign Affairs)

RAMON ERNESTO CRUZ (President of the Republic of Honduras)

(Exchange of notes concerning a cooperative program for a meteorological and telecommunications facility)

TEGUCIGALPA, D.C., *November 22, 1971.*

No. 185.

His Excellency ANDRÉS ALVARDO PUERTO,
Minister of Foreign Relations
Tegucigalpa, D.C.

Excellency: I have the honor to refer to the Treaty on the Swan Islands, signed today, on behalf of the Government of the United States of America and the Government of Honduras, and subject to ratification, Article II of the Treaty declares the intention of the Governments to establish a cooperative program for the operation and maintenance of the meteorological observation and telecommunications facility on the Swan Islands, according to terms to be agreed upon between the two Governments. Under Article IV of the Treaty, the Government of the United States of America transfers to the Government of Honduras on the date the Treaty enters into force, all land to which it holds title as well as buildings, equipment, and other real and personal property on the Swan Islands, except as agreed pursuant to Article II of the Treaty.

In accordance with the provisions of Articles II and IV of the Treaty, I have the honor to propose a cooperative program between our two Governments on the following terms:

1. *Names of Program.* The cooperative program to which this agreement refers shall be known as the "Swan Islands Cooperative Meteorological Program."

2. *Purposes.* The purpose of the Cooperative Meteorological Program shall be, through cooperation between the Governments of Honduras and the United States, to facilitate the operation and maintenance of a meteorological observation and telecommunications facility in the Swan Islands; to make surface meteorological and rawinsonde observations; and to disseminate internationally reports of these observations.

3. *Specific Undertakings of the Government of the United States.* As its contribution to the Cooperative Meteorological Program, the Government of the United States:

(a) Shall operate and maintain the facility described in paragraph 2 above, and shall provide and maintain all buildings and services, such as water, light, etc., and furnish all materials, equipment, supplies, goods, and personnel required for the operation and maintenance of the facility, except as provided in paragraph 4(b) below; and

(b) Shall ensure that reports of all entries of personnel in accordance with the provisions of paragraph 4(d) below, and the entries of aircraft and vessels in accordance with the provisions of paragraph 4(e) below, and the entries of materials, supplies, equipment and effects in accordance with the provisions of paragraph 4(f)(i) and 4(k)(i) below, are furnished expeditiously to the Government of Honduras.

4. *Specific Undertakings of the Government of Honduras.* As its contribution to the Cooperative Meteorological Program, the Government of Honduras:

(a) Shall make available, with right of access, without charge to the Government of the United States and for the duration of the Cooperative Meteorological Program, for its use as sites for the facility described in paragraph 2 of this document, the two areas of land on Great Swan Island described in Annex A. Officials, employees, and agents of the Government of Honduras shall be entitled to access to these areas whenever necessary for the operation and maintenance of any facility or equipment for which the Government of Honduras has assumed responsibility. Also without charge to the Government of the United States and for the duration of the Cooperative Meteorological Program, officials, employees, and agents of the Government of the United States shall be allowed access to any other areas where there are service and distribution lines furnishing oil, water, or electric power for any facility or equipment for which the Government of the United States is responsible, when such access is necessary for the oper-

ation or maintenance of the lines, facilities, or equipment.

(b) Shall assume responsibility for the continued maintenance and further development of the dock and landing strip on Great Swan Island, including the maintenance of the equipment connected therewith, as may be necessary to carry out the Cooperative Meteorological Program, subject to the right of access, without cost to the Government of the United States for the duration of the Cooperative Meteorological Program, which the officials, employees, and agents of the Government of the United States shall have to the aforesaid dock and landing strip.

(c) Shall take all necessary steps to facilitate:

(i) The activities of the Government of the United States and its officials, employees, and agents in connection with the Cooperative Meteorological Programs;

(ii) The provision of such services and facilities in Honduras as may be required to carry out those activities; and

(iii) The importation into Honduras of all materials, equipment, supplies, and goods furnished by the Government of the United States for use in the Cooperative Meteorological Program.

(d) Shall exempt the officials, employees, and agents of the Government of the United States who are required to visit or serve on Great Swan Island in connection with the Cooperative Meteorological Program from visa requirements, immigration inspection, and any registration or control as aliens, until the provisions of paragraph 4(m) shall have been implemented. Thereafter, without charge and through the appropriate Honduran official or officials resident on Great Swan Island, they shall comply with Honduran visa requirements and procedures relating to immigration inspection and alien registration and control.

(e) Shall permit aircraft and vessels engaged in the Cooperative Meteorological Program to go to Great Swan Island, without prior authorization but subject to prior notification to the pertinent authorities.

(f) Shall permit the entry into Honduras, free of customs and import duties, taxes, or other similar charges, of all materials, equipment, supplies, and goods furnished by the Government of the United States for use in the Cooperative Meteorological Program, and shall permit the entry into Honduras of such materials, equipment, supplies, and goods directly at Great Swan Island. Until the provisions of paragraph 4(m) below shall have been implemented,

(i) Such entries shall be reported to the Ministry of Finance, pursuant to paragraph 3(b) above; and

(ii) No item thus brought in shall be transported to any other part of the territory of Honduras without the prior authorization of the Ministry of Finance.

After paragraph 4(m) has been implemented, provisions (i) and (ii) above shall no longer be in force.

(g) Shall collect no license fees, taxes, or other similar charges in respect of the use in Honduras, in connection with the Cooperative Meteorological Program, of any items imported under the provisions of paragraph 4(f) above.

(h) Shall levy no fees, taxes, or other similar charges with respect to the use or ownership of the real property described in paragraph 4(a) above and paragraph 5 below.

(i) Shall require no person ordinarily resident in the United States to pay in Honduras any tax for a license in respect of any service or work done for the Government of the United States in connection with the Cooperative Meteorological Program or under any contract made with the Government of the United States in connection with the Cooperative Meteorological Program.

(j) Shall exempt any official or employee of the Government of the United States temporarily in Honduras in connection with the Cooperative Meteorological Program from payment of any taxes or other charges which would otherwise be imposed upon him by virtue of his temporary residence in Honduras.

(k) Shall exempt any official or employee of the Government of the United States serving or employed in Honduras in connection with the Cooperative Meterological Program, who is not a national of Honduras and who is residing in the country only by reason of such service or employment, from the payment of customs and import duties, taxes, or other similar charges on personal effects, household furnishings, equipment, and supplies, including one personal motor vehicle, which was imported into Honduras and which enter directly at Great Swan Island, for his own use or the use of his immediate family (spouse, parents, and children). Until provisions of paragraph 4(m) below shall have taken effect,

(i) Such entries shall be reported to the Ministry of Finance, pursuant to paragraph 3(b) above; and

(ii) No item thus brought in shall be transported to any other part of the territory of Honduras without the prior authorization of the Ministry of Finance.

After paragraph 4(m) has taken effect, provisions (i) and (ii) above shall no longer be in force.

(l) Shall exempt any such official or employee, and the spouse, parents, and children of such official or employee, from the payment of all taxes that otherwise would be imposed on them solely by virtue of their residence in Honduras, including (1) income tax (except from income derived from sources in Honduras); (2) social security taxes; (3) any poll or personal tax; and (4) any tax on the ownership or use of property situated on Great Swan Island or outside Honduras.

(m) Shall provide on Great Swan Island, as soon as feasible, sufficient Honduran personnel who will reside on the island and who shall be authorized to issue on Great Swan Island all permits or authorizations required for the entry of person, aircraft, vessels, materials, equipment, supplies, and household effects under the provisions of paragraph 4(d), 4(e), 4(f), 4(g), and 4(k) above, to issue visas, and to implement on Great Swan Island Honduran procedures with respect to alien registration and control.

5. *Title to Property.*

(a) Title to the property on Great Swan Island described in Annex B shall be retained by the Government of the United States.

(b) Title to improvements to real property hereinafter furnished, acquired, or constructed by, or with funds provided by, the Government of the United States in connection with the Cooperative Meteorological Program shall be vested and remain vested in the Government of the United States.

(c) Title to any item of equipment or other personal property hereafter supplied by, or purchased with funds provided by, the Government of the United States in connection with the Cooperative Meteorological Program shall be vested and remain vested in the Government of the United States.

(d) In the event of termination of the Cooperative Meteorological Program, the Government of the United States shall have the option of removing from Great Swan Island any personal property to which it has title. Title to any property which is not removed shall be transferred to the Government of Honduras.

6. *Liability.* The Government of the United States shall be responsible for claims for damage to property or injury to persons only with respect to activities connected with the Cooperative Meteorological Program directly engaged in or performed by that Government or its employees.

No liability shall attach to the Government of the United States based solely on the fact that it holds title to real or personal property used in connection with the program.

7. *Protection of Radio Frequencies*

(a) During the life of the Cooperative Meteorological Program:

(i) The following radio frequencies shall be protected in order to ensure their use free of interference for the operation and maintenance of the facility described in paragraph 2 above: 2738 kHz, 2774.5 kHz, 3223 kHz, 3329 kHz, 3361.5 kHz, 5923.5 kHz, 5945 kHz, 6855 kHz, 6976 kHz, 8150 kHz, 9840 kHz, 9946 kHz, 12175 kHz, and 14790.5 kHz, and emergency frequencies 121.5 mHz and 242 mHz.

(ii) The radio frequencies in the 401–406 MHZ and 1660–1700 MHZ bands shall be protected to ensure their use free of interference for rawinsonde observations, in accordance with the provisions of the Radio Regulations annexed to the International Telecommunication Convention.

(iii) A radio call sign which has been assigned by the appropriate Honduran agency shall be used in its telecommunications operations by the meteorological observation and telecommunications facility on Great Swan Island.

(b) The appropriate agencies of the Governments of Honduras and the United States shall initiate consultations as soon as practicable making available at the headquarters of the National Meteorological Service of Honduras the reports of the meterological observations made at the Great Swan Island facility.

8. *Appropriation of Funds.* To the extent that the carrying out of any provision of this agreement will depend on funds appropriated by the Congress of the United States of America, it shall be subject to the availability of such funds.

9. *Review of the Program.* Five years after the entry into force of this agreement, or at an earlier date if mutually agreed upon, the Government of Honduras and the Government of the United States shall review its operation and consider its revision to provide for an adjustment and appropriate reapportionment of responsibilities under the program or for assumption by the Government of Honduras of complete responsibility for the operation and maintenance of the facility described in paragraph 2 above.

10. *Term.* This agreement shall enter into force on the date of the exchange of the instruments of ratification of the Treaty mentioned above and shall continue in force until terminated by mutual agreement or sixty days after either Government has given notice in writing to the other Government of its intention to terminate it.

If the foregoing provisions are acceptable to the Government of Honduras, I have the honor to propose that your Excellency's reply to that effect and my note shall constitute an agreement between our two Governments, which shall enter into force as provided above.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

HEWSON A. RYAN.

ANNEX A

Annex A gives the description of the two sites to be made available by Honduras to the United States for the duration of the Cooperative Meteorological Program.

ANNEX B

Annex B gives the description of the property to which the United States retains title.

(Translation)

MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HONDURAS,
Tegucigalpa, D.C., November 22, 1971.

His Excellency HEWSON A. RYAN,
Ambassador of the United States of America,
United States Embassy.

EXCELLENCY: I have the honor to acknowledge receipt of Your Excellency's note of this date, which refers to the Treaty on the Swan Islands, concluded also on this date, subject

to ratification, between the Governments of Honduras and the United States of America.

Article II of the Treaty states the intention of the two Governments to establish a cooperative program for the operation and maintenance of the meteorological observation and telecommunications facility on the Swan Islands, according to terms to be agreed upon between the two Governments.

Under Article IV of the Treaty, the Government of the United States of America transfers to the Government of Honduras, on the date the Treaty enters into force, all land to which it holds title, as well as buildings, equipment, and other real and personal property on the Swan Islands, except as agreed pursuant to Article II of the Treaty.

In the same note your Excellency proposes a cooperative program between our two Governments on the following terms:

[For text see preceding U.S. Embassy note No. 185.]

Since the foregoing provisions are acceptable to the Government of Honduras, Your Excellency's note and this note in reply shall constitute an agreement, which shall enter into force as provided.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

ANDRÉS ALVARADO PUERTO,
Minister of Foreign Affairs of Honduras.

(Exchange of Notes Concerning Electric Power)

TEGUCIGALPA, D.C., *November 22, 1971.*

No. 191.

His Excellency ANDRÉS ALVARADO PUERTO,
Minister of Foreign Relations,
Tegucigalpa, D.C.

EXCELLENCY: I have the honor to refer to the Treaty on the Swan Islands, signed today, subject to ratification, on behalf of the Government of the United States of America and the Government of Honduras.

Article II of the Treaty declares the intention of the two Governments to establish a cooperative program for the continuation of the meteorological observation and telecommunications facility on the Swan Islands according to terms to be agreed upon between the two Governments.

These terms were agreed in an exchange of notes today between Your Excellency and me and provide, *inter alia,* for the Government of the United States to retain title to the electric generators which furnish electric power for the facility and for the Government of Honduras to assume responsibility for the maintenance and further development of the dock and landing strip.

Furthermore, Article III of the Treaty provides for the Government of Honduras to assume responsibility for the operation and maintenance of the radio air navigational facility on the Swan Islands. The electric generators referred to presently supply also the electrical power needed for the operation of the radio air navigational facility and for the lighting systems associated with the dock and the landing strip.

In view of the above, I have the honor to propose that, in order to facilitate the operations for which the Government of Honduras will be responsible, the Government of the United States, while it continues to operate the electric generators on Great Swan Island, shall make electric power available to the radio air navigational facility and the lighting systems associated with the dock and the landing strip, without cost to the Government of Honduras, provided that

(a) current levels of consumption at each of the three installations shall not be exceeded without prior agreement between the appropriate representatives of the two Governments;

(b) the Government of Honduras shall assume responsibility for the maintenance of the electric service lines between each of the three installations and the nearest power distribution point to the installation in question.

If the foregoing is acceptable to the Government of Honduras, I have the honor to propose that Your Excellency's reply to that effect and my note shall constitute a further agreement between our two Governments, which shall be supplementary to the agreement on the meteorological facility and which shall enter into force on the day of exchange of the instruments of ratification of the Treaty mentioned above and shall continue in force until terminated by mutual agreement or for sixty days after either Government has given notice in writing to the other Government of its intention to terminate this further agreement.

Accept, Excellency, the renewed assurances of my highest consideration.

HEWSON A. RYAN.

(Translation)

MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HONDURAS,
Tegucigalpa, D.C., November 22, 1971.

His Excellency HEWSON A. RYAN,
Ambassador of the United States of America.

EXCELLENCY: I have the honor to acknowledge receipt of your note of this date, which refers to the Treaty, on the Swan Islands, concluded today, subject to ratification, between the Governments of Honduras and the United States of America.

Your Excellency states:

[For text see preceding US Embassy note No. 191.]

Since the foregoing terms are acceptable to the Government of Honduras, Your Excellency's note and this reply shall constitute an agreement, which shall enter into force on the date of exchange of the instruments of ratification of the aforesaid Treaty and shall continue in force until terminated by mutual agreement or for sixty days after either Government has given notice in writing to the other Government of its intention to terminate this further agreement.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

ANDRÉS ALVARADO PUERTO,
Minister of Foreign Affairs for Honduras.

(Exchange of Notes Concerning Rights of Third Country Nationals)

EMBASSY OF THE
UNITED STATES OF AMERICA,
Tegucigalpa, D.C., November 10, 1971.

AIDE-MEMOIRE

Reference is made to the current negotiations between the United States of America and the Republic of Honduras with respect to the Swan Islands.

As the Government of Honduras is aware, there are a small number of third country nationals with long residence and personal property in the Swan Islands, including a number of Caymanese (British) nationals. It is the understanding of the Government of the United States that after its recognition of Honduran sovereignty over the Swan Islands under the Treaty which the two Governments have recently negotiated, the Government of Honduras will protect the residential and personal property rights of such persons.

It would be appreciated if the Government of Honduras would confirm this understanding.

(Translation)

MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HONDURAS,
Tegucigalpa, D.C., November 18, 1971.

AIDE-MEMOIRE

With reference to the Embassy's aide-memoire of November 10, 1971, concerning the small number of third country nationals with long residence and personal property in the Swan Islands, including a number of Caymanese (British) nationals, the Government of Honduras takes pleasure in stating that it is willing to protect their residential and property rights, in conformity with the Constitution of the Republic and other national laws.

Ministry of Foreign Affairs of Honduras.

(Exchange of Notes Concerning the Juridical Position of the United States With Respect to the Territorial Sea and Jurisdiction Over Fisheries)

TEGUCIGALPA, *November, 22, 1971.*

No. 190.

His Excellency ANDRÉS ALVARADO PUERTO,
Minister of Foreign Relations,
Tegucigalpa, D.C.

EXCELLENCY: I have the honor to refer to the Treaty on the Swan Islands signed today by the United States of America and the Republic of Honduras.

Nothing in said Treaty on the Swan Islands shall prejudice the juridical position of the United States Government with respect to the breadth of the territorial sea under international law as well as jurisdiction over fisheries and the continental shelf.

Accept, Excellency, the renewed assurances of my highest consideration.

HEWSON A. RYAN.

(Translation)

MINISTRY OF FOREIGN AFFAIRS
OF THE REPUBLIC OF HONDURAS,
Tegucigalpa, D.C., November 22, 1971.

His Excellency HEWSON A. RYAN,
Ambassador of the United States of America.

Mr. AMBASSADOR: I have the honor to acknowledge receipt of Your Excellency's note of this date, referring to the Treaty on the Swan Island, signed today.

I state to Your Excellency that: "Nothing in the said Treaty on the Swan Islands shall prejudice the juridical position of the United States Government with respect to the breadth of the territorial sea under international law as well as jurisdiction over fisheries and the continental shelf."

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

ANDRÉS ALVARADO PUERTO,
Minister of Foreign Affairs of Honduras.

EXECUTIVE A

CONVENTION ON THE TAKING OF EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS

The States signatory to the present Convention,

Desiring to facilitate the transmission and execution of Letters of Request and to further the acccommodation of the different methods which they use for this purpose,

Desiring to improve mutual judicial co-operation in civil or commercial matters,

Have resolved to conclude a Convention to this effect and have agreed upon the following provisions—

CHAPTER I. LETTERS OF REQUEST

ARTICLE 1

In civil or commercial matters a judicial authority of a Contracting State may, in accordance with the provisions of the law of that State, request the competent authority of another Contracting State, by means of a Letter of Request, to obtain evidence, or to perform some other judicial act.

A Letter shall not be used to obtain evidence which is not intended for use in judicial proceedings, commenced or contemplated.

The expression 'other judicial act' does not cover the service of judicial documents or the issuance of any process by which judgments or orders are executed or enforced, or orders for provisional or protective measures.

ARTICLE 2

A Contracting State shall designate a Central Authority which will undertake to receive Letters of Request coming from a judicial authority of another Contracting State and

to transmit them to the authority competent to execute them. Each State shall organize the Central Authority in accordance with its own law.

Letters shall be sent to the Central Authority of the State of execution without being transmitted through any other authority of that State.

ARTICLE 3

A letter of Request shall specify—

(a) the authority requesting its execution and the authority requested to execute it, if known to the requesting authority;

(b) the names and addresses of the parties to the proceedings and their representatives, if any;

(c) the nature of the proceedings for which the evidence is required, giving all necessary information in regard thereto;

(d) the evidence to be obtained or other judicial act to be performed.

Where appropriate, the Letter shall specify, inter alia—

(e) the names and addresses of the persons to be examined;

(f) the questions to be put to the persons to be examined or a statement of the subject-matter about which they are to be examined;

(g) the documents or other property, real or personal, to be inspected;

(h) any requirement that the evidence is to be given on oath or affirmation, and any special form to be used;

(i) any special method or procedure to be followed under Article 9.

A Letter may also mention any information necessary for the application of Article 11.

No legalization or other like formality may be required.

ARTICLE 4

A Letter of Request shall be in the language of the authority requested to execute it or be accompanied by a translation into that language.

Nevertheless, a Contracting State shall accept a Letter in either English or French, or a translation into one of these languages, unless it has made the reservation authorized by Article 33.

A Contracting State which has more than one official language and cannot, for reasons of internal law, accept Letters in one of these languages for the whole of its territory, shall, by declaration, specify the language in which the Letter or translation thereof shall be expressed for execution in the specified parts of its territory. In case of failure to comply with this declaration, without justifiable excuse, the costs of translation into the required language shall be borne by the State of origin.

A Contracting State may, by declaration, specify the language or languages other than those referred to in the preceding paragraphs in which a Letter may be sent to its Central Authority.

Any translation accompanying a Letter shall be certified as correct, either by a diplomatic officer or consular agent or by a sworn translator or by any other person so authorized in either State.

ARTICLE 5

If the Central Authority considers that the request does not comply with the provisions of the present Convention, it shall promptly inform the authority of the State of origin which transmitted the Letter of Request, specifying the objections to the Letter.

ARTICLE 6

If the authority to whom a Letter of Request has been transmitted is not competent to execute it, the Letter shall be sent forthwith to the authority in the same State which is competent to execute it in accordance with the provision of its own law.

ARTICLE 7

The requesting authority shall, if it so desires, be informed of the time when, and the place where, the proceedings will take place, in order that the parties concerned, and their representatives, if any, may be present. This information shall be sent directly to the parties or their representatives when the authority of the State of origin so requests.

ARTICLE 8

A Contracting State may declare that members of the judicial personnel of the requesting authority of another Contracting State may be present at the execution of a Letter of Request. Prior authorization by the competent authority designated by the declaring State may be required.

ARTICLE 9

The judicial authority which executes a Letter of Request shall apply its own law as to the methods and procedures to be followed.

However, it will follow a request of the requesting authority that a special method or procedure be followed, unless this is incompatible with the internal law of the State of execution or is impossible of performance by reason of its internal practice and procedure or by reason of practical difficulties.

A Letter of Request shall be executed expeditiously.

ARTICLE 10

In executing a Letter of Request the requested authority shall apply the appropriate measures of compulsion in the instances and to the same extent as are provided by its internal law for the execution of orders issued by the authorities of its own country or of requests made by parties in internal proceedings.

ARTICLE 11

In the execution of a Letter of Request the person concerned may refuse to give evidence in so far as he has a privilege or duty to refuse to give the evidence—

(a) under the law of the State of execution; or

(b) under the law of the State of origin, and the privilege or duty has been specified in the Letter, or, at the instance of the requested authority, has been otherwise confirmed to that authority by the requesting authority.

A Contracting State may declare that, in addition, it will respect privileges and duties existing under the law of States other than the State of origin and the State of execution, to the extent specified in that declaration.

ARTICLE 12

The execution of a Letter of Request may be refused only to the extent that—

(a) in the State of execution the execution of the Letter does not fall within the functions of the judiciary; or

(b) the State addressed considers that its sovereignty or security would be prejudiced thereby.

Execution may not be refused solely on the ground that under its internal law the State of execution claims exclusive jurisdiction over the subject-matter of the action or that its internal law would not admit a right of action on it.

ARTICLE 13

The documents establishing the execution of the Letter of Request shall be sent by the requested authority to the requesting authority by the same channel which was used by the latter.

In every instance where the Letter is not executed in whole or in part, the requesting authority shall be informed immediately through the same channel and advised of the reasons.

ARTICLE 14

The execution of the Letter of Request shall not give rise to any reimbursement of taxes or costs of any nature.

Nevertheless, the State of execution has the right to require the State of origin to reimburse the fees paid to experts and interpreters and the costs occasioned by the use of a special procedure requested by the State of origin under Article 9, paragraph 2.

The requested authority whose law obliges the parties themselves to secure evidence, and which is not able itself to execute the Letter may, after having obtained the consent of the requesting authority, appoint a suitable person to do so. When seeking this consent the requested authority shall indicate the approximate costs which would result from this procedure. If the requesting authority gives its consent it shall reimburse any costs incurred; without such consent the requesting authority shall not be liable for the costs.

CHAPTER II. TAKING OF EVIDENCE BY DIPLOMATIC OFFICERS, CONSULAR AGENTS AND COMMISSIONERS

ARTICLE 15

In a civil or commercial matter, a diplomatic officer or consular agent of a Contracting State may, in the territory of another Contracting State and within the area where he exercises his functions, take the evidence without compulsion of nationals of a State which he represents in aid of proceedings commenced in the courts of a State which he represents.

A Contracting State may declare that evidence may be taken by a diplomatic officer or consular agent only if permission to that effect is given upon application made by him or on his behalf to the appropriate authority designated by the declaring State.

ARTICLE 16

A diplomatic officer or consular agent of a Contracting State may, in the territory of another Contracting State and within the area where he exercises his functions, also take the evidence, without compulsion, of nationals of the State in which he exercises his functions or of a third State, in aid of proceedings commenced in the courts of a State which he represents, if—

(a) a competent authority designated by the State in which he exercises his functions has given its permission either generally or in the particular case, and

(b) he complies with the conditions which the competent authority has specified in the permission.

A Contracting State may declare that evidence may be taken under this Article without its prior permission.

ARTICLE 17

In a civil or commercial matter, a person duly appointed as a commissioner for the purpose may, without compulsion, take evidence in the territory of a Contracting State in aid of proceedings commenced in the courts of another Contracting State if—

(a) a competent authority designated by the State where the evidence is to be taken has given its permission either generally or in the particular case; and

(b) he complies with the conditions which the competent authority has specified in the permission.

A contracting State may declare that evidence may be taken under this Article without its prior permission.

ARTICLE 18

A Contracting State may declare that a diplomatic officer, consular agent or commissioner authorized to take evidence under Articles 15, 16 or 17, may apply to the competent authority designated by the declaring State for appropriate assistance to obtain the evidence by compulsion. The declaration may contain such conditions as the declaring State may see fit to impose.

If the authority grants the application it shall apply any measures of compulsion which are appropriate and are prescribed by its law for use in internal proceedings.

ARTICLE 19

The competent authority, in giving the permission referred to in Article 15, 16 or 17, or in granting the application referred to in Article 18, may lay down such conditions as it deems fit, *inter alia*, as to the time and place of the taking of the evidence. Similarly it may require that it be given

reasonable advance notice of the time, date and place of the taking of the evidence; in such a case a representative of the authority shall be entitled to be present at the taking of the evidence.

ARTICLE 20

In the taking of evidence under any Article of this Chapter persons concerned may be legally represented.

ARTICLE 21

Where a diplomatic officer, consular agent or commissioner is authorized under Articles 15, 16 or 17 to take evidence—

(a) he may take all kinds of evidence which are not incompatible with the law of the State where the evidence is taken or contrary to any permission granted pursuant to the above Articles, and shall have power within such limits to administer an oath or take an affirmation;

(b) a request to a person to appear or to give evidence shall, unless the recipient is a national of the State where the action is pending, be drawn up in the language of the place where the evidence is taken or be accompanied by a translation into such language;

(c) the request shall inform the person that he may be legally represented and, in any State that has not filed a declaration under Article 18, shall also inform him that he is not compelled to appear or to give evidence;

(d) the evidence may be taken in the manner provided by the law applicable to the court in which the action is pending provided that such manner is not forbidden by the law of the State where the evidence is taken;

(e) a person requested to give evidence may invoke the privileges and duties to refuse to give the evidence contained in Article 11.

ARTICLE 22

The fact that an attempt to take evidence under the procedure laid down in this Chapter has failed, owing to the refusal of a person to give evidence, shall not prevent an application being subsequently made to take the evidence in accordance with Chapter I.

CHAPTER III. GENERAL CLAUSES

ARTICLE 23

A Contracting State may at the time of signature, ratification or accession, declare that it will not execute Letters of Request issued for the purpose of obtaining pre-trial discovery of documents as known in Common Law countries.

ARTICLE 24

A Contracting State may designate other authorities in addition to the Central Authority and shall determine the extent of their competence. However, Letters of Request may in all cases be sent to the Central Authority.

Federal States shall be free to designate more than one Central Authority.

ARTICLE 25

A Contracting State which has more than one legal system may designate the authorities of one of such systems, which shall have exclusive competence to execute Letters of Request pursuant to this Convention.

ARTICLE 26

A Contracting State, if required to do so because of constitutional limitations, may request the reimbursement by the State of origin of fees and costs, in connection with the execution of Letters of Request, for the service of process necessary to compel the appearance of a person to give evidence, the costs of attendance of such persons, and the cost of any transcript of the evidence.

Where a State has made a request pursuant to the above paragraph, any other Contracting State may request from the State the reimbursement of similar fees and costs.

ARTICLE 27

The provisions of the present Convention shall not prevent a Contracting State from—

(a) declaring that Letters of Request may be transmitted to its judicial authorities through channels other than those provided for in Article 2;

(b) permitting, by internal law or practice, any act provided for in this Convention to be performed upon less restrictive conditions;

(c) permitting, by internal law or practice, methods of taking evidence other than those provided for in this Convention.

ARTICLE 28

The present Convention shall not prevent an agreement between any two or more Contracting States to derogate from—

(a) the provisions of Article 2 with respect to methods of transmitting Letters of Request;

(b) the provisions of Article 4 with respect to the languages which may be used;

(c) the provisions of Article 8 with respect to the presence of judicial personnel at the execution of Letters;

(d) the provisions of Article 11 with respect to the privileges and duties of witnesses to refuse to give evidence;

(e) the provisions of Article 13 with respect to the methods of returning executed Letters to the requesting authority;

(f) the provisions of Article 14 with respect to fees and costs;

(g) the provisions of Chapter II.

ARTICLE 29

Between Parties to the present Convention who are also Parties to one or both of the Conventions on Civil Procedure signed at the Hague on the 17th of July 1905 and the 1st of March 1954, this Convention shall replace Articles 8–16 of the earlier Conventions.

ARTICLE 30

The present Convention shall not affect the application of Article 23 of the Convention of 1905, or of Article 24 of the Convention of 1954.

ARTICLE 31

Supplementary Agreements between Parties to the Conventions of 1905 and 1954 shall be considered as equally applicable to the present Convention unless the Parties have otherwise agreed.

ARTICLE 32

Without prejudice to the provisions of Articles 29 and 31, the present Convention shall not derogate from conventions containing provisions on the matters covered by this Convention to which the Contracting States are, or shall become Parties.

ARTICLE 33

A State may, at the time of signature, ratification or accession exclude, in whole or in part, the application of the provisions of paragraph 2 of Article 4 and of Chapter II. No other reservation shall be permitted.

Each Contracting State may at any time withdraw a reservation it has made; the reservation shall cease to have effect on the sixtieth day after notification of the withdrawal.

When a State has made a reservation, any other State affected thereby may apply the same rule against the reserving State.

ARTICLE 34

A State may at any time withdraw or modify a declaration.

ARTICLE 35

A Contracting State shall, at the time of the deposit of its instrument of ratification or accession, or at a later date, inform the Ministry of Foreign Affairs of the Netherlands of the designation of authorities, pursuant to Articles 2, 8, 24 and 25.

A Contracting State shall likewise inform the Ministry, where appropriate, of the following—

(a) the designation of the authorities to whom notice must be given, whose permission may be required, and whose assistance may be invoked in the taking of evidence by diplomatic officers and consular agents, pursuant to Articles 15, 16 and 18 respectively;

(b) the designation of the authorities whose permission may be required in the taking of evidence by commissioners pursuant to Article 17 and of those who may grant the assistance provided for in Article 18;

(c) declarations pursuant to Articles 4, 8, 11, 15, 16, 17, 18, 23 and 27;

(d) any withdrawal or modification of the above designations and declarations;

(e) the withdrawal of any reservation.

ARTICLE 36

Any difficulties which may arise between Contracting States in connection with the operation of this Convention shall be settled through diplomatic channels.

ARTICLE 37

The present Convention shall be open for signature by the States represented at the Eleventh Session of the Hague Conference on Private International Law.

It shall be ratified, and the instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

ARTICLE 38

The present Convention shall enter into force on the sixtieth day after the deposit of the third instrument of ratification referred to in the second paragraph of Article 37.

The Convention shall enter into force for each signatory State which ratifies subsequently on the sixtieth day after the deposit of its instrument of ratification.

ARTICLE 39

Any State not represented at the Eleventh Session of the Hague Conference on Private International Law which is a Member of this Conference or of the United Nations or of a specialized agency of that Organization, or a Party to the Statute of the International Court of Justice may accede to the present Convention after it has entered into force in accordance with the first paragraph of Article 38.

The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

The Convention shall enter force for a State acceding to it on the sixtieth day after the deposit of its instrument of accession.

The accession will have effect only as regards the relations between the acceding State and such Contracting States as will have declared their acceptance of the accession. Such declaration shall be deposited at the Ministry of Foreign Affairs of the Netherlands; this Ministry shall forward, through diplomatic channels, a certified copy to each of the Contracting States.

The Convention will enter into force as between the acceding State and the State that has declared its acceptance of the accession on the sixtieth day after the deposit of the declaration of acceptance.

ARTICLE 40

Any State may, at the time of signature, ratification or accession, declare that the present Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them. Such a declaration shall take effect on the date of entry into force of the Convention for the State concerned.

At any time thereafter, such extensions shall be notified to the Ministry of Foreign Affairs of the Netherlands.

The Convention shall enter into force for the territories mentioned in such an extension on the sixtieth day after the notification indicated in the preceding paragraph.

ARTICLE 41

The present Convention shall remain in force for five years from the date of its entry into force in accordance with the first paragraph of Article 38, even for States which have ratified it or acceded to it subsequently.

If there has been no denunciation, it shall be renewed tacitly every five years.

Any denunciation shall be notified to the Ministry of Foreign Affairs of the Netherlands at least six months before the end of the five year period.

It may be limited to certain of the territories to which the Convention applies.

The denunciation shall have effect only as regards the State which has notified it. The Convention shall remain in force for the other Contracting States.

ARTICLE 42

The Ministry of Foreign Affairs of the Netherlands shall give notice to the States referred to in Article 37, and to the States which have acceded in accordance with Article 39, of the following—

(a) the signatures and ratifications referred to in Article 37;

(b) the date on which the present Convention enters in force in accordance with the first paragraph of Article 38;

(c) the accessions referred to in Article 39 and the dates on which they take effect;

(d) the extensions referred to in Article 40 and the dates on which they take effect;

(e) the designations, reservations and declarations referred to in Articles 33 and 35;

(f) the denuciations referred to in the third paragraph of Article 41.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto have signed the present Convention.

DONE at The Hague, on the 18th day of March 1970, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archieves of the Government of the Netherlands, and of which a certified copy shall be sent, through the diplomatic channel, to each of the States represented at the Eleventh Session of the Hague Conference on Private International Law.

EXECUTIVE F

TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF ARGENTINA

The United States of America and the Republic of Argentina, desiring to make more effective the cooperation of the two countries in the repression of crime, agree as follows:

ARTICLE 1

The Contracting Parties agree to extradite on a reciprocal basis to the other, in the circumstances and subject to the conditions established in this Treaty, persons found in the territory of one of the Parties who have been charged with or convicted by the judicial authorities of the other of the offenses mentioned in Article 2 of this Treaty committed within the territory of such other, or outside thereof under the conditions specified in Article 3.

ARTICLE 2

Persons shall be delivered up according to the provisions of this Treaty for any of the following offenses provided that these offenses are punishable by the laws of both Contracting Parties by deprivation of liberty for a maximum period exceeding one year:

1. Murder or manslaughter.
2. Abortion.
3. Aggravated injury or mutilation.
4. Any offense relating to firearms.
5. Willful abandonment of a child or spouse when for that reason the life of that child or spouse is or is likely to be endangered or death results.
6. Rape; statutory rape; indecent assault; corruption of minors, including unlawful sexual acts with or upon minors under the age specified by the penal laws of both Contracting Parties.
7. Procuration; promoting or facilitating prostitution.
8. False imprisonment; abduction or child stealing; kidnapping.
9. Robbery or larceny or burglary.
10. Extortion or threats.
11. Bigamy.
12. Fraud; embezzlement or breach of fiduciary relationships; obtaining money, valuable securities or property, by false pretenses or by other fraudulent means including the use of the mails or other means of communication.
13. Unlawful manufacture, use, distribution, supply, acquisition or possession, or theft of bombs, apparatus capable of releasing nuclear energy, explosive or toxic materials, asphyxiating or flammable materials; manufacture, use, distribution, supply, acquisition or possession of any bombs, apparatus capable of releasing nuclear energy, explosive or toxic materials, asphyxiating or flammable materials, with the purpose of committing an offense.
14. Offenses that endanger the safety of means of transportation or communication, including any act that endangers any person on a means of transportation.
15. Piracy of vessels or aircraft, including hijacking.
16. Offenses against public health.
17. Unlawful introduction or importation, exportation, fabrication, production, preparation, sale, delivery or supply of narcotic drugs, psychotropic drugs, cocaine and its derivatives and other dangerous drugs including cannabis sativa L, and chemicals or substances injurious to health or of primary materials designed for such fabrication.
18. Introduction, export, fabrication, transportation, sale or transmission, use, possession or stockpiling of explosives, offensive chemicals or similar materials, substances, or instruments designed for such fabrication, arms, munitions, nuclear elements and other materials considered war material, other than such acts legally provided for or properly authorized.
19. Bribery, including soliciting, offering and accepting.
20. Malversation.
21. False statements, accusations or testimony effected before a government agency or official.
22. Counterfeiting or forgery of money, bank bills, bearer bonds, documents of credit, seals, stamps, marks, and public and private instruments. For the purpose of this offense, holographic wills, sealed wills, checks, letters of exchange and negotiable or bearer documents shall be considered public instruments.
23. Issuance, acceptance or endorsement of receipts which do not conform, totally or partially, to purchases and sales actually performed.
24. Execution or issuance of checks without sufficient funds.
25. Smuggling.
26. The acquisition, receipt or concealment of money, objects or valuables, knowing the article is the result of a crime, whether or not the receiver participated in such crime or intervened pursuant to an agreement preceding the offense.
27. Arson; malicious injury to property.
28. Any offense against the bankruptcy laws.
29. Industrial or commercial fraud, including:

(a) The raising or lowering the price of merchandise, public funds or negotiable instruments through the use of false information, simulated negotiations, meetings or coalitions, for the purpose of not selling certain merchandise or of selling at a fixed price.

(b) The offering of public funds or stock or financial obligations of corporations, companies, partnerships, or corporate bodies, dissimulating or concealing facts or true circumstances or affirming or expressing false statements or circumstances.

(c) The publishing or authorizing of false or incomplete inventories, accounts, profit and loss statements, reports or statements or informing a meeting of partners by falsehood or the withholding of information about important facts needed to understand the economic condition of a firm, for whatever end.

In the case of subparagraphs (a) and (b) of this paragraph, the offense can be committed by any individual as well as by members of corporations or partnerships of any nature. In the supposition of subparagraph (c) of this paragraph, the offense must necessarily have been committed by incorporators, directors, administrators, liquidators or trustees of incorporated entities, cooperatives or other joint companies.

30. Assault upon a public official.

Extradition shall also be granted for participation in any of the offenses mentioned in this Article, not only as principal or accomplices, but as accessories, as well as for attempt to commit or conspiracy to commit any of the aforementioned offenses, when such participation, attempt or conspiracy is subject, under the laws of both Parties, to a term of imprisonment exceeding one year.

In the case in which a person has already been convicted, extradition will be granted only if the sentence imposed or remaining to be served is a minimum of one year of imprisonment.

ARTICLE 3

For the purposes of this Treaty, the territory of a Contracting Party shall include all the territory under the jurisdiction of that Contracting Party, including airspace and territorial waters and vessels and aircraft registered in that Contracting Party if any such aircraft is in flight or if any such vessel is on the high seas when the offense is committed. For purposes of this Treaty an aircraft shall be considered to be in flight from the moment when power is applied for the purpose of take-off until the moment when the landing run ends. The aforementioned provisions do not exclude the application of penal jurisdiction exercised in accord with the legislation of the requested Party.

When the offense for which extradition has been requested has been committed outside the territory of the requesting Party, the executive authority of the United States or the judicial authority of the Republic of Argentina, as appropriate, shall have the power to grant extradition if the laws of the requested State provide for the jurisdiction over such an offense committed in similar circumstances.

ARTICLE 4

Notwithstanding the general principle contained in Article 1, the Contracting Parties shall not be bound to grant extradition of their own nations, but the executive authority of the United States or the competent authority of the Republic of Argentina shall have the power to deliver them up, if, in its discretion, it be deemed proper to do so.

If the request for extradition is denied on the basis of nationality, the person claimed shall be tried by the requested Party for the offense on which the request for extradition was based, unless that offense is not punishable under its own laws or the requested Party lacks appropriate jurisdiction.

The status of nationality shall be determined by the laws of the requested Party.

ARTICLE 5

Extradition shall be granted if the evidence presented, according to the laws of the place where the indicted or convicted person is located, would justify his arrest in order to be held for trial if he had committed the crime there, or is sufficient to prove that such person has already been convicted by the requesting Party.

ARTICLE 6

When the person whose extradition is requested is, at the time of the presentation of the request for extradition, under the age of eighteen years and has permanent residence in the requested country and the

competent authorities of that country determine that extradition would prejudice the social readjustment and rehabilitation of that person, the requested Party may suggest to the requesting Party that the request for extradition be withdrawn, specifying the reasons therefor.

ARTICLE 7

1. Extradition shall not be granted in any of the following circumstances:

(a) When the person whose surrender is sought is being proceeded against or has been tried and discharged or punished in the territory of the requested Party for the offense for which his extradition is requested.

(b) When the person whose surrender is sought has been tried and acquitted, or has undergone punishment, or has been pardoned, in a third State for the offense for which his extradition is requested.

(c) When the prosecution or the enforcement of the penalty for the offense has become barred by lapse of time according to the laws of the requested Party or the requesting Party.

(d) When the offense in respect of which the extradition is requested is a military offense and does not fall within the jurisdiction of ordinary criminal law.

(e) When the offense in respect of which the extradition is requested is of a political character or is connected with an offense of a political character, or when the person whose extradition is requested proves that the extradition is requested for the purpose of trying or punishing him for an offense of the above-mentioned character.

The allegation of a political motive or end shall not impede the extradition if the alleged offense constitutes primarily a common offense, in which case the requested Party may request that the requesting Party give assurances that the political motive or end will not contribute to the aggravation of the penalty.

2. In the case of doubt related to this Article the competent authorities of the requested Party shall decide.

ARTICLE 8

When the offense for which the extradition is requested is punishable by death under the laws of the requesting Party, and the laws of the requested country do not permit the death penalty for that offense, extradition may be refused unless the requesting Party provides such assurances as the requested Party considers sufficient that the death penalty shall not be imposed, or, if imposed, shall not be executed.

ARTICLE 9

When the person whose extradition is requested is being proceeded against or is serving a sentence in the territory of the requested Party for an offense other than that for which extradition has been requested, his surrender may be deferred until the conclusion of the proceedings and, in the case of a conviction, until the full execution of any punishment he may be or may have been awarded.

ARTICLE 10

The determination that extradition should or should not be granted shall be made in accordance with this Treaty and the law of the requested Party. The person whose extradition is sought shall have the right to use such remedies and recourses as are provided by the law of the requested Party.

ARTICLE 11

1. The request for extradition shall be made through the diplomatic channel.

2. The request shall be accompanied by:

(a) A statement of the facts of the case.

(b) The data necessary to prove the identity of the person whose extradition is sought including, when possible, photographs and fingerprints.

(c) The text of the applicable laws, including the laws defining the offense, the law prescribing the punishment for the offense and the laws relating to the limitation of the legal proceedings or the enforcement of the legal penalty for the offense.

(d) The evidence which would be necessary, according to the laws of the requested Party, to justify the arrest and committal for trial of the person whose extradition is sought, as if the offense had been committed in the territory of the requested Party.

3. When the request relates to a person who has not yet been convicted, it must be accompanied by a warrant of arrest issued by a judge or other judicial officer of the requesting Party.

4. When the request relates to a person already convicted, it shall be accompanied by the following:

(a) When emanating from the United States, a copy of the judgment of conviction and of the sentence if it has been passed.

(b) When emanating from the Republic of Argentina, a copy of the sentence.

In a case envisioned in this subparagraph, a certification showing that the sentence has not been served or how much of the sentence has not been served shall also be sent to the requested Party.

5. The documents which, according to this Article, shall accompany the extradition request, shall be admitted in evidence when:

(a) In the case of a request emanating from the United States, they are signed by a judge, magistrate or officer of the United States, authenticated by the official seal of the Department of State and certified by the principal diplomatic or consular officer of the Republic of Argentina in the United States.

(b) In the case of a request emanating from the Republic of Argentina they are signed by a judge or other judicial authority and are legalized by the principal diplomatic or consular officer of the United States in the Republic of Argentina.

6. All the documents mentioned in this Article shall be accompanied by a translation into the language of the requested Party which will be at the expense of the requesting Party.

ARTICLE 12

In case of urgency the Contracting Parties may request, through their respective diplomatic agents, the provisional arrest of an accused as well as the seizure of objects relating to the offense of which he has been accused and which objects are in the possession of the accused or of his agent, associate, or representative, and the location of which has been identified by the requesting Party. The requesting Party shall support a request for objects by evidence showing the relationship of the objects to the offense charged. The requested Party may decline this request if it appears that the interest of innocent third parties has intervened.

The request shall be granted if it contains a declaration of the existence of one of the documents enumerated in Article 11, paragraphs 3 and 4, the description of the person sought and the offense for which he has been charged.

If, within forty-five calendar days from the date of provisional arrest, the requesting Party fails to present the formal request for extradition, supported by the documents required by Article 11, the person claimed shall be released and a new request based on the same offense shall be admitted only if a formal request for extradition is presented with all the requirements enumerated in Article 11.

ARTICLE 13

If the requested Party requires additional evidence or information to enable it to decide on the request for extradition, such evidence or information shall be submitted to it within such time as that Party shall require.

If the person sought is under arrest and the additional evidence or information submitted as aforesaid is not sufficient or if such evidence or information is not received within the period specified by the requested Party, he shall be discharged from custody. Such discharge shall not bar the requesting Party from submitting another request in due form in respect of the same offense.

ARTICLE 14

A person extradited under the present Treaty shall not be detained, tried or punished in the territory of the requesting Party for an offense other than that for which extradition has been granted nor be extradited by that Party to a third State unless:

1. If, upon being released, he remains in the territory of the requesting Party for more than thirty days counting from the date his release was granted; or

2. When, having left the territory of the requesting Party after his extradition, he has voluntarily returned to it;

3. When the requested Party has manifested its consent to his detention, trial or punishment for an offense other than that for which extradition was granted or to his extradition to a third State provided such other offense is covered by Article 2.

For the purpose of subparagraphs 1 and 2 of this Article, the person extradited must be formally advised at the time he is released in the requesting Party of the possible consequences if he remains in the territory of that Party.

The stipulations of subparagraphs 1, 2, and 3 of this Article shall not apply to offenses committed after the extradition.

ARTICLE 15

The requested Party upon receiving two or more requests for the extradition of the same person, either for the same offense or for different offenses, shall determine to which of the requesting States it will grant extradition, taking into consideration all the circumstances of the case and, particularly, the possibility of a later extradition between the requesting States, the seriousness of each offense, the place where the offense was committed, the nationality of the person sought, the dates upon which the requests were received and the provisions of any extradition agreements between the requested Party and the other requesting States.

ARTICLE 16

The requested Party shall promptly communicate to the requesting Party through the diplomatic channel the decision on the request for extradition.

If a warrant or order for the extradition of a person sought has been issued by the competent authority and he is not removed from the territory of the requested Party within thirty days from the date of said communication, he shall be set at liberty and the requested Party may subsequently refuse to extradite that person for the same offense.

ARTICLE 17

To the extent permitted under the law of the requested Party and subject to the rights of third Parties, which shall be duly respected, all articles, objects of value or documents relating to the offense, whether acquired as a result of the offense or use for its execution, or which in any other manner may be material evidence for the prosecution, shall, if found, be surrendered upon the granting of the extradition even when extradition cannot be effected due to the death or disappearance of the accused.

ARTICLE 18

Transit through the territory of one of the Contracting Parties of a person surrendered to the other Contracting Party by a third State shall be granted on request made through the diplomatic channel, which request shall be accompanied by a copy of the warrant or order of extradition, provided that conditions are present which would warrant extradition of such person by the State of transit and reason of public order are not opposed to the transit.

The requesting Party shall reimburse the State of transit for any expenses incurred in connection with such transportation.

ARTICLE 19

Expenses related to the translation of documents and to the transportation of the person sought shall be paid by the requesting Party. The appropriate legal officers of the country in which the extradition proceedings take place shall, by all legal means within their power, assist the requesting Party before the respective judges and magistrates.

No pecuniary claim, arising out of the arrest, detention, examination and surrender of persons sought under the terms of this Treaty, shall be made by the requested Party against the requesting Party.

ARTICLE 20

Once extradition of an individual is denied, it may not again be requested for the same offense.

ARTICLE 21

Desirous of perfecting the judicial cooperation in criminal matters, the Contracting Parties agree as follows:

1. The competent judicial authority of each Contracting Party shall execute letters rogatory in criminal matters.

2. Such letters and accompanying documentation shall be presented in the original and one copy. All letters and documentation shall be translated by the sending State into the language of the receiving State which translations shall also be sent in the original and one copy.

3. Upon receipt of the letters, the receiving authority will effect transmission of these letters to the competent judicial authority for execution.

4. When the letters have been executed, they shall be returned to the sending State authenticated by the competent authority of the receiving State. The authentication shall be accomplished, as indicated, by the seal of the Department of Justice of the United States of America or the stamp of the Ministry of Foreign Affairs and Worship of the Republic of Argentina. Such authentication shall constitute evidence of authenticity of the letters and accompanying documents.

5. Expenses incurred in processing such letters shall be borne exclusively by the Government of the receiving State.

ARTICLE 22

This Treaty shall be ratified and enter into force upon the exchange of ratifications in Buenos Aires at the earliest possible date.

It may be terminated at any time by either Contracting Party by prior notification of the other Contracting Party, and termination shall become effective six months after the date such notification is received.

This Treaty shall abrogate and supersede the Extradition Treaty between the United States of America and the Argentine Republic done at Buenos Aires on September 26, 1896. The offenses listed in the Treaty of 1896 and which have been committed prior to the entry into force of the present Treaty shall nevertheless be subject to extradition pursuant to the provisions of that Treaty.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Treaty.

DONE in duplicate, in the English and Spanish languages, both equally authentic, at Washington this twenty-first day of January, one thousand nine hundred seventy-two.

For the United States of America
WILLIAM P. ROGERS
For the Republic of Argentina:
CARLOS M. MUÑIZ

EXECUTIVE E

FINAL ACTS OF THE WORLD ADMINISTRATIVE RADIO CONFERENCE FOR SPACE TELECOMMUNICATIONS, GENEVA, 1971

ABBREVIATIONS

The following abbreviations are used in the Annexes, to indicate the nature of amendments made in the partial revision of the Radio Regulations.

Symbol	Meaning
MOD	Modification
SUP	Suppression
ADD	Addition
NOC	No change

Note: If a modification affects only the drafting of a number, without changing the substance, the following symbol is used: (MOD)

PARTIAL REVISION OF THE RADIO REGULATIONS [1]

In its Recommendation No. Spa 9, the Extraordinary Administrative Radio Conference to allocate frequency bands for space radiocommunication purposes, held in Geneva in 1963, recommended that the Administrative Council of the Union should review annually the progress in space radiocommunications made by administrations and the available reports and recommendations of the permanent organs of the Union with respect thereto. The Conference also recommended that the Administrative Council should, in the light of its annual review and at a date which it would determine, recommend to administrations the convening of an Administrative Conference to work out further agreements for the international regulation of the use of radio frequency bands allocated for space radiocommunications by the 1963 Conference.

At its 23rd Session in 1968, the Administrative Council, in its Resolution No. 632, recommended that a World Administrative Radio Conference should be convened during the latter part of 1970 or early 1971 and invited Administrations to send to the Secretary-General their proposals for the agenda thereof.

In accordance with Nos. 56 and 64 of the International Telecommunication Convention (Montreux, 1965), the Administrative Council, at its 1969 Session, with the concurrence of a majority of the Members of the Union, determined in its Resolution No. 653 the agenda of the World Administrative Radio Conference for Space Telecommunications and decided that it would meet in Geneva on 7 June, 1971 for a duration of six weeks, provision being made for one additional week if necessary.

However, in 1970, the Administrative Council, taking into account the provisions of Resolution No. 40 of the XIIth Plenary Assembly of the C.C.I.R. relative to the convening, prior to the Conference, of a Special Joint Meeting of C.C.I.R. Study Groups, decided in its Resolution No. 665 that the duration of the Conference would be six weeks.

The World Administrative Radio Conference for Space Telecommunications, accordingly convened on the appointed date, considered and revised, in conformity with its agenda, the relevant parts of the Radio Regulations. Particulars of the revision of the Radio Regulations are given in Annexes 1 to 19 hereto.

The revised provisions of the Radio Regulations shall form an integral part of the Radio Regulations which are annexed to the International Telecommunication Convention. They shall come into force on 1 January, 1973, on which date the provisions of the Radio Regulations which are cancelled or modified by this revision shall be abrogated.

The delegates signing this revision of the Radio Regulations hereby declare that, should an administration make reservations concerning the application of one or more of the revised provisions of the Radio Regulations, no other administration shall be obliged to observe that provision or those provisons in its relations with that particular administration.

Members and Associate Members of the Union shall inform the Secretary-General of their approval of the revision of the Radio Regulations by the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971). The Secretary-General will inform Members and Associate Members of the Union regarding receipt of such notifications of approval as they are received.

In witness whereof the delegates of the Members of the Union represented at the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971) have signed in the names of their respective countries this revision of the Radio Regulations in a single copy which will remain in the archives of the International Telecommunication Union and of which a certified copy will be delivered to each Member and Associate Member of the Union.

Done at Geneva, 17 July, 1971.

Pour l'Algérie (République Algérienne Démocratique et Populaire):
M. IBNOU-ZEKRI
M. HARBI
Pour le Royaume de l'Arabie Saoudite:
A. ZAIDAN
OBAID AL RAHMAN SAFFDAR
Pour la République Argentine:
N. J. MAZZARO
R. SAIDMAN
Pour le Commonwealth de l'Australie:
L. M. HARRIS
E. SANDBACH
Pour l'Autriche:
H. PANGRATZ
Pour la Belgique:
P. C. M. BOUCHIER
Pour la République Socialiste Soviétique de Biélorussie:
Z. L. PODORSKI
Pour le Brésil:
P. RIBENBOIM
J. V. PARETO NETO
A. J. A. SALGADO
N. V. DA SILVA
C. P. QUEVEDO
M. A. DE BIASE SILVA PICOT
R. R. RAMOS
M. B. MARSIAJ
L. C. BAHIANA
A. B. CARLEIAL
B. HIMELGRYN
J. SANTELLI JUNIOR
Pour la République Populaire de Bulgarie:
I. IGNATOV
Pour la République Fédérale du Cameroun:
P. N. KAMGA
Pour le Canada:
DE MONTIGNY MARCHAND
R. MARCHAND
Pour la République Centrafricaine:
F. D. DIMA
Pour Ceylan:
M. B. RODRIGO
Pour le Chili:
J. S. SCHATZ
S. H. MORALES
R. ARAGAY
R. B. E. BENAVIDES
A. M. LUENGO
J. B. SERRAT
Pour la Chine:
P. CHENG
T. V. MIAO
C. CHEN
Pour la République de Chypre:
R. MICHAELIDES
Pour l'Etat de la Cité du Vatican:
H. M. DE RIEDMATTEN
A. STEFANIZZI
P. V. GIUDICI
Pour la République de Colombie:
D. GARCES
L. CHETHUAN
H. ROMBERO

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[1] Namely the Radio Regulations, Geneva, 1959, as partially revised by the Extraordinary Administrative Radio Conference to allocate frequency bands for Space Radiocommunication purposes (Geneva, 1963) by the Extraordinary Administrative Radio Conference for the preparation of a revised allotment plan for the Aeronautical Mobile (R) Service (Geneva, 1966) and, by the World Administrative Radio Conference to deal with matters relating to the Maritime Mobile Service (Geneva, 1967).

Pour la République Démocratique du Congo:
A. BANANISA
G. NKUBITO
B. MVILAKANI
Pour la République Populaire du Congo:
F. BATOLA
Pour la République de Corée:
J. S. CHOY
B. K. CHO
Y. H. LEE
J. U. KIM
Pour la République de Côte d'Ivoire:
C. N. NOGBOU
P. K. KOPOIN
Pour Cuba:
L. SOLA VILA
J. A. VALLADARES TIMONEDA
J. RAURELL VIDAL
Pour le Danemark:
G. PEDERSEN
B. NIELSEN
I. LONBERG
P. V. LARSEN
Pour l'Ensemble des Territoires représentés par l'Office francais des postes et télécommunications d'Outre-Mer:
J. L. A. CONSTANTIN
Pour l'Espagne:
E. PEREZ-HERNANDEZ
F. MOLINA NEGRO
J. M. ARTO MADRAZO
J. M. PAREDES QUEVEDO
B. A. DURAN MINGORANCE
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R. C. TYSON
W. DEAN, JR.
G. L. HUFFCUTT
R. E. LEE
Pour l'Ethiopie:
B. DESTA
T. SEBHATU
Pour la Finlande:
T. KYTONIEMI
A. SINKKONEN
Pour la France:
F. JOB.
M. HUET
P. L. CHASPOUL
J. B. BES
Pour la République Gabonaise:
S. EWORE
T. SOUAH
Pour le Ghana:
R. K. BAFFOUR
Pour la Gréce:
L. PARAVANTIS
E. NICOLAIDES
G. DEBONOS
Pour la République de Haute-Volta:
J. M. OUEDRAOGO
J. GUISSOU
Pour la République Populaire Hongroise:
D. HORN
Pour la République de l'Inde:
N. C. SHRIVASTAVA
M. K. BASU
R. G. DEODHAR
M. V. KRISHNASWAMY
R. B. MUKHERJEE
S. THIRUVENKATACHARI
B. S. RAO
Pour la République d'Indonésie:
M. K. M. MANGOENDIPRODJO
W. M. MANGOENDIPRODJO
SOEGIHARTO
Pour l'Iran:
A. MOTAMEDI
H. ANSARI
S. FATEMI
Pour la République d'Iraq:
A. H. ALI
Pour l'Irlande:
J. MALONE
Pour l'Islande:
S. THORKELSSON
S. OSKARSSON
Pour l'Etat d'Israël:
M. SHAKKED
Pour l'Italie:
A. BIGI
A. PETTI
Pour la Jamaïque:
G. A. GAUNTLETT
T. O. MINOTT
Pour le Japon:
S. FUJIKI
Y. OKAWA
Pour le Kenya:
R. M. YUSUF
P. O. OKUNDI
I. N. ODUNDO
Pour l'Etat de Koweït:
A. A. AL-SARAWI
A. A. ALSAADOON
A. M. ALSABEJ
A. A. ALAYOUB
J. A. ALMAZEEDI
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Pour la République Arabe Libyenne:
N. S. TULTI
Pour la Principauté de Liechtenstein:
M. LEDEBUR
Pour le Luxembourg:
P. FABER
Pour la Malaisie:
Tun V. T. SAMBANTHAN
K. P. CHEW
S. bin ABDUL KADIR
D. S. VARIYAN
Pour la République du Mali:
M. L. KANE
M. M. KEITA
Pour le Royaume du Maroc:
M. MOUKITE
Pour la République Islamique de Mauritanie:
A. DAFFAU
Pour le Mexique:
J. HERNANDEZ
Pour Monaco:
C. C. SOLAMITO
Pour le Nicaragua:
A. A. MULLHAUPT
Pour la République du Niger:
M. ABBA
Pour la République Federale de Niberia:
A. A. BODEDE
Pour la Norvège:
H. NYMOEN
A. BOE
Pour la Nouvelle-Zélande:
D. C. ROSE
R. J. BUNDLE
Pour l'Ouganda:
P. O. OKUNDI
Pour le Pakistan:
A. KHAN
S. A. AZIZ
A. ZAIDI
Pour le Paraguay:
C. M. GAONA VELAZCO
Pour le Royaume des Pays-Bas:
F. R. NEUBAUER
P. E. WILLEMS
K. J. KERLING
F. S. LATOUR
Pour le Pérou:
J. ESTRADA GOMEZ SANCHEZ
J. E. BARREDA DELGADO
M. COLINA-MARIE
Pour la République des Philippines:
C. S. CARREON
L. A. GARCIA
Pour la République Populaire de Pologne:
K. KOZTOWSKI
Pour le Portugal:
F. DE ALCAMBAR PEREIRA
D. A. PIRES FRANCO
J. O. LEANDRO
A. MARINI CASTANHEIRA
M. J. LOPES DA SILVA
Pour les Provinces portugaises d'Outre-Mer:
F. DE ALCAMBAR PEREIRA
J. D. FERRAZ DE CARVALHO
J. O. LEANDRO
Pour la République Arabe Syrienne:
N. KISRAWI
M. HAMMOUDE
Pour la République Arabe Unie:
E. ELKASHLAN
N. KHODAIR
Pour la République Fédérale d'Allemagne:
J. KUPPER
Pour la République Socialiste Soviétique de l'Ukraine:
I. B. TIMCHENKO
Pour la République Socialiste de Roumanie:
G. AIRINEI
L. CONSTANTINESCU
Pour de Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, les Iles Anglo-Normandes et l'Ile de Man:
D. E. BAPTISTE
C. W. SOWTON
S. G. HICKS
Pour la République Rwandaise:
M. BUCYANA
Pour la République du Sénégal:
A. M'BODJI
I. N'DOYE
L. DIA
Pour la République de Singapour:
R. G. RAJASINGAM
Pour la République Sudafricaine:
A. BIRRELL
P. H. de V. VAN TONDER
Pour la Suède:
B. BJUREL
C.-G. ASDAL
P. AKERLIND
Pour la Confédération Suisse:
F. LOCKER
H. R. PROBST
C. STEFFEN
H. A. KIEFFER
Pour la République Unie de Tanzanie:
R. M. YUSUF
P. O. OKUNDI
Pour la République Socialiste Tchécoslovaque:
J. MARSICEK
M. ZAHRADNICEK
J. VRBA
Pour les Territoires des Etats-Unis d'Amérique:
W. E. DENNY
Pour les Territoires d'Outre-Mer dont les relations internationales sont assurées par le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord:
T. F. H. HOWARTH
Pour la Thailande:
P. SURASIDHI
C. KASEMSRI
C. KANCHANINDU
Pour la République Togolaise:
A. AITHNARD
Pour la Tunisie:
B. KHOUADJA
Pour la Turquie:
N. AKYUZALP
O. TURAN
T. ULUÇEVIK
Pour l'Union des Républiques Socialistes Soviétiques:
A. L. BADALOV
Pour la République Orientale de l'Uruguay:
R. BOTTO
Pour la République de Venezuela:
C. J. MARTINEZ
R. ZERPA
Pour la République du Viet-Nam:
VUONG QUANG NGHIA
PHAM VAN TRINH
NGUYEN CONG ANH-TUAN
Pour la République Socialiste Fédérative de Yougoslavie:
M. DAKIC

ANNEX 1: REVISION OF ARTICLE 1 OF THE RADIO REGULATIONS*

Article 1 of the Radio Regulations shall be amended as follows:

SECTION II. RADIO SYSTEMS, SERVICES AND STATIONS

After Regulation No. 21, add the following new Regulations:

ADD 21A
Spa2

Space Station

A station located on an object which is beyond, is intended to go beyond, or has been beyond, the major portion of the Earth's atmosphere.

Earth Station

A station located either on the Earth's surface or within the major portion of the Earth's atmosphere intended for communication:

With one or more space stations; or

With one or more stations of the same kind by means of one or more passive satellites or other objects in space.

ADD 21C
Spa2

Space Radiocommunication

Any radiocommunication involving the use of one or more space stations or the use of one or more passive satellites or other objects in space.

ADD 21D
Spa2

Terrestrial Radiocommunication [1]

Any radiocommunication other than space radiocommunication or radio astronomy.

ADD 21D.1
Spa2

ADD 21E
Spa2

Terrestrial Station [2]

A station effecting terrestrial radiocommunication.

ADD 21E.1
Spa2

Replace Regulation No. 69 by the following new text:

Safety Service

MOD 69
Spa2

A radiocommunication service used permanently or temporarily for the safeguarding of human life and property on the Earth's surface, in the air or in space.

Delete Regulations Nos. 84AA and 84AB.

MOD.

84ATE, Space Operation Service, 84AC, MOD.

84ATF, Inter-Satellite Service, 84AC, MOD.

84BAA, Spacecraft, 84BH, MOD.

84BAC, Active Satellite, 84AJ, NOC.

84BAD, Passive Satellite, 84AK, NOC.

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*Note by the General Secretariat

Certain definitions were rearranged and renumbered by the Conference; some were amended while others were maintained unchanged. The definitions concerned are the following:

New number; Definition; Old number; Remarks.

21A, Space Station, 84AE, MOD.

21B, Earth Station, 84AD, MOD.

21C, Space Radiocommunication, 84AC, MOD.

21D, Terrestrial Radiocommunication, 84AA, MOD.

21E, Terrestrial Station, 84AB, MOD.

84AFA, Satellite System, 84AL, MOD.

84ATD, Space Research Service, 84AM,

[1] In these Regulations, unless otherwise stated, any radiocommunication service relates to terrestrial radiocommunication.

[2] In these Regulations, unless otherwise stated, any station is a terrestrial station.

SECTION IIA. SPACE SYSTEMS, SERVICES AND STATIONS

Delete Regulations Nos. 84AC, 84AD and 84AE.

Replace Regulation No. 84AF by the following new text:

MOD 84AF
Spa2

Space System

Any group of co-operating earth and/or space stations employing space radiocommunication for specific purposes.

After Regulation No. 84AF, add the following new Regulations:

ADD 84AFA
Spa2

Satellite System

A space system using one or more artificial earth satellites.

ADD 84AFB
Spa2

Satellite Network

A satellite system or a part of a satellite system, consisting of only one satellite and the co-operating earth stations.

ADD 84AFC
Spa2

Satellite Link

A radio link between a transmitting earth station and a receiving earth station through one satellite.

A satellite link comprises one up-path and one down-path.

ADD 84AFD
Spa2

Multi-Satellite Link

A radio link between a transmitting earth station and a receiving earth station through two or more satellites, without any intermediate earth station.

A multi-satellite link comprises one up-path, one or more satellite-to-satellite paths and one down-path.

Replace Regulation No. 84AG by the following new text:

ADD 84AGA
Spa2

Fixed-Satellite Service

A radiocommunication service:

Between earth stations at specified fixed points when one or more satellites are used; in some cases this service includes satellite to satellite links, which may also be effected in the inter-satellite service;

For connection between one or more earth stations at specified fixed points and satellites used for a service other than the fixed-satellite service (for example, the mobile-satellite service, broadcasting-satellite service, etc.).

After Regulation No. 84AG, add the following new Regulations:

MOD 84AG
Spa2

Mobile-Satellite Service

A radiocommunication service:

Between mobile earth stations and one or more space stations; or between space stations used by this service;

Or between mobile earth stations by means of one or more space stations;

And if the system so requires, for connection between these space stations and one or more earth stations at specified fixed points.

ADD 84AGB
Spa2

Aeronautical Mobile-Satellite Service

A mobile-satellite service in which mobile earth stations are located on board aircraft. Survival craft stations and emergency position indicating radiobeacon stations may also participate in this service.

ADD 84AGC
Spa 2

Maritime Mobile-Satellite Service

A mobile-satellite service in which mobile earth stations are located on board ships. Survival craft stations and emergency position indicating radiobeacon stations may also participate in this service.

ADD 84AGD
Spa2

Land Mobile-Satellite Service

A mobile-satellite service in which mobile earth stations are located on land.

Delete Regulations Nos. 84AH to 84AO.

Replace Regulation No. 84AP by the following new text:

MOD 84AP
Spa2

Broadcasting-Satellite Service

A radiocommunication service in which signals transmitted or retransmitted by space stations are intended for direct reception [1] by the general public.

ADD 84AP.1
Spa2

After Regulation No. 84AP, add the following new Regulations:

ADD 84APA
Spa2

Individual reception (in the broadcasting-satellite service)

The reception of emissions from a space station in the broadcasting-satellite service by simple domestic installations and in particular those possessing small antennae.

ADD 84APB
Spa2

Community reception (in the broadcasting-satellite service)

The reception of emissions from a space station in the broadcasting-satellite service by receiving equipment, which in some cases may be complex and have antennae larger than those used for individual reception, and intended for use:

By a group of the general public at one location; or

Through a distribution system covering a limited area.

ADD 84APC
Spa2

Radiodetermination-Satellite Service

A radiocommunication-service involving the use of radiodetermination and the use of one or more space stations.

Replace Regulation No. 84AQ by the following new text:

MOD 84AQ
Spa2

Radionavigation-Satellite Service

A radiodetermination-satellite service used for the same purposes as the radionavigation service; in certain cases this service includes transmission or retransmission of supplementary information necessary for the operation of radionavigation systems.

After Regulation No. 84AQ, add the following new Regulations:

ADD 84AQA
Spa2

Aeronautical Radionavigation-Satellite Service

A radionavigation-satellite service in which mobile earth stations are located on board aircraft.

ADD 84AQB
Spa2

Maritime Radionavigaton-Satellite Service

A radionavigation-satellite service in which mobile earth stations are located on board ships.

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[1] In the broadcasting-satellite service, the term "direct reception" shall encompass both individual reception and community reception.

Delete Regulations Nos. 84AR and 84AS.

Before Regulation No. 84AT, add the following new Regulation:

ADD 84ASA
Spa2

Earth Exploration-Satellite Service

A radiocommunication service between earth stations and one or more space stations in which:

Information relating to the characteristics of the Earth and its natural phenomena is obtained from instruments on earth satellites;

Similar information is collected from airborne or earth-based platforms;

Such information may be distributed to earth stations within the system concerned;

Platform interrogation may be included.

Replace Regulation No. 84AT by the following new text:

MOD 84AT
Spa2

Meteorological-Satellite Service

An earth exploration-satellite service for meteorological purposes.

After Regulation No. 84AT, add the following new Regulations:

ADD 84ATA
Spa2

Amateur-Satellite Service

A radiocommunication service using space stations on earth satellites for the same purposes as those of the amateur service.

ADD 84ATB
Spa2

Standard Frequency-Satellite Service

A radiocommunication service using space stations on earth satellites for the same purposes as those of the standard frequency service.

ADD 84ATC
Spa2

Time Signal-Satellite Service

A radiocommunication service using space stations on earth satellites for the same purposes as those of the time signal service.

ADD 84ATD
Spa2

Space Research Service

A radiocommunication service in which spacecraft or other objects in space are used for scientific or technological research purposes.

ADD 84ATE
Spa2

Space Operation Service

A radiocommunication service concerned exclusively with the operation of spacecraft, in particular tracking, telemetry and telecommand.

These functions will normally be provided within the service in which the space station is operating.

ADD 84ATF
Spa2

Inter-Satellite Service

A radio communication service providing links between artificial earth satellites.

Delete Regulations Nos. 84AU and 84AV.

SECTION IIB. SPACE, ORBITS AND TYPES OF OBJECTS IN SPACE

Replace Regulation No. 84BA by the following new text:

MOD 84BA
Spa2

Deep Space

Space at distances from the Earth approximately equal to, or greater than, the distance between the Earth and the Moon.

After Regulation No. 84BA, add the following new Regulations:

ADD 84BAA
Spa2

Spacecraft

A man-made vehicle which is intended to go beyond the major portion of the Earth's atmosphere.

ADD 84BAB
Spa2

Satellite

A body[1] which revolves around another body of preponderant mass and which has a motion primarily and permanently determined by the force of attraction of that other body.

ADD 84BAB.1
ADD 84BAC
Spa2

Active Satellite

An earth satellite carrying a station intended to transmit or retransmit radiocommunication signals.

ADD 84BAD
Spa2

Passive Satellite

An earth satellite intended to transmit radiocommunication signals by reflection.

Replace Regulations Nos. 84BB to 84BE by the following new texts:

MOD 84BB
Spa2

Orbit

1. The path, relative to a specified frame of reference, described by the centre of mass of a satellite or other object in space, subjected solely to natural forces, mainly the force of gravity.

2. By extension, the path described by the centre of mass of an object in space subjected to natural forces and occasional low-energy corrective forces exerted by a propulsive device in order to achieve and maintain a desired path.

MOD 84BC
Spa2

Inclination of an Orbit (of an earth satellite)

The angle determined by the plane containing an orbit and the plane of the Earth's equator.

MOD 84BD
Spa2

Period (of a satellite)

The time elapsing between two consecutive passages of a satellite or planet through a characteristic point on its orbit.

MOD 84BE
Spa2

Altitude of the Apogee (Perigee)

The altitude of the apogee (perigee) above a specified reference surface serving to represent the surface of the Earth.

Delete Regulation No. 84BF.

Before Regulation No. 84BG, add the following new Regulation:

ADD 84BFA
Spa2

Geosynchronous Satellite

An earth satellite whose period of revolution is equal to the period of rotation of the Earth about its axis.

MOD 84BG
Spa2

Geostationary Satellite

A satellite, the circular orbit of which lies in the plane of the Earth's equator and which turns about the polar axis of the Earth in the same direction and with the same period as those of the Earth's rotation.

The orbit on which a satellite should be placed to be a geostationary satellite is called the "geostationary satellite orbit."

Delete Regulation No. 84BH.

SECTION III. TECHNICAL CHARACTERISTICS

After Regulation No. 98, add the following new Regulation:

ADD 98A
Spa2

Equivalent Isotropically Radiated Power (e.i.r.p.)

The product of the power of an emission as supplied to an antenna and the antenna gain in a given direction relative to an isotropic antenna.

After Regulation No. 103, add the following new Regulations:

ADD 103A
Spa2

Equivalent Satellite Link Noise Temperature

The noise temperature at the input of the earth station receiver corresponding to the radio-frequency noise power which produces the total observed noise at the output of the satellite link excluding noise due to interference coming from satellite links using other satellites and from terrestrial systems.

ADD 103B
Spa2

Co-ordination Distance

Distance from an earth station in a given azimuth within which a terrestrial station sharing the same frequency band may cause or be subject to more than a permissible level of interference.

ADD 103C
Spa2

Co-ordination Contour

The line joining the points which are on all azimuths around an earth station at a distance from this station equal to the co-ordination distance corresponding to each azimuth.

ADD 103D
Spa2

Co-ordination Area

Area around an earth station enclosed by the co-ordination contour.

ANNEX 2: REVISION OF ARTICLE 2 OF THE RADIO REGULATIONS

Article 2 of the Radio Regulations shall be amended as follows:

SECTION III. NOMENCLATURE OF THE FREQUENCY AND WAVELENGTH BANDS USED IN RADIOCOMMUNICATION

Replace Regulation No. 112 by the following new text:

MOD 112
Spa2

§ 7. The radio spectrum shall be subdivided into nine frequency bands, which shall be designated by progressive whole numbers in accordance with the following table. Frequencies shall be expressed:

In kilohertz (kHz) up to and including 3000 kHz.

In megahertz (MHz) thereafter up to and including 3000 MHz.

In gigahertz (GHz) thereafter up to and including 3000 GHz.

However, where adherence to these provisions would introduce serious difficulties, for example in connection with the notification and registration of frequencies, the lists of frequencies and related matters, reasonable departures may be made.

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[1] A body so defined which revolves around the Sun is called a planet or planetoid.

Band number	Frequency range (lower limit exclusive, upper limit inclusive)	Corresponding metric subdivision
4	3 to 30 kHz	Myriametric waves.
5	30 to 300 kHz	Kilometric waves.
6	300 to 3,000 kHz	Hectometric waves.
7	3 to 30 MHz	Decametric waves.
8	30 to 300 MHz	Metric waves.
9	300 to 3,000 MHz	Decimetric waves.
10	3 to 30 GHz	Centimetric waves.
11	30 to 300 GHz	Millimetric waves.
12	300 to 3,000 GHz or 3 THz.	Decimillimetric waves.

Note 1: "Band Number N" extends from 0.3×10^N to 3×10^N Hz.
Note 2: Symbols and prefixes: Hz=hertz; k=kilo (10^3), M=mega (10^6), G=giga (10^9), T=tera (10^{12}).
Note 3: Abbreviations for adjectival band designations: Band 4=VLF; Band 5=LF; Band 6=MF; Band 7=HF; Band 8=VHF; Band 9=UHF; Band 10=SHF; Band 11=EHF.

ANNEX 3: REVISION OF ARTICLE 5 OF THE RADIO REGULATIONS

Article 5 of the Radio Regulations shall be amended as follows:

Replace the title of Article 5 by the following new title:

MOD Spa2

Frequency Allocations [1]
10 kHz to 275 GHz

SECTION I. REGIONS AND AREAS

Replace Regulation No. 125 by the following new text:

(MOD) 125
Spa2

§ 1. For the allocation of frequencies the world has been subdivided into three Regions [2] (see Appendix 24).

Insert the following new foot-note:

ADD Spa2

Replace Regulation 125.1 by the following new text:

(MOD) 125.1
Spa2

MOD Spa2 Section IV. Table of Frequency Allocations—10 kHz to 275 GHz

In the Table of Frequency Allocations, replace the provisions for the band 1 800 – 2 000 kHz in Regions 2 and 3 by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
NOC	1 800–2 000 Amateur Fixed Mobile except aeronautical mobile Radionavigation 198	

NOC 198
SUP 199 199.1

In the Table of Frequency Allocations, replace the provisions for the band 2 170–2 194 kHz by the following:

kHz

Region 1	Region 2	Region 3
2 170–2 194	Mobile (distress and calling) 201 201A	

[1] See Resolution No. 6.
[2] It should be noted that where the words "regions" or "regional" are without a capital "R" in these Regulations, they do not relate to the three Regions here defined for purposes of frequency allocation.

NOC 201
ADD 201A
Spa2

The frequencies 2 182 kHz, 3 023.5 kHz, 5 680 kHz, 8 364 kHz, 121.5 MHz, 156.8 MHz and 243 MHz may also be used, in accordance with the procedures in force for terrestrial radiocommunication services, for search and rescue operations concerning manned space vehicles.

The same applies to the frequencies 10 003 kHz, 14 993 kHz and 19 993 kHz, but in each of these cases emissions must be confined in a band of ±3 kHz about the frequency.

In the Table of Frequency Allocations, replace the provisions for the band 2 498–2 502 kHz in Region 1 and for the band 2 495–2 505 kHz in Regions 2 and 3 by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
2 300–2 498 NOC	2 300–2 495 NOC	
2 498–2 502 Standard frequency 203 203A	2 495–2 505 Standard frequency 203 203A	
2 502–2 625 NOC	2 505–2 625 NOC	

ADD 203A
Spa2
SUP 204

The bands 2 501–2 502 kHz, 5 003–5 005 kHz, 10 003–10 005 kHz, 15 005–15 010 kHz, 19 990–19 995 kHz, 20 005–20 010 kHz and 25 005–25 010 kHz are also allocated, on a secondary basis, to the space research service.

In the Table of Frequency Allocations, replace the provisions for the band 2 850–3 025 kHz by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
2 850–3 025	Aeronautical mobile (R) 201A	

In the Table of Frequency Allocations, replace the provisions for the band 4 995–5 005 kHz by the following:

kHz

Region 1	Region 2	Region 3
4 995–5 005	Standard frequency 203A 210	

NOC 210

In the Table of Frequency Allocations, replace the provisions for the band 5 480–5 730 kHz by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
5 480–5 680	Aeronautical mobile (R) 201A	
5 680–5 730	Aeronautical mobile (OR) 201A	

In the Table of Frequency Allocations, replace the provisions for the band 7 000–7 100 kHz by the following:

kHz

Region 1	Region 2	Region 3
7 000–7 100	Amateur Amateur-satellite	

In the Table of Frequency Allocations, replace the provisions for the band 8 195–8 815 kHz by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
8 195–8 815	Maritime mobile 201A 213	

NOC 213

In the Table of Frequency Allocations, replace the provisions for the band 9 995–10 100 kHz by the following:

kHz

Region 1	Region 2	Region 3
9 995–10 005	Standard frequency 201A 203A 214	
10 005–10 100	Aeronautical mobile (R) 201A	

NOC 214
SUP 215 215A

In the Table of Frequency Allocations, replace the provisions for the band 14 000—14 350 kHz by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
14 000–14 250	Amateur Amateur-satellite	
14 250–14 350	Amateur 218	

NOC 218

In the Table of Frequency Allocations, replace the provisions for the band 14 990–15 010 kHz by the following:

kHz

Region 1	Region 2	Region 3
14 990–15 010	Standard frequency 201A 203A 219	

In the Table of Frequency Allocations, replace the provisions for the band 15 762–15 768 kHz by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
15 762–15 768	Fixed	

In the Table of Frequency Allocations, replace the provisions for the band 18 030–20 010 kHz by the following:

kHz

Region 1	Region 2	Region 3
18 030–18 052	Fixed	
18 052–18 068	Fixed Space research	
18 068–19 990	Fixed	
19 990–20 010	Standard frequency 201A 203A 220	

NOC 220
SUP 221 221A

In the Table of Frequency Allocations, replace the provisions for the band 21 000–21 450 kHz by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
21 000–21 450	Amateur Amateur-satellite	

In the Table of Frequency Allocations, replace the provisions for the band 21 850 — 22 000 kHz by the following:

kHz

Region 1	Region 2	Region 3
21 850–21 870	Radio Astronomy 221B	
21 870–22 000	Aeronautical fixed Aeronautical mobile (R)	

ADD 221B
Spa2

In Bulgaria, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the band 21 850–21 870 kHz is also allocated to the aeronautical fixed and the aeronautical mobile (R) services. The administrations concerned will take all practicable steps to protect radio astronomy observations in this band from harmful interference.

In the Table of Frequency Allocations, replace the provisions for the band 23 350–25 010 kHz by the following:

kHz

Allocation to services		
Region 1	Region 2	Region 3
23 350–24 990	Fixed Land mobile 222 222A	
24 990–25 010	Standard frequency 203A 223	

NOC 222
ADD 222A
Spa2

In Argentina and Uruguay, the band 24 528–24 538 kHz may be used by the space research service, subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

NOC 223

In the Table of Frequency Allocations, replace the provisions for the band 28–47 MHz in Region 1, for the band 28–50 MHz in Region 2 and for the band 28–44 MHz in Region 3 by the following:

MHz

Allocation to services		
Region 1	Region 2	Region 3
28–29.7	Amateur Amateur-satellite	
29.7–30.005	Fixed 228 229 231 232 Mobile	
30.005–30.01	Space operation (Satellite identification) Fixed 228 229 231 Mobile Space research	
30.01–37.75	Fixed 228 229 230 231 Mobile 233A	

NOC 228 229 230 231 232
SUP 233
ADD 233A
Spa2

In Argentina and Uruguay, the bands 36.65—36.85 MHz, 41.15—41.35 MHz and 45.65—45.85 MHz, and in Argentina, Brazil and Uruguay, the band 170.55—170.95 MHz, are allocated to the radio astronomy service and no assignments shall be made to the fixed and mobile services in these bands.

MHz

Allocation to services		
Region 1	Region 2	Region 3
37.75–38.25	Fixed 228 229 231 Mobile Radio astronomy 233B	
38.25–41	Fixed 228 229 230 Mobile 235 236 236A	
41–47 Broadcasting Fixed 228 237 Mobile	41–50 Fixed 228 231 237 Mobile	41–44 Fixed 228 237 Mobile 236A 44–50 NOC
236A 238 239 240 241	233A 236A	

ADD 233B
Spa2

In making assignments to stations of other services to which the bands 37.75–38.25 MHz, 150.05–153 MHz, 406.1–410 MHz, 2 690–2 700 MHz and 4 700–5 000 MHz are allocated, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference.

MOD 235
Spa2

The band 39.986–40.02 MHz is also allocated, on a secondary basis, to the space research service.

NOC 236
ADD 236A
Spa2

The band 40.98–41.015 MHz is also allocated, on a secondary basis, to the space research service, in particular for measurements of the differential Faraday effect.

NOC 237 238 239 240 241

In the Table of Frequency Allocations, replace the provisions for the band 80–100 MHz in Region 3 by the following:

MHz

Allocation to services		
Region 1	Region 2	Region 3
NOC	NOC	80–87 Fixed Mobile 254 255 256 257 261 266
NOC	NOC	87–100 Fixed Mobile Broadcasting 254 267 268

NOC 254 255 256 257 261 266
MOD 267
Spa2

In New Zealand, the bands 87–88 MHz and 94–108 MHz are allocated to the fixed and mobile services.

NOC 268

In the Table of Frequency Allocations, replace the provisions for the band 117·975–174 MHz in Region 1, for the bands 117·975–146 MHz and 148–174 MHz in Region 2 and for the bands 117·975–146 MHz and 148–170 MHz in Region 3 by the following:

MHz

Allocation to Services		
Region 1	Region 2	Region 3
117.975–132	Aeronautical mobile (R) 201A 273 273A	
132–136	Aeronautical mobile (R) 273A 274 274A 274B 275	
136–137	Space research (space-to-earth) 281A 281AA	
137–138	Space operation (Telemetering and tracking) Meteorological-satellite Space research (Space-to-earth) 275A 279A 281C 281E	

NOC 273 273A
MOD 274
Spa2

In Bulgaria, Japan, Poland, Portugal, Portuguese Oversea Provinces in Region 1 south of the equator, Roumania, Sweden, Czechoslovakia and the U.S.S.R., existing stations in the aeronautical mobile (OR) service in the band 132–136 MHz, may continue to operate for an unspecified period on a primary basis.

ADD 274A
Spa2

In Regions 2 and 3, stations of the fixed and mobile services may continue to use the band 132–136 MHz until 1 January 1976. Until that date, frequency assignments to stations of the aeronautical mobile (R) service shall be co-ordinated between the administrations concerned and shall be protected from harmful interference.

ADD 274B
Spa2

In Cuba and Mexico, the band 132–136 MHz is also allocated to the fixed and mobile services.

MOD 275
Spa2

In Burundi, Ethiopia, Gambia, Malawi, Nigeria, Portuguese Oversea Provinces in

Region 1 south of the equator, Rhodesia, Rwanda, Sierra Leone and in the Republic of South Africa, the band 138–144 MHz is allocated to the fixed and mobile services. In these countries, existing stations in the fixed and mobile services may continue to operate in the band 132–136 MHz until 1 January 1976.

NOC 275A
SUP 276 277
MOD 278
Spa 2

In New Zealand, the band 138–144 MHz is allocated to the aeronautical mobile (OR) service.

SUP 279
NOC 279A 281A
ADD 281AA
Spa2

In Bulgaria, China, Cyprus, Korea, Spain, Ethiopia, Ghana, Hungary, India, Indonesia, Iran, Iraq, Iraz, Kenya, Kuwait, Malaysia, Uganda, Pakistan, Philippines, Poland, Portugal, the United Arab Republic, Roumania, Senegal, Syria, Tanzania, Czechoslovakia and the U.S.S.R., the band 136–137 MHz is also allocated to the fixed and mobile services.

SUP 281B
MOD 281C
Spa2

In Bulgaria, Hungary, Kuwait, Lebanon, Poland, the United Arab Republic, Roumania, Czechoslovakia, the U.S.S.R. and in Yugoslavia, the band 137–138 MHz is also allocated to the aeronautical mobile (OR) service.

SUP 281D
MOD 281E
Spa2

In Malaysia, Pakistan and the Philippines, the band 137–138 MHz is also allocated to the fixed and mobile services.

SUP 281F

MHz

Allocation to services		
Region 2	Region 2	Region 3
138–143.6 Aeronautical mobile (OR)	138–143.6 Fixed Mobile Radiolocation Space research (Space-to-earth)	138–143.6 Fixed Mobile Space research (Space-to-earth)
275 281G 282A 283	283A	278 279A 284

ADD 281G
Spa2

In the F.R. of Germany, the band 138–140 MHz is also allocated, on a secondary basis, to the space research service (space-to-Earth).

SUP 282
ADD 282A
Spa2

In Belgium, France, Israel, Italy, Liechtenstein, Netherlands, the United Kingdom and Switzerland, the bands 138–143.6 MHz and 143.65–144 MHz are also allocated, on a secondary basis, to the space research service (space-to-Earth).

MOD 283
Spa2

In Austria, Denmark, Greece, Norway, Netherlands, Portugal, F.R. of Germany, United Kingdom, Sweden, Switzerland and Turkey, the band 138–144 MHz is also allocated to the fixed and mobile, except aeronautical mobile (R), services.

ADD 283A
Spa2

In Argentina, the frequency 138.54 MHz ± 7.5 kHz and the band 143.6–143.65 MHz may be used by the space research service (telecommand), subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

NOC 284

MHz

Allocation to services		
Region 1	Region 2	Region 3
143.6–143.65 Aeronautical Mobile (OR) Space research (space-to-earth)	143.6–143.65 Fixed Mobile Space research (space-to-earth) Radiolocation	143.6–143.65 Fixed Mobile Space research (space-to earth)
275 283 143.65–144 Aeronautical mobile (OR)	238A 143.65–144 Fixed Mobile Radiolocation Space research (space-to-earth)	278 279A 284 143.65–144 Fixed Mobile Space research (space-to-earth)
275 282A 283 144–146		278 279A 284
	Amateur Amateur-satellite	
146–149.9 Fixed Mobile except aeronautical mobile (R)	146–148	NOC
	148–149.9	
		Fixed Mobile
285 285A 149.9–150.05		285A 290
	Radionavigation-satellite 285B 285C	

MHz

Allocation to services		
Region 1	Region 2	Region 3
150.05–151 Fixed Mobile except aeronautical mobile (R) Radio astronomy 233B 285 286A	150.05–174 Fixed Mobile	150.05–170 Fixed Mobile
151–153 Fixed Mobile except aeronautical mobile (R) Radio astronomy Meteorological aids 233B 285 286A		
153–154 Fixed Mobile except aeronautical mobile (R) Meteorological aids 285		
154–156 Fixed Mobile except aeronautical mobile (R)		
285 156–174 Fixed Mobile except aeronautical mobile		201A 287 287A 290 170–174 NOC
201A 285 287 287A 288	201A 233A 287 287A	

SUP 284A
NOC 285
MOD 285A
Spa2

The band 148–149.9 MHz may be authorized for space telecommand, subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected. The bandwidth of an individual transmission shall not exceed ±15 kHz.

MOD 285B
Spa2

In Austria, Bulgaria, Cuba, Hungary, Iran, Kuwait, Pakistan, Poland, the United Arab Republic, Roumania and Yugoslavia, the band 149.9–150.05 MHz is also allocated to fixed and mobile services (see Recommendation No. Spa8).

ADD 285C
Spa2

Emissions of the radionavigation-satellite service in the bands 149.9–150.05 MHz and 399.9–400.05 MHz may also be used by receiving earth stations of the space research service.

SUP 286 (*see* ADD 233B)
NOC 286A 287
ADD 287A
Spa2

In the frequency bands designated for the maritime mobile service in accordance with Appendix 18 to the Radio Regulations, the use of satellite systems for safety and distress may be authorized on certain channels on an exclusive basis in the band 157.3125–157.4125 MHz for transmissions from ships to satellites and in the band 161.9125–162.0125 MHz for transmissions from satellites to ships. The satellite systems shall not be brought into use before 1 January 1976 (see Resolution No. Spa2–5).

NOC 288 289 290

In the Table of Frequency Allocations, replace the provisions for the bands 235–470 MHz and 582–790 MHz in Region 1; for the band 235–942 MHz in Region 2 and for bands 235–470 MHz and 585–890 MHz in Region 3 by the following:

MHz

Allocation to services		
Region 1	Region 2	Region 3
235–267	Fixed Mobile 201A 305 305A 308A 309	
267–272	Fixed Mobile Space operation (telemetering) 309A 309B 308A	
272–273	Space operation (telemetering) 309A Fixed Mobile 308A	
273–328.6	Fixed Mobile 308A 310 310A	
328.6–335.4	Aeronautical radionavigation 311	

NOC 305
ADD 305A
Spa2

In New Zealand, the band 235–239.5 MHz is also allocated to the aeronautical radionavigation service.

ADD 308A
Spa2

The bands 240–328.6 MHz and 335.4–399.9 MHz may also be used by the mobile-satellite service. The use and development of this service shall be subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

NOC 309 309A 309B
MOD 310
Spa2

Radio astronomy observations in the band 322–328.6 MHz are carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in using this band.

ADD 310A
Spa2

In India, the band 322–328.6 MHz is also allocated to the radio astronomy service.

NOC 311

MHz

Allocation to services

Region 1	Region 2	Region 3
335.4–339.9	Fixed Mobile 308A	
339.9–400.05	Radionavigation-satellite 285C 311A	
400.05–400.15	Standard frequency-satellite 312B 313 314	
400.15–401	Meteorological aids Meteorological-satellite (Maintenance telemetering) Space research (Telemetering and tracking) 313 314	

MOD 311A
Spa2

In Bulgaria, Cuba, Greece, Hungary, Indonesia, Iran Kuwait, Lebanon, the United Arab Republic, Syria and Yugoslavia, the band 399–400–05 MHz is also allocated to the fixed and mobile services (see Recommendation No. Spa. 8).

SUP 312A
ADD 312B
Spa2

In this band the standard frequency is 400–1 MHz. Emissions shall be confined in a band of ± 25 kHz about this frequency.

NOC 313 314

MHz

Allocation to services

Region 1	Region 2	Region 3
401–402	Meteorological aids Space operation (Telemetering) 315A Fixed Meteorological-satellite (Earth-to-space) Mobile except aeronautical mobile 314 315 315B 315C 316	
402–403	Meteorological aids Fixed Meteorological-satellite (Earth-to-space) Mobile except areonautical mobile 314 315 315C 316	
403–406	Meteorological aids Fixed Mobile except aeronautical mobile 314 315 316	

NOC 315 315A 315B
ADD 315C
Spa2

In the band 401–403 MHz, earth exploration-satellite applications, other than the meteorological-satellite service, may also be used for Earth-to-space transmissions on condition that no harmful interference is caused to stations operating in accordance with the Table.

NOC 316

MHz

Allocation to services

Region 1	Region 2	Region 3
406–406.1	Mobile-satellite (Earth-to-space) 314 317A 317B	
406.1–410	Fixed Mobile except aeronautical mobile Radio astronomy 233B 314	
410–420	Fixed Mobile except aeronautical mobile 314	

SUP 317 (*see* ADD 233B)
ADD 317A
Spa2

The band 406–406.1 MHz is reserved solely for the use and development of low-power (not to exceed 5 W) emergency position-indicating radiobeacon (EPIRB) systems using space techniques.

ADD 317B
Spa2

In Austria, Bulgaria, Chile, Cuba, Ethiopia, Hungary, India, Iran, Kenya, Kuwait, Liechtenstein, Malaysia, Uganda, Poland, the United Arab Republic, Rwanda, Sweden, Switzerland, Syria, Tanzania, Czechoslovakia and in the U.S.S.R., the band 406–406.1 MHz is also allocated to the fixed service and the mobile, except aeronautical mobile, service.

MHz

Allocation to services

Region 1	Region 2	Region 3
420–430 Fixed Mobile except aeronautical mobile Radiolocation 318 319 430–440 Amateur Radiolocation 318 319 319B 320 320A 321 322 440–450 Fixed Mobile except aeronautical mobile Radiolocation 318 319 319A	420–450	Radiolocation Amateur 318 319A 319B 320A 323 324
450–460	Fixed Mobile 318 319A	
460–470	Fixed Mobile Meteorological-satellite (Space-to-earth) 318A	

MOD 318
Spa2

Radio altimeters may also be used until 31 December 1974 in the band 420–460 MHz. However, after this date, they may be authorized to continue to operate on a secondary basis except in the U.S.S.R. where they will continue to operate on a primary basis.

NOC 318A 319
MOD 319A
Spa2

The band 449.75–450.25 MHz may be used for space telecommand and space research (Earth-to-space), subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

ADD 319B
Spa2

In France and the French Department of Guyana (Region 2) the frequency 434 MHz±0.25 MHz may be used for space operation (Earth-to-space) subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

NOC 320
ADD 320A
Spa2

In the band 435–438 MHz, the amateur-satellite service may be authorized, on condition that no harmful interference shall be caused to other services operating in accordance with the Table. Administrations authorizing such use shall ensure that any harmful interference caused by emissions from an amateur satellite is immediately eliminated in accordance with the provisions of No. 1567A.

NOC 321
MOD 322
Spa2

In Denmark, Norway and Sweden, the bands 430–432 MHz and 438–440 MHz are also allocated to the fixed and mobile services.

NOC 323 324
(MOD) 324A
Spa2

It is intended that meteorological-satellite space stations operating in the band 1 670–1 690 MHz shall transmit to selected earth stations. The location of such earth stations is subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

ADD 324B
Spa2

Earth exploration-satellite service applications, other than meteorological-satellite service, may also be used in the bands 460–470 MHz and 1 690–1 700 MHz for space-to-Earth transmissions on condition that no harmful interference is caused to stations operating in accordance with the Table.

MHz

Allocation to Services

Region 1	Region 2	Region 3
470–582 NOC	470–890 Broadcasting	470–585 NOC
582–606 Broadcasting Radionavigation 325 327 328 329		585–610 Radionavigation 330B 336 337
606–790 Broadcasting 329 330 330A 331 332 332A		610–890 Fixed Mobile Broadcasting
790–890 NOC		330B 332 332A 338 339
890–942 NOC	329A 332 332A 890–942 Fixed Radiolocation 339A 340	890–942 NOC

NOC 325
SUP 326
NOC 327 328 329
ADD 329A
Spa2

In Argentina and Uruguay, the band 602–608 MHz is allocated to the radio astronomy service.

NOC 330 330A
ADD 330B
Spa2

In India, the band 608–614 MHz is also allocated to the radio astronomy service.

NOC 331 332
ADD 332A
Spa2

Within the frequency band 620–790 MHz, assignments may be made to television stations using frequency modulation in the broadcasting-satellite service subject to agreement between the administrations con-

cerned and those having services, operating in accordance with the Table, which may be affected (see Resolutions Nos. Spa2–2 and Spa2–3). Such stations shall not produce a power flux density in excess of the value —129 dBW/m² for angles of arrival less than 20° (see Recommendation No. Spa2–10) within the territories of other countries without the consent of the administrations of those countries.

NOC 336 337 338 339 339A
MOD 340
Spa2

In Region 2, the frequency 915 MHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±13 MHz of that frequency. Radiocommunication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

In the Table of Frequency Allocations, replace the provisions for the band 1 350–1 400 MHz by the following:

MHz

Allocation to services		
Region 1	Region 2	Region 3
1 350–1 400 Fixed Mobile Radiolocation 349 349A	1 350–1 400 Radiolocation 349 349A	

NOC 349
ADD 349A
Spa2

Radio astronomy observations on the Hydrogen line displaced towards lower frequencies are carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of the band 1 350 — 1 400 MHz.

In the Table of Frequency Allocations, replace the provisions for the band 1 427 — 1 429 MHz by the following:

MHz

Region 1	Region 2	Region 3
1 427–1 429	Space operation (telecommand) Fixed Mobile except aeronautical mobile	

In the Table of Frequency Allocations, replace the provisions for the band 1 525–2 300 MHz by the following:

MHz

Allocation to services		
Region 1	Region 2	Region 3
1 525–1 535 Space operation (Telemetering) 350A Fixed 350B Earth exploration-satellite Mobile except aeronautical mobile 350C	1 525–1 535 Space operation (Telemetering) 350A Earth Exploration-Satellite Fixed Mobile 350D	1 525–1 535 Space operation (Telemetering) 350A Fixed 350B Earth exploration-satellite Mobile

MOD 350A
Spa2

Space stations employing frequencies in the band 1 525–1 535 MHz for telemetering purposes may also transmit tracking signals in this band.

NOC 350B 350C 350D
SUP 350E

MHz

Allocation to services		
Region 1	Region 2	Region 3
1 535–1 542.5	Maritime mobile-satellite 352 352D 352E	
1 542 5–1 543.5	Aeronautical mobile-satellite (R) Maritime mobile-satellite 352 352D 352F	
1 543.5–1 558.5	Aeronautical mobile-satellite (R) 352 352D 352G	
1 558.5–1 636.5	Aeronautical radionavigation 352 352A 352B 352D 352K	
1 636.5–1 644	Maritime mobile-satellite 352 352D 352H	
1 644–1 645	Aeronautical mobile-satellite (R) Maritime mobile-satellite 352 352D 352I	
1 645–1 660	Aeronautical mobile-satellite (R) 352 352D 352J	

SUP 351
NOC 352
MOD 352A
Spa2

The bands 1 558.5—1 636.5 MHz, 4 200—4 400 MHz, 5 000—5 250 MHz and 15.4—15.7 GHz are reserved on a world-wide basis for the use and development of airborne electronic aids to air navigation and any directly associated ground-based or satellite-borne facilities.

MOD 352B
Spa2

The bands 1 558.5—1 636.5 MHz, 5 000—5 250 MHz and 15.4—15.7 GHz are also allocated to the aeronautical mobile (R) service for the use and development of systems using space radiocommunication techniques. Such use and development is subject to agreement and co-ordination between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

SUP 352C
NOC 352D
ADD 352E
Spa2

The use of the band 1 535—1 542.5 MHz is limited to transmissions from space to earth stations in the maritime mobile-satellite service for communication and/or radiodetermination purposes. Transmissions from coast stations directly to ship stations, or between ship stations, are also authorized when such transmissions are used to extend or supplement the satellite-to-ship links.

ADD 352F
Spa2

The use of the band 1 542.5—1 543.5 MHz is limited to transmission from space to earth stations in the aeronautical mobile-satellite (R) and maritime mobile-satellite services for communication and/or radiodetermination purposes. Transmissions from land stations directly to mobile stations, or between mobile stations, of the aeronautical mobile (R) and maritime mobile services, are also authorized. The utilization of this band is subject to prior operational coordination between the two services.

ADD 352G
Spa2

The use of the band 1 543.5—1 558.5 MHz is limited to transmissions from space to earth stations in the aeronautical mobile-satellite (R) service for communication and/or radiodetermination purposes. Transmissions from terrestrial aeronautical stations directly to aircraft stations, or between aircraft stations, in the aeronautical mobile (R) service are also authorized when such transmissions are used to extend or supplement the satellite-to-aircraft links.

ADD 352H
Spa2

The use of the band 1 636.5—1 644 MHz is limited to transmissions from earth to space stations in the maritime mobile-satellite service for communication and/or radiodetermination purposes. Transmissions from ship stations directly to coast stations, or between ship stations, are also authorized when such transmissions are used to extend or supplement the ship-to-satellite links.

ADD 352I
Spa2

The use of the band 1 644—1 645 MHz is limited to transmissions from earth to space stations in the aeronautical mobile-satellite (R) and maritime mobile-satellite services for communication and/or radiodetermination purposes. Transmissions from mobile stations directly to land stations, or between mobile stations, of the aeronautical mobile (R) and maritime mobile services, are also authorized. The utilization of this band is subject to prior operational coordination between the two services.

ADD 352J
Spa2

The use of the band 1 645–1 660 MHz is limited to transmissions from earth to space stations in the aeronautical mobile-satellite (R) service for communication and/or radiodetermination purposes. Transmissions from aircraft stations in the aeronautical mobile (R) service directly to terrestrial aeronautical stations, or between aircraft stations, are also authorized when such transmissions are used to extend or supplement the aircraft-to-satellite links.

ADD 352K
Spa2

Radio astronomy observations on important spectral lines due to the hydroxyl radicle OH at frequencies 1 612.231 MHz and 1 720.530 MHz are carried out in a number of countries under national arrangements; the bands observed being 1 611.5–1 612.5 MHz and 1 720–1 721 MHz respectively. Administrations should bear in mind the needs of radio astronomy service in their future planning of the bands 1 558.5–1 636.5 MHz and 1 710–1 770 MHz.

MHz

Allocation to services		
Region 1	Region 2	Region 3
1 660–1 670	Meteorological aids Radio astronomy 353A 354 354A 354B	
1 670–1 690	Meteorological aids Fixed Meteorological-satellite (space-to-earth) 324A Mobile except aeronautical mobile 354	
1 690–1 700 Meteorological aids Meteorological-satellite (space-to-earth) Fixed Mobile except aeronautical mobile 324B 354A	1 690–1 700 Meteorological aids Meteorological-satellite (space-to-earth) 324B 354A 354C	
1 700–1 710 Fixed Space research (space-to-earth) Mobile 354D	1 700–1 710 Fixed Mobile Space research (space-to-earth) 354D	

SUP 353
MOD 353A
Spa2

In view of the successful detection by astronomers of two hydroxyl spectral lines in

the regions of 1 665 MHz and 1 667 MHz, administrations are urged to give all practicable protection in the band 1 660–1 670 MHz for future research in radio astronomy particularly by eliminating air-to-ground transmissions in the meteorological aids service in the band 1 664.4–1 668.4 MHz as soon as practicable.

NOC 354
MOD 354A
Spa2

In Bulgaria, Cuba, Ethiopia, Hungary, Israel, Jordan, Kenya, Kuwait, Lebanon, Uganda, Pakistan, Poland, the United Arab Republic, Roumania, Syria, Tanzania, Czechoslovakia, the U.S.S.R. and Yugoslavia, the bands 1 660–1 670 MHz and 1 690–1 700 MHz are also allocated to the fixed service and the mobile, except aeronautical mobile, service.

NOC 354B 354C
ADD 354D
Spa2

The band 1 700–1 700.2 MHz may be used, on a secondary basis, for the transmission from space stations on board satellites of frequencies harmonically related to those emitted in the bands 149.9–150.05 MHz and 399.9–400.05 MHz for the requirements of ionospheric investigation and geodesy.

SUP 355A

MHz

Allocation to services		
Region 1	Region 2	Region 3
1 710–1 770	1 710–1 770	
Fixed		Fixed
Mobile		Mobile
352K 356		352K 356A
1 770–1 790	1 770–1 790	
Fixed		Fixed
Meteorological-satellite 356AA		Mobile
Mobile		Meteorological-satellite 356AA
356		356A
1 790–2 290	1 790–2 290	
Fixed		Fixed
Mobile		Mobile
356 356AB 356ABA 356AC		356A 356AB 356ABA
2 290–2 300	2 290–2 300	
Fixed		Fixed
Space research (space-to-earth)		Mobile
		Space research (space-to-earth)
Mobile 356C		

MOD 356
Spa2

In Switzerland, the band 1 710–2 290 MHz is allocated to the fixed service and the mobile, except the aeronautical mobile, service and the band 1 770–1 790 MHz is also allocated, on a secondary basis, to the meteorological-satellite service.

MOD 356A
Spa2

In Region 2, in Australia and Japan, the band 1 750–1 850 MHz may also be used for Earth-to-space transmissions, and in Regions 2 and 3, the band 2 200–290 MHz may also be used for space-to-Earth transmissions in the space research service, subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

NOC 356AA [NOC 356AA *is* (MOD) 356AA *in the French and Spanish version.*]

ADD 356AB
Spa2

In Regions 2 and 3 and in Spain, in the band 2 025–2 120 MHz Earth-to-space transmissions in the earth exploration-satellite service may be authorized with equality of right to operate with stations of other space radiocommunication services in this band and subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

ADD 356ABA
Spa2

In Region 2, in Australia and Spain, in the band 2 025–2 120 MHz and in Regions 1 and 3, in the band 2 110–2 120 MHz Earth-to-space transmissions in the space research service may be authorized with equality of right to operate with other space radiocommunication services in these bands and subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

ADD 356AC
Spa2

In Region 1, in the band 2 096–2 120 MHz, Earth-to-space transmissions in the earth exploration-satellite service may be authorized with equality of right to operate with stations of other space radiocommunication services in this band and subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected (see No. 356AB)).

SUP 356B
NOC 356C

In the Table of Frequency Allocations, replace the provisions for the band 2 450–2 700 MHz by the following:

MHz

Allocation to services		
Region 1	Region 2	Region 3
2 450–2 500	2 450–2 500	
Fixed		Fixed
Mobile		Mobile
Radiolocation		Radiolocation
357 361		357
2 500–2 550	2 500–2 535	
Fixed 364C		Fixed 364C
Mobile except aeronautical mobile		Fixed-satellite (Space-to-Earth)
Broadcasting-satellite 361B		Mobile except aeronautical mobile
		Broadcasting-satellite 361B 361A 364E 364F
	2 535–2 550	
		Fixed 364C
		Mobile except aeronautical mobile
		Broadcasting-satellite 361B
361A 362 364F		361A 364F
2 550–2 655		
		Fixed 364C
		Mobile except aeronautical mobile
		Broadcasting-satellite 361B
		362 363 364 364F
2 655–2 690	2 655–2 690	
Fixed 364C 364D		Fixed 364C 364D
Mobile except aeronautical mobile		Fixed-satellite (earth-to-space)
		Mobile except aeronautical mobile
Broadcasting-satellite 361B 364H		Broadcasting-satellite 361B 364H
363 364 364F 364G		364E 364F 364G
2 690–2 700		
	Radio astronomy 233B 363 364A 364B	

NOC 357
MOD 361
Spa2

In France and the United Kingdom, the band 2 450–2 500 MHz is allocated on a primary basis to the radiolocation service and, on a secondary basis, to the fixed and mobile services.

ADD 361A
Spa2

In France, the band 2 500–2 550 MHz is also allocated, on a primary basis, to the radiolocation service and, on a secondary basis, to the fixed and mobile services. In Canada, the 2 500–2 550 MHz is also allocated on a primary basis to the radiolocation service.

ADD 361B
Spa2

The use of the band 2 500–2 690 MHz by the broadcasting-satellite service is limited to domestic and regional systems for community reception and such use is subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected (see Resolutions Nos. Spa2–2 and Spa2–3). The power flux density at the Earth's surface shall not exceed the values given in Nos. 470NH–470NK.

MOD 362
Spa2

In the United Kingdom, the band 2 500–2 600 MHz is also allocated, on a secondary basis, to the radiolocation service.

NOC 363
MOD 364
Spa2

In Region 1, tropospheric scatter systems may operate in band 2 550–2 690 MHz, subject to agreement between the administrations concerned and those having terrestrial radiocommunication services, operating in accordance with the Table, which may be affected.

MOD 364A
Spa2

In Bulgaria, Cuba, Hungary, Israel, Kuwait, Lebanon, Morocco, Pakistan, the Philippines, Poland, the United Arab Republic, Roumania, Czechoslovakia, the U.S.S.R. and Yugoslavia, the band 2 690–2 700 MHz is also allocated to the fixed and mobile services.

NOC 364B
ADD 364C
Spa2

When planning new tropospheric scatter radio-relay links in the band 2 500–2 690 MHz, all possible measures shall be taken to avoid directing the antennae of these links toward the geostationary satellite orbit.

ADD 364D
Spa2

Administrations shall make all practicable effort to avoid developing new tropospheric scatter systems in the band 2 655–2 690 MHz.

ADD 364E
Spa2

The use of the bands 2 500–2 535 MHz and 2 655–2 690 MHz by the fixed-satellite service is limited to domestic and regional systems and such use is subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected (see Article 9A). In the direction space-to-Earth, the power flux density at the Earth's surface shall not exceed the values given in 470NE.

ADD 364F
Spa2

In Bulgaria, Iran, Portugal and the U.S.S.R., the band 2 600-2 690 MHz is allocated to the fixed service and the mobile, except aeronautical mobile, service.

ADD 364G
Spa2

Radio astronomy observations in the band 2 670-2 690 MHz are carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of this band.

ADD 364H
Spa2

In the design of systems in the broadcasting-satellite service, administrations are

urged to take all necessary steps to protect the radio astronomy service in the band 2 690–2 700 MHz.

SUP 365 (*see* ADD 233B)

In the Table of Frequency Allocations, replace the provisions for the band 3 400-5 250 MHz by the following:

MHz

Allocation to services		
Region 1	Region 2	Region 3
3 400–3 500 Fixed Fixed-satellite (space-to-earth) Mobile Radiolocation 372 373 374 375	3 400–3 500 Fixed-satellite (space-to-earth) Radiolocation Amateur 376	
3 600–4 200 Fixed Fixed-satellite (space-to-earth) Mobile	3 500–3 700 Fixed Fixed-satellite (space-to-earth) Mobile Radiolocation 3 700–4 200 Fixed Fixed-satellite (space-to-earth) Mobile 379	3 500–3 700 Fixed-satellite (space-to-earth) Radiolocation Fixed Mobile 377 378
374 4 200–4 400 Aeronautical radionavigation 352A 379A 381 382 383		
4 400–4 700 Fixed Fixed-satellite (earth-to-space) Mobile		

MHz

Allocation to services		
Region 1	Region 2	Region 3
4 700–4 990 Fixed Mobile 233B 354 382A 382B		
4 990–5 000 Fixed Mobile Radio astronomy 233B 5 000–5 250	4 990–5 000 Radio astromomy 383A Aeronautical radionavigation 352A 352B 383B	4 990–5 000 Fixed Mobile Radio astronomy 233B

NOC 372
(MOD) 373
Spa2

In Denmark, Norway, Sweden and Switzerland, the fixed, mobile, radiolocation and fixed-satellite services operate on a basis of equality of rights in the band 3 400—3 600 MHz.

NOC 374
SUP 374A
NOC 375 376
MOD 377
Spa2

In China and Japan, the band 3 500—3 700 MHz is also allocated to the fixed and mobile services.

NOC 378
(MOD) 379
Spa2

In Australia, the band 3 700—3 770 MHz is allocated to the radiolocation and fixed-satellite services.

ADD 379A
Spa2

The standard frequency-satellite service and the time signal-satellite service may be authorized to use the frequency 4 202 MHz for space-to-Earth transmissions and the frequency 6 427 MHz for Earth-to-space transmissions. Such transmissions shall be confined within the limits of ±2 MHz of these frequencies and shall be subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

NOC 381 382
ADD 382A
Spa2

Radio astronomy observations on the formaldehyde line (rest frequency 4 829–649 MHz) are being carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of the band 4 825–4 835 MHz.

ADD 382B
Spa2

Radio astronomy observations in the band 4 950–4 990 MHz are being carried out in a number of countries under national arrangements. Administrations should bear in mind the needs of the radio astronomy service in their future planning of his band.

NOC 383
(MOD) 383A
Spa2

In Cuba, the band 4 990–5 000 MHz is also allocated to the fixed and mobile services, and the provisions of No. 233B apply.

ADD 383B
Spa2

The band 5 000–5 250 MHz is also allocated to the fixed-satellite service for connection between one or more earth stations at specified fixed points on the Earth and satellites used by the aeronautical mobile (R) service and/or the radio-determination service. Such use and development shall be subject to agreement and co-ordination between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

In the Table of Frequency Allocations, replace the provisions for the band 5 725–7 750 MHz in Regions 1 and 3 and for the bands 5 725–5 850 MHz and 5 925–7 750 MHz in Region 2 by the following:

MHz

Allocation to services		
Region 1	Region 2	Region 3
5 725–5 850 Fixed-satellite (earth-to-space) Radiolocation Amateur 354 388 390 91 391A	5 725–5 850 389 391 391A	Radiolocation Amateur

NOC 388 389
(MOD) 390
Spa2

In Albania, Bulgaria, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the band 5 800 – 5 850 MHz is allocated to the fixed, mobile and fixed-satellite services.

NOC 391
ADD 391A
Spa2

Radio astronomy observations are being carried out in the bands 5 750 – 5 770 MHz and 36 458 – 36 488 GHz in a number of countries under national arrangements. Administrations are urged to take all practicable steps to protect radio astronomy observations in these bands from harmful interference.

MHz

Allocation to services		
Region 1	Region 2	Region 3
5 850–5 925 Fixed Fixed-satellite (earth-to-space) Mobile 391	5 850–5 925 NOC	5 850–5 925 Fixed Fixed-sattelite (earth-to-space) Mobile Radiolocation 391
5 925–6 425 Fixed Fixed-satellite (earth-to-space) Mobile		
6 425–7 250 Fixed Mobile 379A 392AA 392B 393		
7 250–7 300 Fixed-satellite (space-to-earth) 392D 392G		

MHz

Allocation to services		
Region 1	Region 2	Region 3
7 300–7 450 Fixed Fixed-satellite (space-to-earth) Mobile 392D		
7 450–7 550 Fixed Fixed-satellite (space-to-earth) Meteorological-satellite (space-to-earth) Mobile 392D		
7 550– 7750 Fixed Fixed-satellite (space-to-earth) Mobile 392D		

SUP 392A
ADD 392AA
Spa2

In Brazil, Canada and the United States of America, the band 6 625–7 125 MHz is also allocated, on a secondary basis, to the fixed-satellite service for space-to-Earth transmissions. In Region 2, the power flux density produced by space stations in this band shall be in accordance with the provisions of No. 470NM. In Regions 1 and 3, it shall be at least 6 dB lower. Receiving earth stations in this band may not impose restrictions on the locations or technical parameters of existing or future terrestrial stations of other countries.

MOD 392B
Spa2

The band 7 145–7 235 MHz may be used for Earth-to-space transmissions in the space research service, subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

SUP 392C
MOD 392D
Spa2

As an exception, passive fixed-satellite systems also may be accommodated in the band 7 250–7 750 MHz subject to:

a) agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected;

b) the co-ordination procedures laid down in Articles 9 and 9A.

Such systems shall not cause any more interference at active earth station receivers than would be caused by the fixed or mobile service. Power flux density limitations at the Earth's surface after reflection from the passive fixed-satellites shall not exceed those

prescribed in the present Regulations for active fixed-satellite systems.

SUP 392F
NOC 392G 392H 393

In the Table of Frequency Allocations, replace the provisions for the band 7 900–8 500 MHz by the following:

MHz

Allocation to services		
Region 1	Region 2	Region 3
7 900—7 975	Fixed Fixed-satellite (earth-to-space) Mobile	
7 975—8 025	Fixed-satellite (earth-to-space) 392H	

MHz

Allocation to services		
Region 1	Region 2	Region 3
8 025–8 175 Fixed Fixed-satellite (earth-to-space) Mobile Earth exploration-satellite (space-to-earth) 394B	8 025–8 175 Earth exploration-satellite (space-to-earth) Fixed Fixed-satellite (earth-to-space) Mobile	8 025–8 175 Fixed Fixed-satellite (earth-to-space) Mobile Earth exploration-satellite (space-to-earth)
8 175–8 215 Fixed Fixed-satellite (earth-to-space) Meteorological-satellite (earth-to-space) Mobile Earth exploration-satellite (space-to-earth) 394B	8 175–8 215 Earth exploration-satellite (space-to-earth) Fixed Fixed-satellite (earth-to-space) Meteorological-satellite (earth-to-space) Mobile	8 175–8 215 Fixed Fixed-satellite (earth-to-space) Meteorological-satellite (earth-to-space) Mobile Earth exploration-satellite (space-to-earth)
8 215–8 400 Fixed Fixed-satellite (earth-to-space) Mobile Earth exploration-satellite (space-to-earth) 394 394B	8 215–8 400 Earth exploration-satellite (space-to-earth) Fixed Fixed-satellite (earth-to-space) Mobile	8 215–8 400 Fixed Fixed-satellite (earth-to-space) Mobile Earth exploration-satellite (space-to-earth) 394

MHz

Allocation to services		
Region 1	Region 2	Region 3
8 400–8 500		Fixed Mobile Space research (space-to-earth) 394A 394D

(MOD) 394
Spa2

In Australia and the United Kingdom, the band 8 250–8 400 MHz is allocated to the radiolocation and fixed-satellite services.

MOD 394A
Spa2

In the United Kingdom, the band 8 400–8 500 MHz is allocated to the radiolocation and space research services

(MOD) 394B
Spa2

In Israel, the band 8 025–8 400 MHz is allocated, on a primary basis, to the fixed and mobile services and, on a secondary basis, to the fixed-satellite service.

SUP 394C
NOC 394D

In the Table of Frequency Allocations, replace the provisions for the band 10 v 55 15.35 GHz by the following:

GHz

Allocation to services		
Region 1	Region 2	Region 3
10·55–10·6 10·6–10·68	NOC Fixed Mobile Radio astronomy Radiolocation 404A	
10·68–10·7	Radio astronomy 405B	

ADD 404A
Spa2

In the F.R. of Germany, in the band 10.6–10.68 GHz, the radio astronomy

SUP 405A
NOC 405B

GHz

Allocation to services		
Region 1	Region 2	Region 3
10.7–10.95	Fixed Mobile	
10.95–11.2 Fixed Fixed-satellite (space-to-earth) (earth-to-space) Mobile	10.95–11.2	Fixed Fixed-satellite (space-to-earth) Mobile
11.2–11.45	Fixed Mobile	
11.45–11.7	Fixed Fixed-satellite (space-to-earth) Mobile	

GHz

Allocation to services		
Region 1	Region 2	Region 3
11.7–12.5 Fixed Mobile except aeronautical mobile Broadcasting Broadcasting-satellite	11.7–12.2 Fixed Fixed-satellite (space-to-earth) Mobile except aeronautical mobile Broadcasting Broadcasting-satellite 405BB 405BC	11.7–12.2 Fixed Mobile except aeronautical mobile Broadcasting Broadcasting-satellite 405BA
12.2–12.5		Fixed Mobile except aeronautical moblie Broadcasting
405BA 12.5–12.7 Fixed-satellite (space-to-earth) (earth-to-space)	12.5–12.75 Fixed Fixed-satellite (earth-to-sapce) Mobile except aeronautical mobile	12.5–12.75 Fixed Fixed-satellite (space-to-earth) Mobile except aeronautical mobile
405BD 405BE 12.75–13.25	Fixed Mobile	
13.25–13.4	Aeronautical radionavigation 406 407 407A	
13.4–14	Radiolocation 407 407A 408 409	

GHz

Allocation to services		
Region 1	Region 2	Region 3
14–14.3	Fixed-satellite (earth-to-space) Radionavigation 408A 407 407A	
14.3–14.4	Fixed-satellite (earth-to-sapce) Radionavigation-satellite 408A	
14.4–14.5	Fixed Fixed-satellite (earth-to-space) Mobile 408B 408C	
14.5–15.35	Fixed Mobile 408B 408C	

ADD 405BA
Spa2

In the band 11.7–12.2 GHz in Region 3 and in the band 11.7–12.5 GHz in Region 1, existing and future fixed, mobile and broadcasting services shall not cause harmful interference to broadcasting-satellite stations operating in accordance with the decisions of the appropriate broadcasting frequency assignment planning conference (see Resolution No. Spa2–2) and this requirement shall be taken into account in the decisions of that conference.

ADD 405BB
Spa2

Terrestrial radiocommunication services in the band 11.7–12.2 GHz in Region 2 shall be introduced only after the elaboration and approval of plans for the space radiocommunication services, so as to ensure compatibility between the uses that each country decides for this band.

ADD 405BC
Spa2

The use of the band 11.7–12.2 GHz in Region 2 by the broadcasting-satellite and fixed-satellite services is limited to domestic systems and is subject to previous agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected (see Article 9A and Resolution No. Spa2–3).

ADD 405BD

In Bulgaria, Cameroon, Congo (Brazzaville), the Ivory Coast, Gabon, Ghana, Hungary, Iraq, Israel, Jordan, Kuwait, Libya, Mali, Niger, Poland, Syria, United Arab Republic, Rumania, Senegal, Czechoslovakia, Togo and the U.S.S.R., the band 12.5–12.75 GHz is also allocated to the fixed service and the mobile, except aeronautical mobile, service.

ADD 405BE
Spa2

In Algeria, Belgium, Denmark, Spain, Ethiopia, Finland, France, Greece, Kenya, Liechtenstein, Luxembourg, Monaco, Norway, Uganda, Netherlands, Portugal, the F.R. of Germany, Sweden, Switzerland, Tanzania and Tunisia, the band 12.5–12.75 GHz is also allocated, on a secondary basis, to the fixed service and the mobile, except aeronautical mobile, service.

NOC 406
MOD 407
Spa2

In Albania, Bulgaria, Hungary, Poland, Rumania, Czechoslovakia and the U.S.S.R., the bands 13.25–13.5 GHz, 14.175–14.3 GHz, 15.4–17.7 GHz, 23.6–24 GHz, 24.05–24.25 GHz

and 33.4–36 GHz are also allocated to the fixed and mobile services.

ADD 407A
Spa2

The band 13.25–14.2 GHz may also be used, on a secondary basis, for Earth-to-space transmissions in the space research service, subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

MOD 408
Spa2

In Sweden, the bands 13.4–14 GHz, 15.7–17.7 GHz and 33.4–36 GHz are also allocated to the fixed and mobile services.

ADD 408A
Spa2

The use of the bands 14–14.3 GHz and 14.3–14.4 GHz by the radionavigation service and radionavigation-satellite service respectively, shall be such as to provide sufficient protection to space stations of the fixed-satellite service (see Recommendation No. Spa2–15, paragraph 2.14).

ADD 408B
Spa2

The band 14.4–15.35 GHz may also be used, on a secondary basis, for space-to-Earth transmissions in the space research service, subject to agreement between the administrations concerned and those having services, operating in accordance with the Table, which may be affected.

ADD 408C
Spa2

Radio astronomy observations on the formaldehyde line (rest frequency 14.489 GHz) are being carried out in a number of countries under national arrangements. In making assignments to stations in the fixed and mobile services, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference in the band 14.485–14.515 GHz.

NOC 409
SUP 409A 409B

In the Table of Frequency Allocations, replace the provisions for the band 17.7–24.25 GHz by the following:

GHz

Allocation to services		
Region 1	Region 2	Region 3
17.7–19.7	Fixed Fixed-satellite (space-to-earth) Mobile	
19.7–21.2	Fixed-satellite (space-to-earth) 409E	
21.2–22	Earth exploration-satellite (space-to-earth) Fixed Mobile	
22–22.5	Fixed Mobile 410A	
22.5–23	Fixed Mobile	22.5–23 Fixed Mobile Broadcasting-satellite 410B
23–23.6	Fixed Mobile	
23.6–24	Radio astronomy 407	
24–24.05	Amateur Amateur-satellite 410C	
24.05–24.25	Radiolocation Amateur 407 410C	

SUP 409D
ADD 409E
Spa2

In Japan, the bands 19.7–21.2 GHz and 29.5–31 GHz are also allocated to the fixed and mobile services. This additional use shall not impose any limitation on the power flux density of space stations in the fixed-satellite service.

SUP 410
ADD 410
Spa2

The band 22.21–22.26 GHz is also allocated to the radio astronomy service for observations of a spectral line due to water vapour (rest frequency 22.235 GHz). Administrations are urged to give all practicable protection in this band for future research in radio astronomy.

ADD 410
Spa2

In Region 3, the broadcasting-satellite service is authorized in the band 22.5–23.0 GHz, subject to power flux density limits for the protection of the terrestrial services in this band.

ADD 410C
Spa2

The frequency 24.125 GHz is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±125 MHz of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

In the Table of Frequency Allocations, replace the provisions for the band 25.25–31.3 GHz by the following:

GHz

Allocation to services		
Region 1	Region 2	Region 3
25.25–27.5	Fixed Mobile	
27.5–29.5	Fixed Fixed-satellite (earth-to-space) Mobile	
29.5–31	Fixed-satellite (earth-to-space) 409E	
31–31.3	Fixed Mobile Space research 412H 412I	

NOC 412E 412H
ADD 412I
Spa2

Radio astronomy observations in the band 31.2–31.3 GHz are carried out in a number of countries under national arrangements. Administrations are urged to take all practicable steps to protect radio astronomy observations in this band from harmful interference.

In the Table of Frequency Allocations, replace the provisions for the band 36–40 GHz by the following:

GHz

Region 1	Region 2	Region 3
36–40	Fixed Mobile 391A 412E	

In the Table of Frequency Allocations, replace the indication "above 40 (Not allocated)" by the following new Table:

GHz

Allocation to services		
Region 1	Region 2	Region 3
40–41	Fixed-satellite (space-to-earth)	
41–43	Broadcasting-satellite	
43–48	Aeronautical mobile-satellite Maritime mobile-satellite Aeronautical radionavigation-satellite Maritime radionavigation-satellite	
48–50	(Not allocated)	
50–51	Fixed-satellite (earth-to-space)	
51–52	Earth exploration-satellite Space research	
52–54.25	Space research (passive) 412J	
54.25–58.2	Inter-satellite	

ADD 412J
Spa2

All emissions in the bands 52–54.25 GHz, 58.2–59 GHz, 64–65 GHz. 86–92 GHz, 101–102 GHz, 130–140 GHz, 182–185 GHz and 230–240 GHz are prohibited. The use of passive sensors by other services is also authorized.

GHz

Allocation to services		
Region 1	Region 2	Region 3
58.2–59	Space research (passive) 412J	
59–64	Inter-satellite	
64–65	Space research (passive) 412J	
65–66	Earth exploration-satellite Space research	
66–71	Aeronautical mobile-satellite Maritime mobile-satellite Aeronautical radionavigation-satellite Maritime radionavigation-satellite	
71–84	(Not allocated)	
84–86	Broadcasting-satellite	
86–92	Radio astronomy Space research (passive) 412J	

GHz

Allocation to services		
Region 1	Region 2	Region 3
92–95	Fixed-satellite (earth-to-space)	
95–101	Aeronautical mobile-satellite Maritime mobile-satellite Aeronautical radionavigation-satellite Maritime radionavigation satellite	
101–102	Space research (passive) 412J	
102–105	Fixed-satellite (space-to-earth)	
105–130	Inter-satellite 412K	
130–140	Radio astronomy Space research (passive) 412J	
104–142	Fixed-satellite (earth-to-space)	

ADD 412K
Spa2

Radio astronomy observations on the carbon monoxide line at 115–271 GHz are carried out in a number of countries under national arrangements. In making assignments to other services in the Table, administrations should bear in mind the need to protect radio astronomy observations from harmful interference in the band 115.16–115.38 GHz.

GHz

Allocation to services		
Region 1	Region 2	Region 3
142–150	Aeronautical mobile-satellite Maritime mobile-satellite Aeronautical radionavigation-satellite Maritime radionavigation-satellite	
150–152	Fixed-satellite (space-to-earth)	
152–170	(Not allocated)	
170–182	Intersatellite	
182–185	Space research (passive) 412J	
185–190	Intersatellite	
190–200	Aeronautical mobile-satellite Maritime mobile-satellite Aeronautical radionavigation-satellite Maritime radionavigation-satellite	
200–220	(Not allocated)	
220–230	Fixed-satellite	
230–240	Radio astronomy Space research (passive) 412J	
240–250	(Not allocated)	
250–265	Aeronautical mobile-satellite Maritime mobile-satellite Aeronautical radionavigation-satellite Maritime radionavigation-satellite	
265–275	Fixed-satellite	
Above 275	(Not allocated)	

ANNEX 4: REVISION OF ARTICLE 6 OF THE RADIO REGULATIONS

Article 6 of the Radio Regulations shall be amended as follows:

Replace Regulation No. 415 by the following new text:

MOD 415
Spa2

§ 2. (1) When special circumstances make it indispensable to do so, an administration may, as an exception to the normal methods of working authorized by these Regulations, have recourse to the special methods of working enumerated below, on the sole condition that the characteristics of the stations still conform to those inserted in the Master International Frequency Register:

(a) a fixed station in the terrestrial radiocommunication service or an earth station in the fixed-satellite service may, on a secondary basis, transmit to mobile stations on its normal frequencies;

(b) a land station may communicate, on a secondary basis, with fixed stations in the terrestrial radio communication service or earth stations in the fixed-satellite service or other land stations of the same category.

Replace Regulation No. 417 by the following new text:

MOD 417
Spa2

§ 3. Any administration may assign a frequency in a band allocated to the fixed service or allocated to the fixed-satellite service to a station authorized to transmit, unilaterally, from one specified fixed point to one or more specified fixed points provided that such transmissions are not intended to be received directly by the general public.

Add the following new text after Regulation No. 419:

ADD 419A
Spa2

§ 5A. Earth stations on board aircraft are authorized to use frequencies in the bands allocated to the maritime mobile-satellite service for the purpose of communicating, via the stations of that service, with the public telegraph and telephone networks.

ANNEX 5: REVISION OF ARTICLE 7 OF THE RADIO REGULATIONS

Article 7 of the Radio Regulations shall be amended as follows:

Add the following new sub-title and text after Section I:

ADD Spa2

SECTION IA. BROADCASTING-SATELLITE SERVICE

ADD 428A
Spa2

§ 2A. In devising the characteristics of a space station in the broadcasting-satellite service, all technical means available shall be used to reduce, to the maximum extent practicable, the radiation over the territory of other countries unless an agreement has been previously reached with such countries.

Replace the title of Section VII by the following new title:

MOD Spa2

SECTION VII. TERRESTRIAL RADIOCOMMUNICATION SERVICES SHARING FREQUENCY BANDS WITH SPACE RADIOCOMMUNICATION SERVICES ABOVE 1GHZ

Choice of Sites and Frequencies

Replace Regulation No. 470A by the following new text:

(MOD) 470A
Spa2

§ 18. Sites and frequencies for terrestrial stations, operating in frequency bands shared with equal rights between terrestrial radiocommunication and space radiocommunication services shall be selected having regard to the relevant Recommendations of the C.C.I.R. with respect to geographical separation from earth stations.

After Regulation No. 470A, add the following new Regulations:

ADD 470AA
Spa2

§ 18A. (1) As far as practicable, sites for transmitting [1] stations, in the fixed or mobile service, employing maximum values of equivalent isotropically radiated power exceeding +35 dBW in the frequency bands between 1 and 10 GHz, should be selected so that the direction of maximum radiation of any antenna will be at least 2° away from the geostationary satellite orbit, taking into account the effect of atmospheric refraction.[2]

ADD 470AB
Spa2

(2) As far as practicable, sites for transmitting [3] stations, in the fixed or mobile service, employing maximum values of equivalent isotropically radiated power exceeding +45 dBW in the frequency bands between 10 and 15 GHz, should be selected so that the direction of maximum radiation of any antenna will be at least 1–5° away from the geostationary satellite orbit, taking into account the effect of atmospheric refraction.[4]

ADD 470AC
Spa2

(3) In the frequency bands above 15 GHz there shall be no restriction as to the direction of maximum radiation for stations in the fixed or mobile service.

ADD 470AA.1
Spa2

Power Limits

Replace Regulation No. 470B by the following new text:

MOD 470B
Spa2

§ 19. (1) The maximum equivalent isotropically radiated power of a station in the fixed or mobile service shall not exceed +55 dBW.

After Regulation No. 470B, add the following new Regulations:

ADD 470BA
Spa2

(1A) Where compliance with No. 470AA is impracticable the maximum equivalent isotropically radiated power of a station in the fixed or mobile service shall not exceed:

+47 dBW in any direction within 0.5° of the geostationary satellite orbit; or

+47 dBW to +55 dBW, on a linear decibel scale (8 dB per degree), in any direction between 0.5 and 1.5 of the geostationary satellite orbit, taking into account the effect of atmospheric refraction.[1]

Replace Regulation No. 470C by the following new text:

MOD 470C
Spa2

(2) The power delivered by a transmitter to the antenna of a station in the fixed or mobile service in frequency bands between 1 and 10 GHz, shall not exceed +13 dBW.

After Regulation No. 470C, add the following new Regulation:

ADD 470C
Spa2

[1] For their own protection receiving stations in the fixed or mobile services operating in bands shared with space radiocommunication services (space-to-Earth) should also avoid directing their antennae towards the geostationary satellite orbit if their sensitivity is sufficiently high that interference from space station transmissions may be significant.

ADD 470AA.2
Spa2

[2] Information on this subject is given in the most recent version of C.C.I.R. Report N . 393.

ADD 470AB.1
Spa2

[3] See No. 470AA.1.

ADD 470AB.2
Spa2

[4] See No. 470AA.2.

(2A) The power delivered by a transmitter to the antenna of a station in the fixed or mobile service in frequency bands above 10 GHz shall not exceed + 10 dBW.

ADD 470BA.1 [1] See No. 370AA.2.
Spa2

Replace Regulation No. 470D by the following new text:

MOD 470D
Spa2

(3) The limits given in Nos. 470AA, 470B, 470BA and 470C apply in the following frequency bands allocated to the fixed-satellite service and the meteorological-satellite service for reception by space stations, where these bands are shared with equal rights with the fixed or mobile service:

2 655–2 690 MHz (for Regions 2 and 3)
5 800–5 850 MHz (for the countries mentioned in No. 390)
5 850–5 925 MHz (for Regions 1 and 3)
5 925–6 425 MHz
7 900–7 975 MHz
7 975–8 025 MHz (for the countries mentioned in No. 392H)
8 025–8 400 MHz

After Regulation No. 470D, add the following new Regulations:

ADD 470DA
Spa2

(4) The limits given in Nos. 470AB, 470B and 470CA apply in the following frequency bands allocated to the fixed-satellite service for reception by space stations, where these bands are shared with equal rights with the fixed or mobile service:

10.95–11.20 GHz (Region 1)
12.50–12.75 GHz (Regions 1 and 2)
14.175–14.300 GHz (for the countries mentioned in No. 407)
14.4–14.5 GHz

ADD 470DB
Spa2

(5) The limits given in Nos. 470B and 470CA apply in the following frequency bands allocated to the fixed-satellite service for reception by space stations, where these bands are shared with equal rights with the fixed or mobile service:

27 5 - 29 5 GHz
29 5 - 31 0 GHz (for the country mentioned in No. 409E)

Replace the title of Section VIII by the following new title:

MOD Spa2

Section VIII. Space Radiocommunication Services sharing Frequency Bands with Terrestrial Radiocommunication Services above 1 GHz

Choice of Sites and Frequencies

Replace Regulation No. 470E by the following new text:

(MOD) 470E
Spa2

§ 20. Sites and frequencies for earth stations, operating in frequency bands shared with equal rights between terrestrial radiocommunication and space radiocommunication services, shall be selected having regard to the relevant Recommendations of the C.C.I.R. with respect to geographical separation from terrestrial stations.

Power Limits

Replace Regulations Nos. 470F and 470G by following new texts:

MOD 470F
Spa2

§ 21. (1) Earth stations.

MOD 470G
Spa2

(2) The equivalent isotropically radiated power transmitted in any direction towards the horizon by an earth station operating in frequency bands between 1 and 15 GHz, shall not exceed the following limits except as provided in Nos. 470H or 470GC:

+40 dBW in any 4 kHz band for θ less than equal 0°

+40+30dBW in any 4kHz band for 0° < θ (less than equal)

where θ is the angle of elevation of the horizon viewed from the centre of radiation of the antenna of the earth station and measured in degrees as positive above the horizontal plane and negative below it.

After Regulation No. 470G, add the following new Regulations:

ADD 470GA
Spa2

(2A) The equivalent isotropically radiated power transmitted in any direction towards the horizon by an earth station operating in frequency bands above 15 GHz shall not exceed the following limits except as provided in Nos. 470H or 470GD:

+64 dBW in any 1 MHz band for θ (less than equal) 0°

+64+3θ dBW in any 1 MHz band for 0° < θ (lss than equal) 5°

where θ is as defined in No. 470G.

ADD 470GB
Spa2

(2B) For angles of elevation of the horizon greater than 5° there shall be no restriction as to the equivalent isotropically radiated power transmitted by an earth station towards the horizon.

ADD 470GC
Spa2

(2C) As an exception to the limits given in No. 470G, the equivalent isotropically radiated power towards the horizon for an earth station in the space research service (deep-space) shall not exceed +55 dBW in any 4 kHz band.

ADD 470GD
Spa2

(2D) As an exception to the limits in No. 470GA, the equivalent isotropically radiated power towards the horizon for an earth station in the space research service (deep-space) shall not exceed +79 dBW in any 1 MHz band.

Replace Regulation No. 470H by the following new text:

MOD 470H
Spa2

(3) The limits given in No. 470G, No. 470GA, No. 470GC and No. 470GD, as applicable, may be exceeded by not more than 10 dB. However, when the resulting co-ordination area extends into the territory of another country, such increase shall be subject to agreement by the administration of that country.

Delete Regulation No. 470I.

Replace Regulation No. 470J by the following new text:

MOD 470J
Spa2

(3A) The limits given in No. 470G apply in the following frequency bands allocated to transmission by earth stations in the fixed-satellite service and earth exploration-satellite service, and in particular the meteorological-satellite service, where these bands are shared with equal rights with the fixed or mobile service:

2 655–2 690 MHz (Regions 2 and 3)
4 400–4 700 MHz
5 800–5 850 MHz (for the countries mentioned in No. 390)
5 850–5 925 MHz (Regions 1 and 3)
5 925–6 425 MHz
7 900–7 975 MHz
7 975–8 025 MHz (for the countries mentioned in No. 392H)
8 025–8 400 MHz
10.95–11.20 GHz (Region 1)
12.50–12.75 GHz (Regions 2 and 3 and for the countries mentioned in No. 405BD)
14.175–14.300 GHz (for the countries mentioned in No. 407)
14.4–14.5 GHz

After Regulation No. 470J, add the following new Regulation:

ADD 470JA
Spa2

(3B) The limits given in No. 470GA apply in the following frequency band allocated to transmission by earth stations in the fixed-satellite service, where this is shared with equal rights with the fixed or mobile service:

27.5–29.5 GHz

Minimum Angle of Elevation

Replace Regulations Nos. 470K and 470L by the following new texts:

MOD 470K
Spa2

§ 22.(1) Earth stations.

MOD 470L
Spa2

(2) Earth station antennae shall not be employed for transmission at elevation angles of less than 3 degrees measured from the horizontal plane to the direction of maximum radiation, except when agreed to by administrations concerned or those whose services may be affected. In case of reception by an earth station, the above value shall be used for co-ordination purposes if the operating angle of elevation is less than that value.

After Regulation No. 470L, add the following new Regulation:

ADD 470LA
Spa2

(2A) As an exception to No. 470L, earth station antennae in the space research service (near-earth) shall not be employed for transmission at elevation angles of less than 5 degrees, and earth station antennae in the space research service (deep-space) shall not be employed for transmission at elevation angles of less than 10 degrees, both angles being those measured from the horizontal plane to the direction of maximum radiation. In case of reception by an earth station, the above values shall be used for co-ordination purposes if the operating angle of elevation is less than those values.

Delete Regulation No. 470M.

Replace the sub-title "Power Flux Density Limits" as well as Regulation No. 470N by the following new sub-title and text:

MOD Spa2 *Limits of Power Flux Density from Space Stations*

MOD 470N
Spa2

§ 23. (1) Power flux density limits between 1 690 MHz and 1 700 MHz.

After Regulation No. 470N, add the following new Regulations:

ADD 470NA
Spa2

a) The power flux density at the Earth's surface produced by emissions from a space station or reflected from a passive satellite for all conditions and for all methods of modulation shall not exceed —133 dBW/m² in any 1.5 MHz band. This limit relates to the power flux density which would be obtained under assumed free-space propagation conditions.

ADD 470NB
Spa2

b) The limit given in No. 470NA applies in the frequency band listed in No. 470NC which is allocated to transmission by space stations in the earth exploration-satellite service and in particular the meteorological-satellite service where this band is shared with equal rights with the meteorological aids service.

ADD 470NC
Spa2
1 690–1 700 MHz

ADD 470ND
Spa2
(2) Power flux density limits between 1 670 MHz and 2 535 MHz.
ADD 470NE
Spa2
(a) The power flux density at the Earth's surface produced by emissions from a space station or reflected from a passive satellite for all conditions and for all methods of modulation shall not exceed the following values:
—154 dBW/m² in any 4 kHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;
$-154+\frac{\delta-5}{2}$ dBW/m² in any 4 kHz band for angles of arrival δ (in degrees) between 5 and 25 degrees above the horizontal plane;
—144 dBW/m² in any 4 kHz band for angles of arrival between 25 and 90 degress above the horizontal plane.
These limits relate to the power flux density which would be obtained under assumed free-space propagation conditions.
ADD 470NF
Spa2
(b) The limits given in No. 470NE apply in the frequency bands listed in No. 470NG which are allocated to transmission by space stations in the following space radiocommunication services:
—Earth exploration-satellite service and in particular meteorological-satellite service (space-to-Earth)
—space research service (space-to-Earth)
—fixed-satellite service (space-to-Earth)
where these bands are shared with equal rights with the fixed or mobile service:
ADD 470NG
Spa2
1 670–1 690 MHz
1 690–1 700 MHz (for the countries mentioned in No. 354A)
1 700–1 710 MHz
1 770–1 790 MHz (for the countries mentioned in No. 356AA)
2 200–2 290 MHz
2 290–2 300 MHz
2 500–2 535 MHz
ADD 470NGA
Spa2
c) The power flux density values given in No. 470NE are derived on the basis of protecting the fixed service using line-of-sight techniques. Where a fixed service using tropospheric scatter operates in the bands listed in No. 470NG and where there is insufficient frequency separation, there must be sufficient angular separation between the direction to the space station and the direction of maximum radiation of the antenna of the receiving station of the fixed service using tropospheric scatter to ensure that the interference power at the receiver input of the station of the fixed service does not exceed—168 dBW in any 4 kHz band.
ADD 470NH
Spa2
(3) Power flux density limits between 2 500 MHz and 2 690 MHz.
ADD 470NI
Spa2
a) The power flux density at the Earth's surface produced by emissions from a space station in the broadcasting-satellite service for all conditions and for all methods of modulation shall not exceed the following values:
—152 dBW/m² in any 4 kHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;
—152+3(δ—5)/ dBW/m² in any 4 kHz band for angles of arrival δ (in degrees) between 5 and 25 degrees above the horizontal plane;
—137 dBW/m² in any 4 kHz band for angles of arrival between 25 and 90 degrees above the horizontal plane.
These limits relate to the power flux density which would be obtained under assumed free-space propagation conditions.
ADD 470NJ
Spa2
b) The limits given in No. 470NI apply in the frequency band:
2 500–2 690 MHz
which is shared by the broadcasting-satellite service with the fixed or mobile service.
ADD 470NK
Spa2
c) The power flux density values given in No. 470NI are derived on the basis of protecting the fixed service using line-of-sight techniques. Where a fixed service using tropospheric scatter operates in the band mentioned in No. 470NJ and where there is insufficient frequency separation, there must be sufficient angular separation between the direction to the space station and the direction of maximum radiation of the antenna of the receiving station of the fixed service using tropospheric scatter to ensure that the interference power at the receiver input of the station of the fixed service does not exceed—168 dBW in any 4 kHz band.
ADD 470NL
Spa2
(4) Power flux density limits between 3 400 MHz and 7 750 MHz.
ADD 470NM
Spa2
a) The power flux density at the Earth's surface produced by emissions from a space station or reflected from a passive satellite for all conditions and for all methods of modulation shall not exceed the following values:
—152 dBW/m² in any 4 kHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;
—152+δ—5/2 dBW/m² in any 4 kHz band for angles of arrival δ (in degrees) between 5 and 25 degrees above the horizontal plane;
—142 dBW/m² in any 4 kHz band for angles of arrival between 25 and 90 degrees above the horizontal plane.
These limits relate to the power flux density which would be obtained under assumed free-space propagation conditions.
ADD 470NN
Spa 2
b) The limits given in No. 470NM apply in the frequency bands listed in No. 470NO which are allocated to transmission by space stations in the following space radiocommunication services:
—fixed-satellite service (space-to-Earth)
—meteorological-satellite service (space-to-Earth)
where these bands are shared with equal rights with the fixed or mobile service:
ADD 470NO
Spa2
3 400—4 200 MHz
7 250—7 300 MHz (for the countries mentioned in No. 392G)
7 300–7 750 MHz
ADD 470NP
Spa2
(5) Power flux density limits between 8 025 MHz and 11-7 GHz.
ADD 470NQ
Spa2
(a) The power flux density at the Earth's surface, produced by emissions from a space station, or reflected from a passive satellite for all conditions and for all methods of modulation shall not exceed the following values:
—150 dBW/m² in any 4 kHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;
—150+δ—5/2 dBW/m² in any 4 kHz band for angles of arrival δ (in degrees) between 5 and 25 degrees above the horizontal plane;
—140 dBW/M² in any 4 kHz band for angles of arrival between 25 and 90 degrees above the horizontal plane.
These limits relate to the power flux density which would be obtained under assumed free-space propagation conditions.
ADD 470NR
Spa2
(b) The limits given in No. 470NQ apply in the frequency bands listed in No. 470NS which are allocated to transmission by space stations in the following space radiocommunication services:
Earth exploration-satellite service (space-to-Earth)
Space research service (space-to-Earth)
Fixed-satellite service (space-to-Earth)
where these bands are shared with equal rights with the fixed or mobile service:
ADD 470NS
Spa2
8 025–8 400 MHz
8 400–8 500 MHz
10.95–11.20 GHz
11.45–11.70 GHz
ADD 470NT
Spa2
(6) Power flux density limits between 12.50 GHz and 12.75 GHz.
ADD 470NU
Spa2
(a) The power flux density at the Earth's surface, produced by emissions from a space station or reflected from a passive satellite for all conditions and for all methods of modulation shall not exceed the following values:
—148 dBW/M² in any 4 kHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;
—148+δ—5/2 dBW/m² in any kHz band for angles of arrival δ (in degrees) between 5 and 25 degrees above the horizontal plane;
—138 dBW/m² in any 4 kHz band for angles of arrival between 25 and 90 degrees above the horizontal plane.
These limits relate to the power flux density which would be obtained under assumed free-space propagation conditions.
ADD 470NV
Spa2
(b) The limits given in No. 470NU apply in the frequency band indicated in No. 470NW which is allocated to the fixed-satellite service for transmission by space stations where this band is shared with equal rights with the fixed or mobile service:
ADD 470NW
Spa2
12.50–12.75 GHz (Region 3 and for the countries mentioned in No. 405BD)
ADD 470NX
Spa2
(7) Power flux density limits between 17·7 GHz and 22·0 GHz.
ADD 470NY
Spa2
a) The power flux density at the Earth's surface produced by emissions from a space station or reflected from a passive satellite for all conditions and for all methods of modulation shall not exceed the following values:
—115 dBW/m² in any 1 MHz band for angles of arrival between 0 and 5 degrees above the horizontal plane;
—115+6—5/2 dBW/m² in any 1 MHz band for angles of arrival 6 (in degrees) between 5 and 25 degrees above the horizontal plane;
—105 dBW/m² in any 1 MHz band for angles of arrival between 25 and 90 degrees above the horizontal plane.
These limits relate to the power flux density which would be obtained under assumed free-space propagation conditions.
ADD 470NZ
Spa2
b) The limits given in No. 470NY apply in the frequency bands listed in No. 470NZA which are allocated to transmission by space stations in the following space radiocommunication services:

—fixed-satellite service (space-to-Earth)
—earth exploration-satellite service (space-to-Earth) where these bands are shared with equal rights with the fixed or mobile service:

ADD 470NZA
Spa2
17·7–19·7 GHz
21·2–22·0 GHz

ADD 470NZB
Spa2
(8) The limits given in Nos. 470NA, 470NE, 470NI, 470NM, 470NQ, 470NU and 470NY may be exceeded on the territory of any country the administration of which has so agreed.

Delete Regulations No. 470O to 470U.

Delete note [1] on the foot of page 140 (Radio Regulations—1968 edition).

Replace Section IX by the following next text:

MOD Spa2
Section IX. Space Radiocommunication Services

Cessation of Emissions

MOD 470V
Spa2
§ 24. Space stations shall be fitted with devices to ensure immediate cessation of their radio emissions by telecommand, whenever such cessation is required under the provisions of these Regulations.

ADD Spa2
Control of Interference between Geostationary-Satellite Systems and non-synchronous inclined Orbit-Satellite Systems

§ 25. Non-geostationary space stations in the fixed-satellite service shall cease or reduce to a negligible level radio emissions, and their associated earth stations shall not transmit to them whenever there is insufficient angular separation between the non-geostationary satellite and geostationary satellites and unacceptable interference [1] to

ADD 470VA.1
Spa2
geostationary satellite space systems operating in accordance with these Regulations.

ADD Spa2
Stations Keeping of Space Stations [1]

ADD 470VB
Spa2
§ 26. Space stations on geostationary satellites:

ADD 470VC
Spa2
—shall the capability of maintaining their positions within ± 1 degree of the longitude of their nominal positions, but efforts should be made to achieve a capability of maintaining their positions at least within ± 0.5 degree of the longitude of their nominal positions;

ADD 470VD
Spa2
—shall maintain their positions within ± 1 degree of longitude of their nominal positions irrespective of the cause of variation; but

ADD 470VE
Spa2
—need not comply with No. 470VD as long as the satellite network to which the space station belongs does not produce an unacceptable level of interference [2] into any other satellite network whose space station complies with the limits given in No. 470VD.

ADD Spa2
Pointing Accuracy of Antennae on Geostationary Satellites

ADD 470VF
Spa2
§ 27. The pointing direction of maximum radiation of any earthward beam of antennae on geostationary satellites shall be capable of being maintained within:

10% of the half power beamwidth relative to the nominal pointing direction, or

0.5 degree relative to the nominal pointing direction, which ever is greater. This provision applies only when such a beam is intended for less than global coverage.

In the event that the beam is not rotationally symmetrical about the axis of maximum radiation, the tolerance in any plane containing this axis shall be related to the half power beamwidth in that plane.

This accuracy shall be maintained only if it is required to avoid unacceptable interference [1] to other systems.

ADD Spa2
Power Flux Density at the Geostationary Satellite Orbit

ADD 470VG Spa2
§ 28. In the frequency band 8 025 to 8 400 MHz, which the Earth exploration-satellite service using non-geostationary satellites shares with the fixed-satellite service (Earth-to-space) or the meteorological-satellite service (Earth-to-space), the maximum power flux density produced at the geostationary satellite orbit by any earth exploration-satellite service space station shall not exceed—
—177 dBW/m² in any 4kHz band.

ADD 470VF.1 Spa2

ANNEX 6: REVISION OF ARTICLE 8 OF THE RADIO REGULATIONS

Article 8 of the Radio Regulations shall be amended as follows:

Replace Regulation No. 477 by the following new text:

MOD 477
Spa2
e) the study, on a long-term basis, of the usage of the radio spectrum, with a view to making recommendations for its more effective use;

ANNEX 7: REVISION OF ARTICLE 9 OF THE RADIO REGULATIONS

Article 9 of the Radio Regulations shall be amended as follows:

The title of the article as well as the text of footnote [6] shown on page 143 of the Radio Regulations (1968 edition) are replaced by the following new title and notes:

MOD Spa2 Notification and Recording in the Master International Frequency Register of Frequency Assignments [1] to Terrestrial Radiocommunication Stations [2]

ADD 470VE.1
Spa2

SECTION I. NOTIFICATION OF FREQUENCY ASSIGNMENTS AND CO-ORDINATION PROCEDURE TO BE APPLIED IN APPROPRIATE CASES

Delete Regulation No. 486.1.

Replace Regulations Nos. 486, 486.2, 486.3 and 486.4 by the following new texts:

(MOD) 486
Spa2
§ 1. (1) Any frequency assignment [1] to a fixed, land, broadcasting [2], radionavigation land, radiolocation land or standard frequency station, or to a ground-based station in the meteorological aids service, shall be notified to the International Frequency Registration Board:

a) if the use of the frequency concerned is capable of causing harmful interference to any service of another administration [3]; or

b) if the frequency is to be used for international radiocommunication; or

c) if it is desired to obtain international recognition of the use of the frequency [3].

[(MOD) 487 *only concerns the French text*]

(MOD) 486.1
Spa2
Replace Regulations Nos. 490, 491, 492, 492A, 492A.1, 492B, 492B.1, 492C, 492D, 492E, and 492F by the following new texts:

MOD 490
Spa2
(2) When stations of the same service, such as the land mobile service, use a band of frequencies above 28 000 kHz in a specific area or areas, an individual notice should be drawn up, as prescribed in Section C of Appendix 1, which specifies the basic characteristics to be furnished, for each frequency on which there are assignments within the band; however, the particulars should relate only to a typical station. This does not apply to broadcasting stations or to other terrestrial stations to which the provisions of Sub-Section IIB of this article apply or to other stations of the fixed or mobile service which operate in frequency bands listed in Table II of Appendix 28 with equivalent isotropically radiated power exceeding the corresponding values listed in the table.

MOD 491
Spa2
§ 3. (1) Whenever practicable, each notice should reach the Board before the date on which the assignment is brought into use. It must reach the Board not earlier than ninety

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[1] The level of unacceptable interference shall be fixed by agreement between the administrations concerned, using the relevant C.C.I.R. Recommendations as a guide.

ADD Spa 2

ADD 470VA
Spa2
[1] In the case of space stations on geosynchronous satellites with orbits having an angle of inclination greater than 5 degrees the positional tolerance shall relate to the nodal point.

[2] The level of unacceptable interference shall be fixed by agreement between the administrations concerned, using the relevant C.C.I.R. Recommendations as a guide.

[1] The level of unacceptable interference shall be fixed by agreement between the administrations concerned, using the relevant C.C.I.R. Recommendations as a guide.

[1] The expression *frequency assignment*, wherever it appears in this Article, shall be understood to refer either to a new frequency assignment or to a change in an assignment already recorded in the Master International Frequency Register (hereinafter called *Master Register*).

[2] For the notification and recording in the Master International Frequency Register of frequency assignments to radio astronomy and space radiocommunication stations, see Article 9A.

[1] In the case where a frequency is used by numerous stations under the jurisdiction of the same administration, see Appendix 1 (Section E, II, Column 5a, paragraphs 2c and 2d).

(MOD) 486.2
Spa2
[2] With respect to assignments to broadcasting stations in the bands allocated exclusively to the broadcasting service between 5 950 kHz and 26 100 kHz, see Article 10.

MOD 486.3
Spa2
[3] The attention of administration is specifically drawn to the application of the provisions of Nos. 486 *a*) and 486 *c*) in those cases where they make a frequency assignment to a terrestrial station, located within co-ordination area of an earth station (see No. 492A), in a band which terrestrial radiocommunication services share with equal rights with space radiocommunication services in the frequency spectrum above 1 GHz.

days before the date on which it is to be brought into use, but in any case not later than thirty days after the date it is actually brought into use. However, for a frequency assignment to one of the terrestrial stations mentioned in Sub-Section IIB of this article or in No. 639AQ, the notice must reach the Board not earlier than three years and not later than ninety days before the date on which the assignment is to be brought into use.

MOD 492
Spa2

(2) Any frequency assignment, the notice of which reaches the Board more than thirty days after the notified date of bringing into use, or in the case of a terrestrial station mentioned in Sub-Section IIB of this article, any frequency assignment, the notice of which reaches the Board less than ninety days before it is brought into use, shall, where it is to be recorded, bear a remark in the Master Register to indicate that it is not in conformity with No. 491.

MOD 492A
Spa2

§ 3A. (1) Before an administration notifies to the Board, or brings into use any frequency assignment to a terrestrial station [1] for transmitting in a band allocated with equal rights to terrestrial radio-communication services and space radiocommunication services (space-to-Earth) in the frequency spectrum above 1GHz, it shall initiate co-ordination of the proposed assignment with the administration responsible for the receiving earth station concerned if the assignment is for use within the co-ordination area of an existing receiving earth station or of one for which the co-ordination procedure referred to in No. 639AN has been initiated. For the purpose of effecting co-ordination, it shall send to any other such administration, by the fastest possible means, a copy of a diagram drawn to an appropriate scale indicating the location of the terrestrial station and all other pertinent details of the proposed frequency assignment, and the approximate date on which it is planned to bring the station into use.

MOD 492B
Spa2

(2) An administration with which co-ordination is sought under No. 492A shall acknowledge receipt of the co-ordination data immediately by telegram. If no acknowledgement is received within fifteen days of dispatch, the administration seeking co-ordination may dispatch a telegram requesting acknowledgement of receipt of the co-ordination data, to which the receiving administration shall reply. Upon receipt of the co-ordination data an administration shall promptly examine the matter with regard to interference [1] which would be caused to the services rendered by its earth stations operating in accordance with the Convention and these Regulations, or to be so operated within the next three years, with the proviso that in this latter case co-ordination specified in No. 639AN has been effected or that the co-ordination procedure has already been initiated; and shall, within an overall period of sixty days from dispatch of the co-ordination data, either notify the administration requesting co-ordination of its agreement to the proposals or, if this is not possible, indicate the reasons therefor and make such suggestions as it may be able to offer with a view to a satisfactory solution of the problem.

MOD 492A.1
Spa2

MOD 492C
Spa2

(3) No co-ordination under No. 492A is required when an administration proposes:

a) to bring into use a terrestrial station which is located, in relation to an earth station, outside the co-ordination area; or

b) to change the characteristics of an existing assignment in such a way as not to increase the level of interference to the earth stations of other administrations.

ADD 492B.1
Spa2

MOD 492D
Spa2

(4) An administration seeking co-ordination may request the Board to endeavour to effect co-ordination, in those cases where:

a) an administration with which co-ordination is sought under No. 492A fails to acknowledge receipt under No. 492B within thirty days of dispatch of the coordination data;

b) an administration which has acknowledged receipt under No. 492B but fails to give a decision within ninety days of dispatch of the co-ordination data;

c) there is disagreement between the administration seeking coordination and an administration with which co-ordination is sought as to the acceptable level of interference; or

d) co-ordination between administrations is not possible for any other reason.

In so doing, it shall furnish the Board with the necessary information to enable it to endeavour to effect such co-ordination.

MOD 492E
Spa2

(5) Either the administration seeking co-ordination or an administration with which co-ordination is sought, or the Board, may request additional information which they may require to assess the level of interference to the services concerned.

MOD 492F
Spa2

(6) Where the Board receives a request under No. 492D *a*), it shall forthwith send a telegram to the administration concerned requesting immediate acknowledgement.

After Regulation No. 492F, add the following new Regulations:

ADD 492FA
Spa2

(7) Where the Board receives an acknowledgement following its action under No. 492F, or where the Board receives a request under No. 492D *b*), it shall forthwith send a telegram to the administration concerned requesting an early decision in the matter.

ADD 492FB
Spa2

(8) Where the Board receives a request under No. 492D *d*), it shall endeavour to effect co-ordination in accordance with the provisions of No. 492A. Where the Board receives no acknowledgement of its request for co-ordination within the period specified in No. 492B, it shall act in accordance with No. 492F.

ADD 492FC
Spa2

(9) Where an administration fails to reply within thirty days of dispatch of the Board's telegram sent under No. 492F requesting an acknowledgement, or fails to give a decision in the matter within sixty days of dispatch of the Board's telegram of request sent under No. 492FA, it shall be deemed that the administration with which co-ordination was sought has undertaken that no complaint will be made in respect of any harmful interference which may be caused by the terrestrial station being co-ordinated to the service rendered by its earth station.

Replace Regulation No. 492G by the following new text:

MOD 492G
Spa2

(10) Where necessary, as part of the procedure under No. 492D, the Board shall assess the level of interference. In any case, the Board shall inform the administrations concerned of the results obtained.

After Regulation No. 492G, add the following new Regulations:

ADD 492GA
Spa2

(11) In the event of continuing disagreement between one administration seeking to effect co-ordination and one with which co-ordination has been sought, provided that the assistance of the Board has been requested, the administration seeking co-ordination may, after sixty days from the date of the request for the assistance of the Board, taking into cosideration the provisions of No. 491, send its notice concerning the proposed assignment to the Board.

ADD 492GB
Spa2

§ 3B. Where the Board receives information from an administration in accordance with the provisions of No. 639AQ in reply to a request for co-ordination for an earth station, it shall consider as notifications under this Section, only that information relating to assignments to existing terrestrial stations or to those to be brought into use within the time limits defined in No. 491. Such notifications shall be examined by the Board with respect to the provisions of Nos. 570AB and 570AD, as appropriate, and shall be treated accordingly.

Replace No. 493 by the following new text:

(MOD) 493
Spa2

§ 3C. (1) Whatever the means of communication, including telegraph, by which a notice is transmitted to the Board, it shall be considered complete if it contains at least those appropriate basic characteristics specified in Appendix 1.

Replace the title of Sub-Section IIA by the following new title:

MOD Spa2 Sub-Section IIA. Procedure to be followed in cases not covered by Sub-Section IIB of this Article

[(MOD) 501 only concerns the French and the Spanish texts]

Replace the title of Sub-Section IIB by the following new title:

MOD Spa2

Sub-Section IIB. Procedure to be followed in cases where terrestrial stations are in the same frequency band as, and within the co-ordination area of, an existing earth station or one for which co-ordination has been effected or initiated.

[(MOD) 570AB *only concerns the French and the Spanish texts*]

Replace Regulation No. 570AD by the following next text:

(MOD) 570 AD
Spa2

c) where appropriate, with respect to the probability of harmful interference to the service rendered by an earth receiving station for which a frequency assignment already recorded in the Master Register is in conformity with the provisions of No. 639BM, and if the corresponding frequency assignment to the space transmitting station has not, in fact, caused harmful interference to

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[1] Appendix 28 contains criteria relating only to co-ordination between earth stations and stations in the fixed or the mobile service. Until the C.C.I.R., in accordance with Recommendation No. Spa2-9 provides criteria for other terrestrial radiocommunication services, the criteria to be used in effecting co-ordination between earth stations and terrestrial stations other than those of the fixed or the mobile service, shall be agreed between the administrations concerned.

[1] The criteria to be employed in evaluating interference levels shall be based upon relevant C.C.I.R. Recommendations or, in the absence of such Recommendations, shall be agreed between the administrations concerned.

any frequency assignment in conformity with No. 501 or 570AB, as appropriate, previously recorded in the Master Register.

Replace Regulation No. 570AG by the following new text:

MOD 570AG
Spa2

(2) Where the notice includes a specific reference to the fact that the station will be operated in accordance with the provisions of No. 115, it shall be examined immediately with respect to Nos. 570AC and 570AD.

After Regulation No. 570AG, add the following new Regulations:

ADD 570AGA
Spa2

(3) If the finding is favourable with respect to No. 570AC or 570AD, as appropriate, the assignment shall be recorded in the Master Register. The date of receipt by the Board of the notice shall be entered in Column 2d.

ADD 570AGB
Spa2

(4) If the finding is unfavourable with respect to No. 570AC or 570AD, as appropriate, the notice shall be returned immediately by airmail to the notifying administration with the reasons of the Board for this finding. Should the administration insist upon reconsideration of the notice, the assignment shall be recorded in the Master Register. However, this entry shall be made only if the notifying administration informs the Board that the assignment has been in use for at least one hundred and twenty days without any complaint of harmful interference having been received. The date of receipt by the Board of the original notice shall be entered in Column 2d. The date of receipt by the Board of the advice that no complaint of harmful interference has been received shall be indicated in the Remarks Column.

ADD 570AGC
Spa2

(5) The period of one hundred and twenty days mentioned in Nos. 570AGB and 570AX shall count:

—from the date when the assignment to the terrestrial station which received an unfavourable finding is brought into use, if the assignment to the earth station is then in use;

—otherwise, from the date when the assignment to the earth station is brought into use.

But if the assignment to the earth station has not been brought into use by the notified date, the period of one hundred and twenty days shall be counted from that date. Allowance, if necessary, may be made for the additional period mentioned in No. 570BF.

Replace Regulations Nos. 750AH to 570AK by the following new texts:

(MOD) 570AH
Spa2

(6) Where the notice does not include a specific reference to the fact that the station will be operated in accordance with the provisions of No. 115, it shall be returned immediately by airmail to the notifying administration with the reasons of the Board for this finding and with such suggestions as the Board may be able to offer with a view to the satisfactory solution of the problem.

(MOD) 570AI
Spa2

(7) If the notifying administration resubmits the notice unchanged, it shall be treated in accordance with the provisions of No. 570AH.

(MOD) 570AJ
Spa2

(8) If the notifying administration resubmits the notice with a specific reference to the fact that the station will be operated in accordance with the provisions of No. 115, it shall be treated in accordance with the provisions of Nos. 570AG and 570AGA or No. 570AGB, as appropriate.

(MOD) 570AK
Spa2

(9) If the notifying administration resubmits the notice with modifications which, after re-examination, result in a favourable finding by the Board with respect to No. 570AB, the notice shall be treated under the provisions of Nos. 570AL to 570AX. However, in any subsequent recording of the assignment, the date of receipt by the Board of the resubmitted notice shall be entered in Column 2d.

[(MOD) 570AM, (MOD) 570AN, (MOD) 570AO (MOD) 570AP *only concerns the Spanish text*]

ADD Spa2

[(MOD) 570AV *only concerns the Spanish text*]

Replace Regulation No. 570AX by the following new text:

MOD 570AX
Spa2

(4) Should the notifying administration resubmit the notice, either unchanged, or with modifications which decrease the probability of harmful interference, but not sufficiently to permit the provisions of No. 570AW to be applied, and should that administration insist upon reconsideration of the notice, but should the Board's finding remain unchanged, the assignment shall be recorded in the Master Register. However, this entry shall be made only if the notifying administration informs the Board that the assignment has been in use for at least one hundred and twenty days without any complaint of harmful interference having been received. The date of receipt by the Board of the original notice shall be entered in Column 2d. The date of receipt by the Board of the advice that no complaint of harmful interference has been received shall be indicated in the Remarks Column. The period of one hundred and twenty days shall count from the date indicated in No. 570AGC.

Delete Regulation No. 570AY.

Replace Regulation No. 570BA by the following new text:

MOD 570BA
Spa2

(2) A notice of a change in the basic characteristics of an assignment already recorded, as specified in Appendix 1 (except those entered in Columns 3 and 4a of the Master Register), shall be examined by the Board according to Nos. 570AB and 570AC and, where appropriate, No. 570AD, and the provisions of Nos. 570AF to 570AX inclusive applied. Where the change should be recorded, the original assignment shall be amended according to the notice.

Replace Regulation No. 570BC by the following new text:

(MOD) 570BC
Spa2

§ 23H. In applying the provisions of this Sub-Section, any resubmitted notice which is received by the Board more than two years after the date of its return by the Board, shall be considered as a new notice.

Replace Regulations Nos. 570BF, 570BG and 570BH by the following new texts:

(MOD) 570BF
Spa2

(3) If, within the period of thirty days after the projected date of bringing into use, the Board receives confirmation from the notifying administration of the date of bringing into use, the special symbol shall be deleted from the Remarks Column. In the case where the Board, in the light of a request from the notifying administration received before the end of the thirty-day period, finds that exceptional circumstances warrant an extension of this period, the extension shall in no case exceed one hundred and fifty days.

MOD 570BG
Spa2

(4) In the circumstances described in No. 570AX, and as long as an assignment which received an unfavourable finding cannot be resubmitted as a consequence of the provisions of No. 570AGC, the notifying administration may ask the Board to enter the assignment provisionally in the Master Register, in which event a special symbol to denote the provisional nature of the entry shall be entered in the Remarks Column. The Board shall delete this symbol when it receives from the notifying administration, at the end of the period specified in No. 570AX, the information relating to the absence of complaint of harmful interference.

MOD 570BH
Spa2

(5) If the Board does not receive this confirmation within the period referred to in No. 570BF or at the end of the period referred to in No. 570BG, as appropriate, the entry concerned shall be cancelled. The Board shall advise the notifying administration before taking such action.

Replace Regulation No. 611A by the following new text:

(MOD) 611A
Spa2

(6) If harmful interference to the reception of any station whose assignment is in accordance with No. 639BM is actually caused by the use of a frequency assignment which is not in conformity with No. 501 or 570AB, the station using the latter frequency assignment must, upon receipt of advice thereof, immediately eliminate this harmful interference.

SECTION VIII. MISCELLANEOUS PROVISIONS

After Regulation No. 635, add the following new Regulations:

ADD 635A
Spa2

§ 47A. (1) If it is requested by any administration, particularly by an administration of a country in need of special assistance, and if the circumstances appear to warrant, the Board using such means at its disposal as are appropriate in the circumstances, shall render the following assistance:

a) verification of the diagram showing the co-ordination area referred to in No. 639AN;

b) computation of the interference level, as referred to in No. 492B;

c) any other assistance of a technical nature for completion of the procedures in this Article.

ADD 635B
Spa2

(2) In making a request to the Board under No. 635A, the administration shall furnish the Board with the necessary information.

ANNEX 8: REVISION OF ARTICLE 9A OF THE RADIO REGULATIONS

Article 9A of the Radio Regulations shall be amended as follows:

The entire Article 9A is replaced by the following new text:

MOD Spa2 ARTICLE 9A

Co-ordination, Notification and Recording in the Master International Frequency Register of Frequency Assignments [1] to Radio Astronomy and Space Radiocommunication

[1] The expression *frequency assignment*, wherever it appears in this Article, shall be understood to refer either to a new frequency assignment or to a change in an assignment already recorded in the Master International Frequency Register (hereinafter called *Master Register*).

Stations except Stations in the Broadcasting-Satellite Service

SECTION I. PROCEDURE FOR THE ADVANCE PUBLICATION OF INFORMATION ON PLANNED SATELLITE SYSTEMS

639AA
Spa2

§ 1. (1) An administration (or one acting on behalf of a group of named administrations) which intends to establish a satellite system shall, prior to the co-ordination procedure in accordance with No. 639AJ where applicable, send to the International Frequency Registration Board not earlier than five years before the date of bringing into service each satellite network of the planned system, the information listed in Appendix 1B.

639AB
Sp2

(2) Any amendments to the information sent concerning a planned satellite system in accordance with No. 639A shall also be sent to the Board as soon as they become available.

639AC
Spa2

(3) The Board shall publish the information sent under Nos. 639AA and 639AB in a special section of its weekly circular and shall also, when the weekly circular contains such information, so advise all administrations by circular telegram.

639AD
Spa2

(4) If, after studying the information published under No. 639AC, any administration is of the opinion that interference, which may be unacceptable, may be caused to its existing or planned space radiocommunication services, it shall within ninety days after the date of the weekly circular publishing the information listed in Appendix 1B, send its comments to the administration concerned. A copy of these comments shall also be sent to the Board. If no such comments are received from an administration withn the period mentioned above, it may be assumed that that administration has no basic objections to the planned satellite network(s) of that system on which details have been published.

639AE
Spa2

(5) An administration receiving comments sent in accordance with No. 639A shall endeavour to resolve any difficulties that may arise.

639AF
Spa2

(6) In case of difficulties arising when any planned satellite network of a system is intended to use the geostationary satellite orbit:

a) the administration responsible for the planned system shall first explore all possible means of meeting its requirements, taking into account the characteristics of the geostationary satellite networks of other systems, and without considering the possibility of adjustment to systems of other administrations. If no such means can be found, the administration concerned is then free to apply to other administrations concerned to solve these difficulties;

b) an administration receiving a request under *a*) above shall, in consultation with the requesting administration, explore all possible means of meeting the requirements of the requesting administration, for example, by relocating one or more of its own geostationary space stations involved, or by changing the emissions, frequency usage (including changes in frequency bands) or other technical or operational characteristics;

c) if after following the procedure outlined in *a*) and *b*) above there are unresolved difficulties, the administrations concerned shall together make every possible effort to resolve these difficulties by means of mutually acceptable adjustments, for example, to geostationary space station locations and to other characteristics of the systems involved in order to provide for the normal operation of both the planned and existing systems.

639AG
Spa2

(7) In their attempts to resolve the difficulties mentioned above administrations may seek the assistance of the Board.

639AH
Spa2

(8) In complying with the provisions of Nos. 639AE to 639AG, an administration responsible for a planned satellite system shall, if necessary, defer its commencement of the co-ordination procedure, or where this is not applicable, the sending of its notices to the Board, until one hundred and fifty days after the date of the weekly circular containing the information listed in Appendix 1B on the relevant satellite network. However, in respect of those administrations with whom difficulties have been resolved or who have responded favorably, the co-ordination procedure, where applicable, may be commenced prior to the expiry of the one hundred and fifty days mentioned above.

639AI
Spa2

(9) An administration on behalf of which details of planned satellite networks in its system have been published, in accordance with the provisions of Nos. 639AA to 639AC, shall periodically inform the Board whether or not comments have been received and of the progress made, with other administrations, in resolving any difficulties. The Board shall publish this information in a special section of its weekly circular and shall also, when the weekly circular contains such information, so inform all administrations by circular telegram.

SECTION II. CO-ORDINATION PROCEDURES TO BE APPLIED IN APPROPRIATE CASES

639AJ
Spa2

§ 2. (1) Before an administration notifies to the Board or brings into use any frequency assignment to a space station on a geostationary satellite or to an earth station that is to communicate with a space station on a geostationary satellite, it shall effect co-ordination of the assignment with any other administration whose assignment in the same band for a space station on a geostationary satellite or for an earth station that communicates with a space station on a geostationary satellite is recorded in the Master Register, or has been co-ordinated or is being co-ordinated under the provisions of this paragraph. For this purpose, the administration requesting coordination shall send to any other such administration the information listed in Appendix 1A.

639AK
Spa2

(2) No co-ordination under No. 639AJ is required:

a) when the use of a new frequency assignment will cause, to any service of another administration, an increase in the noise temperature of any space station receiver or earth station receiver, or an increase in the equivalent satellite link noise temperature, as appropriate, not exceeding the predetermined increase of noise temperature calculated in accordance with the method given in Appendix 29; or

b) when an administration proposes to change the characteristics of an existing assignment in such a way as will, in respect of any service of another administration, meet the requirements of sub-paragraph *a*) above, or, where this assignment has previously been coordinated, will cause an increase in noise temperature not exceeding the value agreed during co-ordination.

639AL
Spa2

(3) An administration initiating the co-ordination procedure referred to in No. 639 AJ shall at the same time send to the Board a copy of the request for co-ordination, with the information listed in Appendix 1A and the name(s) of the administration(s) with which co-ordination is sought. The Board shall publish this information in a special section of its weekly circular, together with a reference to the weekly circular in which details of the satellite system were published in accordance with Section I of this Article. When the weekly circular contains such information, the Board shall so inform all administrations by circular telegram.

639AM
Spa2

(4) An administration believing that it should have been included in the co-ordination procedure under No. 639AJ shall have the right to request that it be brought into the co-ordination procedure.

639AN
Spa2

§ 3. (1) Before an administration notifies to the Board or brings into use any frequency assignment to an earth station, whether for transmitting or receiving, in a particular band allocated with equal rights to space and terrestrial [1] radiocommunication services in the frequency spectrum above 1 GHz, it shall effect co-ordination of the assignment with any other administration whose territory lies wholly or partly within the co-ordination area [2] of the planned earth station. For this purpose it shall send to any other such administration a copy of a diagram drawn to an appropriate scale indicating the location of the earth station and showing the co-ordination areas [2] of the earth station for the cases of transmission and reception by the earth station and the data on which they are based, including all pertinent details of the proposed frequency assignment, as listed in Appendix 1A, and an indication of the approximate date on which it is planned to begin operations.

639AO
Spa2

(2) An administration with which co-ordination is sought under No. 639AJ shall acknowledge receipt of the co-ordination data immediately by telegram. If no acknowledgement is received within thirty days after the date of the weekly circular publishing the information under No. 639AL, the administration seeking coordination shall dispatch a telegram requesting acknowledgement, to which the receiving administration shall reply within a further period of thirty days. Upon receipt of the co-ordination data, an administration shall, having regard to the

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639AN.1
Spa2

[1] Appendix 28 contains criteria relating only to co-ordination between earth stations and stations in the fixed or mobile service. Until the C.C.I.R., in accordance with Recommendation No. Spa2-9 provides criteria relating to other terrestrial radiocommunication services, the criteria to be employed in effecting co-ordination between earth stations and terrestrial radiocommunication stations, other than those of the fixed or mobile service, shall be agreed between the administrations concerned.

639AN.2
Spa2

[2] Calculated, in relation to the fixed or mobile service, in accordance with the procedures described in Appendix 28.

proposed date of bringing into use of the assignment for which co-ordination was requested, promptly examine the matter with regard to interference[1] which would be caused to the service rendered by its stations in respect of which co-ordination is sought under No. 639AJ; and shall, within ninety days from the date of the relevant weekly circular, notify the administration requesting co-ordination of its agreement. If the administration with which co-ordination is sought does not agree, it shall, within the same period, send to the administration seeking co-ordination the technical details upon which its disagreement is based, and make such suggestions as it may be able to offer with a view to a satisfactory solution of the problem. A copy of these comments shall also be sent to the Board.

639AP
Spa2

(3) An administration with which co-ordination is sought under No. 639AN shall acknowledge receipt of the co-ordination data immediately by telegram. If no acknowledgement is received within fifteen days of dispatch of the co-ordination data, the administration seeking co-ordination shall dispatch a telegram requesting acknowledgement to which the receiving administration shall reply within a further period of fifteen days. Upon receipt of the co-ordination data an administration shall, having regard to the proposed date of bringing into use of the assignment for which co-ordination was requested, promptly examine the matter with regard both to:

a) interference[2] which would be caused to the service rendered by its terrestrial radiocommunication stations operating in accordance with the Convention and these Regulations, or to be so operated prior to the planned date of bringing the earth station assignment into service, or within the next three years, whichever is the longer; and to

639AP.1
Spa2

b) interference[1] which would be caused to reception at the earth station by the service rendered by its terrestrial radiocommunication stations operating in accordance with the Convention and these Regulations, or to be so operated prior to the planned date of bringing the earth station assignment into service, or within the next three years, whichever is the longer.

The administration with which co-ordination is sought shall then, within sixty days from dispatch of the co-ordination data, notify the administration requesting co-ordination of its agreement. If the administration with which co-ordination is sought does not agree it shall, within the same period, send to the administration seeking co-ordination a copy of a diagram drawn to an appropriate scale showing the location of its terrestrial radiocommunication stations which are or will be within the co-ordination area of the earth transmitting or receiving station, as appropriate, together with all other relevant basic characteristics, and make such suggestions as it may be able to offer with a view to a satisfactory solution of the problem.

639AQ
Spa2

(4) When the administration with which co-ordination is sought sends to the administration seeking co-ordination the information mentioned in No. 639AP, a copy thereof shall also be sent to the Board. The Board shall consider as notification in accordance with Section I of Article 9 only that information relating to existing terrestrial radiocommunications stations or to those to be brought into use within the next three years.

639AR
Spa2

(5) No co-ordination under No 639AN is required when an administration proposes:

639AP.1
Spa2

a) to bring into use an earth station, the co-ordination area of which does not include any of the territory of any other country;

b) to change the characteristics of an existing assignment in such a way as not to increase the level of interference to or from the terrestrial radiocommunication stations of other administrations;

c) to operate a mobile earth station. However, if the co-ordination area associated with the operation of such a mobile earth station, in a frequency band referred to in No. 639AN, includes any of the territory of another country, it shall be subject to prior agreement between the administrations concerned in order to avoid harmful interference to existing terrestrial radiocommunication stations of that country. This agreement shall apply to the characteristics of the mobile earth station(s), or to the characteristics of a typical mobile earth station, and shall apply to a specified service area; unless otherwise stipulated in the agreement, it shall apply to any mobile earth stations in the specified service area provided that the probability of harmful interference caused by them shall not be greater than that caused by the typical earth station.

639AS
Spa2

§ 4. (1) An administration seeking co-ordination may request the Board to endeavour to effect co-ordination in those cases where:

a) an administration with which co-ordination is sought under No. 639AJ fails to acknowledge receipt, under

No. 639AO, within sixty days after the date of the weekly circular publishing the information relating to the request for co-ordination;

b) an administration with which co-ordination is sought under No. 639AN fails to acknowledge receipt, under No. 639AP, within thirty days of dispatch of the co-ordination data;

c) an administration has acknowledged receipt under No. 639AO, but fails to give a decision within ninety days from the date of the relevant weekly circular;

d) an administration has acknowledged receipt under No. 639AP, but fails to give a decision within sixty days from dispatch of the co-ordination data;

e) there is disagreement between the administration seeking co-ordination and an administration with which co-ordination is sought as to the acceptable level of interference;

f) co-ordination between administrations is not possible for any other reason.

In so doing, it shall furnish the Board with the necessary information to enable it to endeavour to effect such co-ordination.

639AT
Spa2

(2) Either the administration seeking co-ordination or an administration with which co-ordination is sought, or the Board, may request additional information which they may require to assess the level of interference to the services concerned.

639AU
Spa2

(3) Where the Board receives a request under No. 639AS *a*) or *b*), it shall forthwith send a telegram to the administration concerned requesting immediate acknowledgement.

639AV
Spa2

(4) Where the Board receives an acknowledgement following its action under No. 639AU, or where the Board receives a request under No. 639AS *c*) or *d*), it shall forthwith send a telegram to the administration concerned requesting an early decision in the manner.

639AW
Spa2

(5) Where the Board receives a request under No. 639AS *f*), it shall endeavour to effect co-ordination in accordance with the provisions of Nos. 639AJ and 639AN, as appropriate. The Board shall also, where appropriate, act in accordance with No. 639AL. Where the Board receives no acknowledgement to its request for co-ordination within the periods specified in No. 639AO or 639AP, as appropriate, it shall act in accordance with No. 639AU.

639AX
Spa2

(6) Where an administration fails to reply within thirty days of dispatch of the Board's telegram requesting an acknowledgement sent under No. 639AU, or fails to give a decision in the matter within thirty days of dispatch of the Board's telegram of request under No. 639AV, it shall be deemed that the administration with which co-ordination was sought has undertaken:

a) that no complaint will be made in respect of any harmful interference which may be caused to the services rendered by its space or terrestrial radiocommunication stations by the use of the assignment for which co-ordination was requested;

b) that its space or terrestrial radiocommunication stations will not cause harmful interference to the use of the assignment for which co-ordination was requested.

639AY
Spa2

(7) Where necessary, as part of the procedure under No. 639AS, the Board shall assess the level of interference. In any case, the Board shall inform the administrations concerned of the results obtained.

639AZ
Spa2

§ 5. In the event of continuing disagreement between one administration seeking to effect co-ordination and one with which co-ordination has been sought, provided that the assistance of the Board has been requested, the administration seeking coordination may, after one hundred and fifty days from the date of the request for co-ordination, taking into consideration the provisions of No. 639BF, send its notice concerning the proposed assignment to the Board.

SECTION III. NOTIFICATION OF FREQUENCY ASSIGNMENTS

639BA
Spa2

§ 6. (1) Any frequency assignment to an

639AO.1
Spa2

[1] The criteria to be employed in evaluating interference levels shall be based upon relevant C.C.I.R. Recommendations or, in the absence of such Recommendations, shall be agreed between the administrations concerned.

[2] The criteria to be employed in evaluating interference levels shall be based upon relevant C.C.I.R. Recommendations or, in the absence of such Recommendations, shall be agreed between the administrations concerned.

[1] The criteria to be employed in evaluating interference levels shall be based upon relevant C.C.I.R. Recommendations or, in the absence of such Recommendation, shall be agreed between the administrations concerned.

earth or space station shall be notified to the Board:

a) if the use of the frequency concerned is capable of causing harmful interference to any service of another administration; or

b) if the frequency is to be used for international radiocommunications; or

c) if it is desired to obtain international recognition of the use of the frequency.

639BB
Spa2

(2) Similar notice shall be given for any frequency to be used for the reception of transmissions from earth or space stations by a particular space or earth station in each case where one or more of the conditions specified in No. 639BA are applicable.

639BC
Spa2

(3) Similar notice may be given for any frequency or frequency band to be used for reception by a particular radio astronomy station, if it is desired that such data should be included in the Master Register.

639BD
Spa2

(4) A notice submitted in accordance with No. 639BA or 639BB and relating to a frequency assignment to mobile earth stations in a satellite system shall include the technical characteristics either of each mobile earth station, or of a typical mobile earth station, and an indication of the service area within which these stations are to be operated.

639BE
Spa2

§ 7. For any notification under No. 639BA, 639BB, 639BC, or 639BD, an individual notice for each frequency assignment shall be drawn up as prescribed in Appendix 1A, the various Sections of which specify the basic characteristics to be furnished according to the case. It is recommended that the notifying administration should also supply the additional data called for in Section A of that Appendix, together with such further data as it may consider appropriate.

639BF
Spa2

§ 8. (1) For a frequency assignment to an earth or space station, each notice must reach the Board not earlier than three years before the date on which the assignment is to be brought into use. The notice must reach the Board in any case not later than ninety days [1] before this date, except in the case of assignments in the space research service in bands allocated exclusively to this service or in shared bands in which this service is the sole primary service. In the case of an assignment in the space research service, the notice should, whenever practicable, reach the Board before the date on which the assignment is brought into use, but it must in any case reach the Board not later than thirty days after the date it is actually brought into use.

(2) Any frequency assignment to an earth or space station, the notice of which reaches the Board after the applicable period specified in No. 639BF, shall, where it is to be recorded, bear a mark in the Master Register to indicate that it is not in conformity with No. 639BF.

639BF.1
Spa2

[1] The notifying administration shall take this limit into account when deciding, where appropriate, to initiate the co-ordination procedure(s).

SECTION IV. PROCEDURE FOR THE EXAMINATION OF NOTICES AND THE RECORDING OF FREQUENCY ASSIGNMENTS IN THE MASTER REGISTER

639BH § 9.
Spa2

Any notice which does not contain at least those basic characteristics specified in Appendix 1A shall be returned by the Board immediately, by airmail, to the notifying administration with the reasons therefor.

639BI § 10.
Spa2

Upon receipt of a complete notice, the Board shall include the particulars thereof, with the date of receipt, in the weekly circular referred to in No. 497, which shall contain the particulars of all such notices received since the publication of the previous circular.

639BJ § 11.
Spa2

The circular shall constitute the acknowledgement to the notifying administration of the receipt of a complete notice.

639BK § 12.
Spa2

Complete notices shall be considered by the Board in the order of their receipt. The Board shall not postpone the formulation of a finding unless it lacks sufficient data to render a decision in connection therewith; moreover, the Board shall not act upon any notice which has a technical bearing on an earlier notice still under consideration by the Board, until it has reached a finding with respect to such earlier notice.

639BL § 13.
Spa2

The Board shall examine each notice:

639BM
Spa2

a) with respect to its conformity with the Convention the Table of Frequency Allocations and the other provisions of the Radio Regulations (with the exception of those relating to the co-ordination procedures and the probability of harmful interference);

639BN
Spa2

b) where appropriate, with respect to its conformity with the provisions of No. 639AJ, relating to the coordination of the use of the frequency assignment with the other administrations concerned vis-a-vis space radiocommunication stations;

639BO
Spa2

c) where appropriate, with respect to its conformity with the provisions of No. 639AN relating to the co-ordination of the use of the frequency assignment with the other administrations concerned vis-a-vis terrestrial radiocommunication stations;

639BP
Spa2

d) where appropriate, with respect to the probability of harmful interference to the service rendered by a space radiocommunication station for which a frequency assignment already recorded in the Master Register is in conformity with the provisions of No. 639BM if this frequency assignment has not in fact caused harmful interference to any frequency assignment in conformity with No. 639BM previously recorded in the Master Register;

639BQ
Spa2

e) where appropriate, with respect to the probability of harmful interference to the service rendered by a terrestrial radiocommunication station for which a frequency assignment already recorded in the Master Register is in conformity with the provisions of No. 501 or 570AB, as appropriate, if this frequency assignment has not, in fact, caused harmful interference to any frequency assignment in conformity with No. 639BM previously recorded in the Master Register;

639BR
Spa2

f) where appropriate, with respect to the probability of harmful interference caused to the receiving earth station by a terrestrial radiocommunication station for which a frequency assignment already recorded in the Master Register is in conformity with No. 501 or 570AB, as appropriate.

639BS § 14.
Spa2

When, following an examination of a notice with respect to No. 639BP, the Board reaches an unfavourable finding based upon the probability of harmful interference to a recorded assignment for a space station which the Board has reason to believe may not be in regular use, the Board shall forthwith consult the administration responsible for the registered assignment. If it is established, after such consultation and on the basis of the information available, that the recorded assignment has not been in use for two years, it shall not be taken into account for the purposes of the examination in progress or any other further examination under No. 639BP conducted before the date on which the assignment is brought back into use. Before the assignment is brought back into use, it shall be subject to further co-ordination in accordance with the provisions of No. 639AJ or further examination by the Board with respect to No. 639BP, as appropriate. The date on which the assignment is brought back into use shall then be entered in the Master Register.

639BT § 15.
Spa2

Depending upon the findings of the Board subsequent to the examination prescribed in Nos. 639BM, 639BN, 639BO, 639BQ and 639BR, as appropriate, further action shall be as follows:

639BU § 16.
Spa2

(1) *Finding favourable with respect to No.* 639BM *in cases where the provisions of Nos.* 639BN and 639BO *are not applicable.*

639BV
Spa2

(2) The assignment shall be recorded in the Master Register. The date of receipt by the Board of the notice shall be entered in Column 2d.

639BW § 17.
Spa2

(1) *Finding unfavourable with respect to No.* 639BM.

639BX
Spa2

(2) Where the notice includes a specific reference to the fact that the station will be operated in accordance with the provisions of No. 115, and the finding is favourable with respect to Nos. 639BN, 639BO, 639BP, 639BQ and 639BR, as appropriate, the assignment shall be recorded in the Master Register. The date of receipt by the Board of the notice shall be entered in Column 2d.

639BY
Spa2

(3) Where the notice includes a specific reference to the fact that the station will be operated in accordance with the provisions of No. 115 and the finding is unfavourable

with respect to No. 639BN, 639BO, 639BP, 639BQ or 639BR, as appropriate, the notice shall be returned immediately by airmail to the notifying administration with the reasons of the Board for this finding. Should the administration insist upon reconsideration of the notice, the assignment shall be recorded in the Master Register. However, this entry shall be made only if the notifying administration informs the Board that the assignment has been in use for at least one hundred and twenty days without any complaint of harmful interference having been received. The date of receipt by the Board of the original notice shall be entered in Column 2d. The date of receipt by the Board of the advice that no complaint of harmful interference has been received shall be indicated in the Remarks Column.

639BZ
Spa2

(4) The period of one hundred and twenty days mentioned in Nos. 639BY and 639CP shall count:

From the date when the assignment to the space radiocommunication station which received an unfavourable finding is brought into use, if the assignment to the station which was the basis for the unfavourable finding is then in use;

Otherwise, from the date when the assignment to the station which was the basis for the unfavourable finding is brought into use.

But if the assignment to the station which was the basis for the unfavourable finding has not been brought into use by the notified date, the period of one hundred and twenty days shall be counted from this date. Allowance shall, if necessary, be made for the additional period mentioned in No. 639CY.

639CA
Spa2

(5) Where the notice does not include a specific reference to the fact that the station will be operated in accordance with the provisions of No. 115, it shall be returned immediately by airmail to the notifying administration with the reasons of the Board for this finding and with such suggestions as the Board may be able to offer with a view to the satisfactory solution of the problem.

639CB
Spa2

(6) If the notifying administration resubmits the notice unchanged, it shall be treated in accordance with the provisions of No. 639CA. If it is resubmitted with a specific reference to the fact that the station will be operated in accordance with the provisions of No. 115, it shall be treated in accordance with the provisions of No. 639BX or 639BY, as appropriate. If it is resubmitted with modifications which, after re-examination, result in a favourable finding by the Board with respect to No. 639BM, it shall be treated as a new notice.

639CC § 18.
Spa2

(1) *Finding favourable with respect to No.* 639BM *in cases where the provisions of No.* 639BN *or* 639BO *are applicable.*

639CD
Spa2

(2) Where the Board finds that the co-ordination procedures mentioned in No. 639BN or 639BO have been successfully completed with all administrations whose space or terrestrial radiocommunication stations may be affected, the assignment shall be recorded in the Master Register. The date of receipt by the Board of the notice shall be entered in Column 2d.

639CE
Spa2

(3) Where the Board finds that either of the co-ordination procedures mentioned in Nos. 639BN and 639BO has not been applied, and the notifying administration requests the Board to effect the required co-ordination, the Board shall take appropriate action and shall inform the administrations concerned of the results obtained. If the Board's efforts are successful, the notice shall be treated in accordance with No. 639CD. If the Board's efforts are unsuccessful, the notice shall be examined by the Board with respect to the provisions of Nos. 639BP, 639BQ and 639BR, as appropriate.

639CF
Spa2

(4) Where the Board finds that either of the co-ordination procedures mentioned in Nos. 639BN and 639BO has not been applied, and the notifying administration does not request the Board to effect the required co-ordination, the notice shall be returned immediately by airmail to the notifying administration with the reasons of the Board for this action and with such suggestions as the Board may be able to offer with a view to the satisfactory solution of the problem.

639CG
Spa2

(5) Where the notifying administration resubmits the notice and the Board finds that the co-ordination procedures mentioned in Nos. 639BN and 639BO have been successfully completed with all administrations whose space or terrestrial radiocommunication stations may be affected, the assignment shall be recorded in the Master Register. The date of receipt by the Board of the original notice shall be entered in Column 2d. The date of receipt by the Board of the resubmitted notice shall be entered in the Remarks Column.

639CH
Spa2

(6) Where the notifying administration resubmits the notice with a request that the Board effect the required co-ordindation under No. 639AJ or 639AN, it shall be treated in accordance with the provisions of No. 639CE. However, in any subsequent recording of the assignment, the date of receipt by the Board of the resubmitted notice shall be entered in the Remarks Column.

639CI
Spa2

(7) Where the notifying administration resubmits the notice and states it has been unsuccessful in effecting the co-ordination, the Board shall inform the administrations concerned thereof. The notice shall be examined by the Board with respect to the provisions of Nos. 639BP, 639BQ and 639BR, as appropriate. However, in any subsequent recording of the assignment, the date of receipt by the Board of the resubmitted notice shall be entered in the Remarks Column.

639CJ § 19
Spa2

(1) *Finding favourable with respect to Nos.* 639BM, 639BP, 639BQ *and* 639BR, *as appropriate.*

639CK
Spa2

(2) The assignment shall be recorded in the Master Register. The date of receipt by the Board of the notice shall be entered in Column 2d.

639CL
Spa2

(3) However, should the examination show that the level of the interference noise and the percentage of time during which it is likely to occur have values slightly greater than those used for assessing the probability of harmful interference (extreme propagation conditions, abnormal atmospheric humidity, etc.), a remark shall be included in the Master Register to show that there may be a slight risk of harmful interference and hence additional precautions must be taken in the use of the assignment to avoid harmful interference to assignments already recorded in the Master Register.

639CM § 20
Spa2

(1) *Finding favourable with respect to No.* 639BM *but unfavourable with respect to No.* 639BP, 639BQ *or* 639BR, *as appropriate.*

639CN
Spa2

(2) The notice shall be returned immediately by airmail to the notifying administration with the reasons of the Board for this finding and with such suggestions as the Board may be able to offer with a view to the satisfactory solution of the problem.

639CO
Spa2

(3) Should the notifying administration resubmit the notice with modifications which result, after re-examination, in a favourable finding by the Board with respect to Nos. 639BP, 639BQ and 639BR, as appropriate, the assignment shall be recorded in the Master Register. The date of receipt by the Board of the original notice shall be entered in Column 2d. The date of receipt by the Board of the resubmitted notice shall be indicated in the Remarks Column.

639CP
Spa2

(4) Should the notifying administration resubmit the notice, either unchanged, or with modifications which decrease the probability of harmful interference, but not sufficiently to permit the provisions of No. 639CO to be applied, and should that administration insist upon reconsideration of the notice, but should the Board's finding remain unchanged, the assignment shall be recorded in the Master Register. However, this entry shall be made only if the notifying administration informs the Board that the assignment has been in use for at least one hundred and twenty days without any complaint of harmful interference having been received. The date of receipt by the Board of the original notice shall be entered in Column 2d. The date of receipt by the Board of the advice that no complaint of harmful interference has been received shall be indicated in the Remarks Column. The period of one hundred and twenty days shall count from the date indicated in No. 639BZ.

639CQ § 21.
Spa2

(1) *Notices relating to radio astronomy stations.*

639CR
Spa2

(2) A notice relating to radio astronomy station shall not be examined by the Board with respect to Nos. 639BN, 639BO, 639BP, 639BQ and 639BR. Whatever the finding, the assignment shall be recorded in the Master Register with a date in Column 2c. The date of receipt by the Board of the notice shall be recorded in the Remarks Column.

639CS § 22.
Spa2

(1) *Change in the basic characteristics of assignments already recorded in the Master Register.*

639CT
Spa2

(2) A notice of a change in the basic characteristics of an assignment already recorded, as specified in Appendix 1A (except the name of the station or the name of the locality in which it is situated) shall be examined by the Board according to No. 639BM, and, where appropriate, Nos. 639BN, 639BO, 639BP, 639BQ and 639BR, and the provisions of Nos. 639BU to 639CR inclusive shall apply. Where the change should be recorded, the original assignment shall be amended according to the notice.

639CU
Spa2

(3) However, in the case of a change in the characteristics of an assignment which is in conformity with No. 639BM, should the Board reach a favourable finding with respect to Nos. 639BN, 639BO, 639BP, 639BQ and 639BR, where appropriate, or find that the changes do not increase the probability of harmful interference to assignments already recorded, the amended assignment shall retain the original date in Column 2d. The date of receipt by the Board of the notice relating to the change shall be entered in the Remarks Column.

639CV § 23.
Spa2

In applying the provisions of this section, any resubmitted notice which is received by the Board more than two years after the date of its return by the Board, shall be considered as a new notice.

639CW § 24.
Spa2

(1) *Recording of frequency assignments notified before being brought into use.*

639CX
Spa2

(2) If a frequency assignment notified in advance of bringing into use has received a favourable finding by the Board with respect to No. 639BM and, where appropriate, Nos. 639BN, 639BO, 639BP, 639BQ and 639BR, it shall be entered provisionally in the Master Register with a special symbol in the Remarks Column indicating the provisional nature of that entry.

639CY
Spa2

(3) If, within thirty days after the projected date of bringing into use, the Board receives confirmation from the notifying administration of the date of putting into use, the special symbol shall be deleted from the Remarks Column. In the case where the Board, in the light of a request from the notifying administration recevied before the end of the thirty-day period, finds that exceptional circumstances warrant an extension of this period, the extension shall in no case exceed one hundred and fifty days.

639CZ
Spa2

(4) In the circumstances described in Nos. 639BY and 639CP, and as long as an assignment which received an unfavourable finding cannot be resubmitted as a consequence of the provisions of No. 639BZ, the notifying administration may ask the Board to enter the assignment provisionally in the Master Register, in which event a special symbol to denote the provisional nature of the entry shall be entered in the Remarks Column. The Board shall delete this symbol when it receives from the notifying administration, at the end of the period specified in No. 639BY or 639CP, as appropriate, the information relating to the absence of complaint of harmful interference.

639DA
Spa2

(5) If the Board does not receive this confirmation within the period referred to in No. 639CY or at the end of the period referred to in No. 639BY or 639CP, as appropriate, the entry concerned shall be cancelled. The Board shall advise the administration concerned before taking such action.

SECTION V. RECORDING OF FINDINGS IN THE MASTER REGISTER

639DB § 25
Spa2

In any case where a frequency assignment is recorded in the Master Register, the finding reached by the Board shall be indicated by a symbol in Column 13a. In addition, a remark indicating the reasons for any unfavorable finding shall be inserted in the Remarks Column.

SECTION VI. CATEGORIES OF FREQUENCY ASSIGNMENTS

639DC § 26.
Spa2

(1) The date in Column 2c shall be the date of putting into use notified by the administration concerned. It is given for information only.

639DD
Spa2

(2) If harmful interference is actually caused to the reception of any space radiocommunication station whose frequency assignment has been recorded in the Master Register as a result of a favourable finding with respect to Nos. 639BM, 639BN, 639BO, 639BP, 639BQ and 639BR, as appropriate, by the use of a frequency assignment to a space radiocommunication station subsequently recorded in the Master Register in accordance with the provisions of No. 639CP, the station using the latter frequency assignment must, upon receipt of advice thereof, immediately eliminate this harmful interference.

639DE
Spa2

(3) If harmful interference to the reception of any station whose assignment is in accordance with No. 501, 570AB or 639BM, as appropriate, is actually caused by the use of a frequency assignment which is not in conformity with No. 639BM, the station using the latter frequency assignment must, upon receipt of advice thereof, immediately eliminate this harmful interference.

SECTION VII. REVIEW OF FINDINGS

639DF § 27.
Spa2

(1) The review of a finding by the Board may be undertaken:

At the request of the notifying administration;

At the request of any other administration interested in the question, but only on the grounds of actual harmful interference;

On the initiative of the Board itself when it considers this is justified.

639DG
Spa2

(2) The Board, in the light of all the data at its disposal shall review the matter, taking into account No. 639BM and, where appropriate, Nos. 639BN, 639BO, 639BP, 639BQ and 639BR and shall render an appropriate finding, informing the notifying administration prior either to the promulgation of its finding or to any recording action.

639DH § 28.
spa2

(1) After actual use for a reasonable period of an assignment which has been entered in the Master Register on the insistence of the notifying administration, following an unfavourable finding with respect to No. 639BP, 639BQ or 639BR, this administration may request the Board to review the finding. Thereupon, the Board shall review the matter, having first consulted the administrations concerned.

639DI
Spa2

(2) If the finding of the Board is then favourable it shall enter in the Master Register the changes that are required so that the entry shall appear in the future as if the original finding had been favourable.

639DJ
Spa2

(3) If the finding with regard to the probability of harmful interference remains unfavourable, no change shall be made in the original entry.

SECTION VIII. MODIFICATION, CANCELLATION AND REVIEW OF ENTRIES IN THE MASTER REGISTER

639DK §29.
Spa2

(1) Where the use of a recorded assignment to a space station is suspended for a period of eighteen months, the notifying administration shall, within this eighteen-month period, inform the Board of the date on which such use was suspended and of the date on which the assignment is to be brought back into regular use.

639DL
Spa2

(2) Whenever it appears to the Board, whether or not as a result of action under No. 639DK, that a recorded assignment to a space station has not been in regular use for more than eighteen months, the Board shall inquire of the notifying administration as to when the assignment is to be brought back into regular use.

639DM
Spa2

(3) If no reply is received within six months of action by the Board under No. 639DL, or if the reply does not confirm that the assignment to a space station is to be brought back into regular use within this six-month limit, a mark shall be applied against the entry in the Master Register. Thereafter, the assignment shall be treated in accordance with No. 639BS as one which has been established as having been out of regular use for two years.

639DN § 30.
Spa2

In case of permanent discontinuance of the use of any recorded frequency assignment, the notifying administration shall inform the Board within ninety days of such discontinuance, whereupon the entry shall be removed from the Master Register.

639DO § 31.
Spa2

Whenever it appears to the Board from the information available that a recorded assignment has not been brought into regular operation in accordance with the notified basic characteristics, or is not being used in accordance with those basic characteristics, the Board shall consult the notifying administration and, subject to its agreement, shall either cancel or suitably modify the entry.

639DP § 32.
Spa2

If, in connection with an inquiry by the Board under No. 639DO, the notifying administration has failed to supply the Board within forty-five days with the necessary or pertinent information, the Board shall make suitable entries in the Remarks Column of the Master Register to indicate the situation.

SECTION IX. STUDIES AND RECOMMENDATIONS

639DQ § 33.
Spa2

(1) If it is requested by any administration, and if the circumstances appear to warrant, the Board, using such means at its disposal as are appropriate in the circumstances, shall conduct a study of cases of alleged contravention or non-observance of these Regulations, or of harmful interference.

639DR
Spa2

(2) The Board shall thereupon prepare and forward to the administration concerned a report containing its findings and recommendations for the solution of the problem.

639DS § 34.
Spa2

In a case where, as a result of a study, the Board submits to one or more administrations suggestions or recommendations for the

solution of a problem, and where no answer has been received from one or more of these administrations within a period of ninety days, the Board shall consider that the suggestions or recommendations concerned are unacceptable to the administrations which did not answer. If it was the requesting administration which failed to answer within this period, the Board shall close the study.

SECTION X. MISCELLANEOUS PROVISIONS

639DT § 35.
Spa2

(1) If it is requested by any administration, particularly by an administration of a country in need of special assistance, and if the circumstances appear to warrant, the Board, using such means at its disposal as are appropriate in the circumstances, shall render the following assistance:

a) computation of the increases in noise temperatures in accordance with No. 639AK;

b) preparation of diagrams showing the co-ordination areas as in No. 639AN;

c) any other assistance of a technical nature for completion of the procedures in this Article.

639DU
Spa2

(2) In making a request to the Board under No. 639DT, the administration shall furnish the Board with the necessary information.

639DV
Spa2

§ 36. The technical standards of the Board shall be based upon the relevant provisions of these Regulations and the Appendices thereto, the decisions of Administrative Conferences of the Union, as appropriate, the Recommendations of the C.C.I.R., the state of the radio art and the development of new transmission techniques.

639DW
Spa2

§ 37. The Board shall promulgate to administrations its findings and reasons therefor, together with all changes made to the Master Register, through the weekly circular referred to in No. 497.

639DX
Spa2

§ 38. In case a Member or Associate Member of the Union avails itself of the provisions of Article 28 of the Convention, the Board shall, upon request, make its records available for such proceedings as are prescribed in the Convention for the settlement of international disputes.

ANNEX 9: REVISION OF ARTICLE 14 OF THE RADIO REGULATIONS

Article 14 of the Radio Regulations shall be amended as follows:

Replace Regulation No. 695 by the following new text:

MOD 695
Spa2

§ 3. In order to avoid interference:

locations of transmitting stations and, where the nature of the service permits, locations of receiving stations shall be selected with particular care;

radiation in and reception from unnecessary directions shall be minimized, where the nature of the service permits, by taking the maximum practical advantage of the properties of directional antennae;

the choice and use of transmitters and receivers shall be in accordance with the provisions of Article 12;

the conditions specified under No. 470V shall be fulfilled.

ANNEX 10: REVISION OF ARTICLE 15 OF THE RADIO REGULATIONS

Article 15 of the Radio Regulations shall be amended as follows:

Replace Regulation No. 717 by the following new text:

MOD 717
Spa2

(2) In such a case, the administration concerned may also request the Board to act in accordance with the provisions of Sections VII and VIII of Article 9 and Sections IX and X of Article 9A; but it shall then supply the Board with the full facts of the case, including all the technical and operational details and copies of the correspondence.

ANNEX 11: REVISION OF ARTICLE 27 OF THE RADIO REGULATIONS

Article 27 of the Radio Regulations shall be amended as follows:

Replace Nos. 951 and 952 by the following new texts:

MOD 951
Spa2

§ 3. (1) Stations on board aircraft may communicate with stations of the maritime mobile-satellite services. They shall conform to those provisions of these Regulations which relate to these services.

MOD 952
Spa2

(2) For this purpose stations on board aircraft should use the frequencies allocated to the maritime mobile or maritime mobile-satellite services. However, having regard to interference which may be caused by aircraft stations at high altitudes, maritime mobile frequencies in the bands above 30 MHz shall not be used by aircraft stations in any specific area without the prior agreement of all the administrations of the area in which interference is likely to be caused. In particular, aircraft stations operating in Region I should not use frequencies in the bands above 30 MHz allocated to the maritime mobile service by virtue of any agreement between administrations in that Region.

ANNEX 12: REVISION OF ARTICLE 41 OF THE RADIO REGULATIONS

Article 41 of the Radio Regulations shall be amended as follows:

After Regulation No. 1567, add the following new Regulation:

ADD 1567A
Spa2

§ 6. Space stations in the amateur-satellite service operating in bands shared with other services shall be fitted with appropriate devices for controlling emissions in the event that harmful interference is reported in accordance with the procedure laid down in Article 15. Administrations authorizing such space stations shall inform the I.F.R.B., and shall insure that sufficient earth command stations are established before launch to guarantee that any harmful interference that might be reported can be terminated by the authorizing Administration (see No. 470V).

ANNEX 13: REVISION OF APPENDIX 1 TO THE RADIO REGULATIONS

Appendix 1 to the Radio Regulations shall be amended as follows:

SECTION A. BASIC CHARACTERISTICS TO BE FURNISHED FOR NOTIFICATION UNDER NO. 486 OF THE REGULATIONS

Replace the paragraph "Supplementary information" *by the following:*

MOD Spa2 Supplementary information:

a) reference frequency, if any, and any co-ordination required by No. 492A;

b) the name of any administration with which an agreement has been effected to exceed the limits prescribed in these Regulations and the contents of such agreement.

SECTION B. BASIC CHARACTERISTICS TO BE FURNISHED FOR NOTIFICATION UNDER NO. 487 OF THE REGULATIONS

Replace the paragraph "Supplementary information" *by the following:*

Mod Spa2 Supplementary information:

a) any co-ordination required by No. 492A;

b) the name of any administration with which an agreement has been effected to exceed the limits prescribed in these Regulations and the contents of such agreement.

SECTION C. BASIC CHARACTERISTICS TO BE FURNISHED FOR NOTIFICATION UNDER NO. 490 OF THE REGULATIONS

Replace the paragraph "Supplementary information" *by the following:*

MOD Spa2 Supplementary information:

a) any co-ordination required by No. 492A;

b) the name of any administration with which an agreement has been effected to exceed the limits prescribed in these Regulations and the contents of such agreement.

ANNEX 14: REVISION OF APPENDIX 1A TO THE RADIO REGULATIONS

Appendix 1A to the Radio Regulations shall be amended as follows:

The entire Appendix 1A is replaced by the following new text:

APPENDIX 1A

MOD Spa2

Notices relating to Space Radiocommunication and Radio Astronomy Stations; (See Article 9A)

SECTION A. GENERAL INSTRUCTIONS

1. A separate notice shall be sent to the International Frequency Registration Board for notifying:

each new frequency assignment;

any change in the characteristics of a frequency assignment recorded in the Master International Frequency Register (hereinafter called the *Master Register*);

any total deletion of a frequency assignment recorded in the Master Register.

2. When submitting notices under No. 639BA for earth and space transmitting assignments and under No. 639BB for space and earth receiving assignments, separate notices shall be submitted to the Board for each assignment to an earth or space station. In the case of a passive satellite system, only earth transmitting and receiving assignments shall be notified.

3. In the case of a satellite system employing multiple space stations with the same general characteristics, a separate notice shall be submitted for each space station:

—when it is aboard a geostationary satellite; or

—when it is aboard a non-geostationary satellite except when a number of satellites have the same radio frequency characteristics and orbital characteristics (excluding the ascending node position); in the latter case, one notice covering all such space stations may be submitted.

4. The following basic information shall be shown on the notice:

a) the serial number of the notice and the date on which the notice is sent to the Board;

b) the name of the notifying administration;

c) sufficient data to identify the particular satellite network in which the earth or space station will operate;

d) whether the notice reflects:

1) the first use of a frequency by a station;

2) a change in the characteristics of a frequency assignment recorded in the Master Register (indicate whether the change is a replacement, addition or deletion of existing characteristics); or

3) a deletion of an assignment in all of its notified characteristics;

e) reference to the I.F.R.B. weekly circular providing the advance publication information required in accordance with No. 639AA;

f) basic characteristics as outlined in Section B, C, D, E, or F as appropriate;

g) any other information which the administration considers to be relevant, e.g., any factors taken into account when applying Appendix 28 for determination of the co-ordination area and also any indication that the assignment concerned would be operating in accordance with No. 115, information concerning the use of the notified frequency if such use is restricted, or, in the case of notices pertaining to space stations, if the transmissions of the station are to be permanently switched off after a certain period.

SECTION B. BASIC CHARACTERISTICS TO BE FURNISHED IN NOTICES RELATING TO FREQUENCIES USED BY EARTH STATIONS FOR TRANSMITTING

Item 1 Assigned frequency

Indicate the assigned frequency as defined in Article 1, in kHz up to 30 000 kHz inclusive, and in MHz above 30 000 kHz (see No. 85).

Item 2 Assigned frequency band

Indicate the bandwidth of the assigned frequency band in kHz (see No. 89).

Item 3 Date of bringing into use

a) In the case of a new assignment, indicate the date (actual or foreseen, as appropriate) of bringing the frequency assignment into use.

b) Whenever the assigment is changed in any of its basic characteristics, as shown in this Section (except in the case of a change in Item 4*a*)), the date to be given shall be that of the latest change (actual or foreseen, as appropriate).

Item 4 Identity and location of the transmitting earth station

a) Indicate the name by which the station is known or the name of the locality in which it is situated.

b) Indicate the country in which the station is located. Symbols from the Preface to the International Frequency List should be used.

c) Indicate the geographical co-ordinates (in degrees and minutes) of the transmitter site.

Item 5 Station(s) with which communication is to be established

Identify the associated receiving space station(s) by reference to the notification thereof or in any other appropriate manner, or, in the case of a passive satellite, the identity of the satellite and the location of the associated receiving earth stations(s).

Item 6 Class of station and nature of service

Indicate the class of station and nature of service performed, using the symbols shown in Appendix 10.

Item 7 Class of emission, necessary bandwidth and description of transmission

In accordance with Article 2 and Appendix 5:

a) indicate the class of emission;

b)[1] indicate the carrier frequency or frequencies of the emission(s);

c)[1] indicate for each carrier, the class of emission, necessary bandwidth and description of transmission.

Item 8 Power characteristics of the transmission

a)[1] Indicate for each carrier, the peak power supplied to the input of the antenna.

[1] This information need only be furnished when such information has been used as a basis to effect co-ordination with another administration.

b) Indicate the total peak power and the maximum power density per Hz supplied to the input of the antenna averaged over the worst 4 kHz band for carriers below 15 GHz, or averaged over the worst 1 MHz band for carriers above 15 GHz.

Item 9 Transmitting antenna characteristics

a) Indicate the isotropic gain (dB) of the antenna in the direction of maximum radiation (see No. 100).

b) Indicate the beamwidth in degrees between the half power points (describe in detail if not symmetrical).

c) Either attach the measured radiation diagram of the antenna (taking as a reference the direction of maximum radiation) or indicate the reference radiation diagram to be used for co-ordination.

d) Indicate graphically the horizon elevation angle for each azimuth around the earth station.

e) Indicate in degrees from the horizontal plane the planned minimium operating angle of elevation of the antenna in the direction of maximum radiation.

f) Indicate in degrees, clockwise from true north, the planned range of operating azimuthal angles for the direction of maximum radiation.

g)[1] Indicate the type of polarization of the transmitted wave in the direction of maximum radiation; also indicate the sense in the case of circular polarization and the plane in the case of linear polarization.

h) Indicate the altitude (metres) of the antenna above mean sea level.

Item 10[1] Modulation characteristics

For each carrier, according to the nature of the signal modulating the carrier and the type of modulation, indicate the following characteristics:

a) carrier frequency modulated by a frequency-division multichannel telephony baseband (FDM–FM) or by a signal that can be represented by a multichannel telephony baseband: indicate the lowest and highest frequencies of the baseband and the r.m.s. frequency deviation of the test tone as a function of baseband frequency;

b) carrier frequency modulated by a television signal: indicate the standard of the television signal (including, where appropriate, the standard used for colour), the frequency deviation for the reference frequency of the pre-emphasis charcateristic and the pre-emphasis characteristic itself. Also indicate, where applicable, the characteristics of the multiplexing of the video signal with the sound signal(s) or other signals;

c) carrier phase-shift modulated by a pulse code modulation signal (PCM/PSK): indicate the bit rate and the number of phases;

d) amplitude modulated carrier (including single sideband): indicate as precisely as possible the nature of the modulating signal and the kind of amplitude modulation used;

e) for all other types of modulation, provide such particulars as may be useful for an interference study;

f) for any type of modulation as applicable, indicate the characteristics of energy dispersal.

Item 11 Maximum hours of operation

Indicate in G.M.T. the maximum hours of operation on the frequency of each carrier.

Item 12 Co-ordination

Give the name of any administration with which the use of this frequency has been successfully co-ordinated in accordance with Nos. 639AJ and 639AN and, if appropriate, the name of any administration with which co-ordination has been sought but not effected.

[1] This information need only be furnished when such information has been used as a basis to effect co-ordination with another administration.

Item 13 Agreements

Give, if appropriate, the name of any administration with which agreement has been effected to exceed the limits prescribed in these Regulations, and the contents of such agreement.

Item 14 Operating administration or company

Give the name of the operating administration or company and the postal and telegraphic address of the administration to which communications should be sent on urgent matters regarding interference, quality of emissions and questions referring to the technical operation of stations (see Article 15).

SECTION C. BASIC CHARACTERISTICS TO BE FURNISHED IN NOTICES RELATING TO FREQUENCIES TO BE RECEIVED BY EARTH STATIONS

Item 1 Assigned frequency

Indicate the assigned frequency of the emission to be received, as defined in Article 1, in kHz up to 30 000 kHz inclusive, and in MHz above 30 000 kHz (see No. 85).

Item 2 Assigned frequency band

Indicate the bandwidth of the assigned frequency band in kHz (see No. 89).

Item 3 Date of bringing into use

a) In the case of a new assignment, indicate the date (actual or foreseen, as appropriate) when reception of the assigned frequency begins.

b) Whenever the assignment is changed in any of its basic characteristics, as shown in this Section (except in the case of a change in Item 4*a*)), the date to be given shall be that of the latest change (actual or foreseen, as appropriate).

Item 4 Identity and location of the receiving earth station

a) Indicate the name by which the receiving earth station is known or the name of the locality in which it is situated.

b) Indicate the country in which the receiving earth station is located. Symbols from the Preface to the International Frequency List should be used.

c) Indicate the geographical co-ordinates (in degrees and minutes) of the receiver site.

Item 5 Station(s) with which communication is to be established

Identify the associated transmitting space station(s) by reference to the notification thereof or in any other appropriate manner, or, in the case of a passive satellite, the identity of the satellite and the associated transmitting earth station(s).

Item 6 Class of station and nature of service

Indicate the class of station and nature of service performed, using the symbols shown in Appendix 10.

Item 7 Class of emission, necessary bandwidth and description of the transmission to be received

In accordance with Article 2 and Appendix 5:

a) indicate the class of emission of the transmission to be received;

b)[1] indicate the carrier frequency or frequencies of the transmission to be received;

c)[1] indicate, for each carrier to be received, the class of emission, necessary bandwidth and description of the transmission.

Item 8 Earth station receiving antenna characteristics

a) Indicate the isotropic gain (dB) of the antenna in the direction of maximum radiation (see No. 100).

b) Indicate the beamwidth in degrees be-

[1] This information need only be furnished when such information has been used as a basis to effect co-ordination with another administration.

tween the half power points (describe in detail if not symmetrical).

c) Either attach the measured radiation diagram of the antenna (taking as a reference the direction of maximum radiation) or indicate the reference radiation diagram to be used for co-ordination.

d) Indicate graphically the horizon elevation angle for each azimuth around the earth station.

e) Indicate in degrees from the horizontal plane the planned minimum operating angle of elevation of the antenna in the direction of maximum radiation.

f) Indicate in degrees, clockwise, from True North, the planned range of operating azimuthal angles for the direction of maximum radiation.

g) Indicate the altitude (metres) of the antenna above mean sea level.

Item 9 Noise temperature

Indicate the lowest equivalent satellite link noise temperature in kelvins (see No. 103A) under "quiet sky conditions". This value shall be indicated for the nominal value of the angle of elevation when the associated transmitting station is aboard a geostationary satellite and, in other cases, for the minimum value of angle of elevation.

Item 10 Maximum hours of reception

Indicate in G.M.T. the maximum hours of reception of the frequency of each carrier.

Item 11 Co-ordination

Give the name of any administration with successfully co-ordinated in accordance with which the use of this frequency has been Nos. 639AJ and 639AN and, if appropriate, the name of any administration with which co-ordination has been sought but not effected.

Item 12 Agreements

Give also, if appropriate, the name of any administration with which agreement has been effected to exceed the limits prescribed in these Regulations, and the contents of such agreement.

Item 13 Operating administration or company

Give the name of the operating administration or company and the postal and telegraphic addresses of the administration to which communications should be sent on urgent matters regarding interference and questions referring to the technical operation of stations (see Article 15).

SECTION D. BASIC CHARACTERISTICS TO BE FURNISHED IN NOTICES RELATING TO FREQUENCIES USED BY SPACE STATIONS FOR TRANSMITTING

Item 1 Assigned frequency

Indicate the assigned frequency as defined in Article 1, in kHz up to 30 000 kHz inclusive, and in MHz above 30 000 kHz (see No. 85). At least one separate assignment notice should be made out for each antenna radiation beam.

Item 2 Assigned frequency band

Indicate the bandwidth of the assigned frequency band in kHz (see No. 89).

Item 3 Date of bringing into use

a) In the case of a new assignment, indicate the date (actual or foreseen, as appropriate) of bringing the frequency assignment into use.

b) Whenever the assignment is changed in any of its basic characteristics as shown in this Section (except in the case of a change in Item 4), the date to be given shall be that of the latest change (actual or foreseen, as appropriate).

Item 4 Identity of the space station(s)

Indicate the identity of the space station(s).

Item 5 Orbital information

a) In the case of a space station aboard a geostationary satellite indicate the nominal geographical longitude on the geostationary satellite orbit and the longitudinal and inclination tolerances. Indicate also:

1) the arc of the geostationary satellite orbit over which the space station is visible, at a minimum angle of elevation of 10° at the Earth's surface, from its associated earth stations or service areas; and

2) the arc of the geostationary satellite orbit within which the space station could provide the required service to its associated earth stations or service areas; and

3) in the event that the arc defined in paragraph 2) above is less than the arc defined in paragraph 1) above, provide the reasons therefor.

Note: The arcs specified in 1) and 2) will be indicated by the geographical longitude of the extremes of these arcs on the geostationary satellite orbit.

b) In the case of space station(s) aboard non-geostationary satellite(s), indicate the angle of inclination of the orbit, the period, the altitudes in kilometres of the apogee and perigee of the space station(s) and the number of satellites used.

Item 6 Service area

Indicate the service area or areas on the Earth or the name of the locality and country in which the associated receiving station(s) is (are) located.

Item 7 Class of station and nature of service

Indicate the class of station and nature of service performed, using the symbols shown in Appendix 10.

Item 8 Class of emission, necessary bandwidth and description of transmission

In accordance with Article 2 and Appendix 5:

a) indicate the class of emission of the transmission;

b) [1] indicate the carrier frequency or frequencies of the transmission;

c) [1] indicate, for each carrier, the class of emission, necessary bandwidth and description of transmission.

Item 9 Power characteristics of the transmission

a) [1] indicate, for each carrier, the class of power supplied to the input of the antenna.

b) Indicate the total peak power and the maximum power density per Hz at the input of the antenna averaged over the worst 4 kHz band for carriers below 15 GHz or averaged over the worst 1 MHz band for carriers above 15 GHz.

Item 10 Space station transmitting antenna characteristics

For each service area:

a) in the case of a space station aboard a geostationary satellite, indicate the gain of the space station transmitting antenna by means of gain contours plotted on a map of Earth's surface. The isotropic gain at each contour which corresponds to a gain of 2, 4, 6, 10 and 20 dB and at 10 dB intervals thereafter as necessary, below the maximum gain, shall be indicated;

b) in the case of a space station abroad a non-geostationary satellite, indicate the isotropic gain of the space station transmitting antenna in the main direction of radiation and indicate the antenna radiation pattern in those directions which can intersect with the Earth's surface, taking the gain in the main direction of radiation as a reference;

c) [1] indicate the type of polarization of the antenna, the sense in the case of circular polarization, and the plane in the case of linear polarization; also indicate the worst case axial ratio in the half power beam;

d) for a geostationary satellite, indicate the pointing accuracy of the antenna.

Item 11 [1] Modulation characteristics

For each carrier, according to the nature of the signal modulating the carrier and the type of modulation, indicate the following characteristics:

a) carrier frequency modulated by a frequency-division multi-channel telephony baseband (FDM–FM) or by a signal that can be represented by a multichannel telephony baseband: indicate the lowest and highest frequencies of the baseband and the r.m.s. frequency deviation of the test tone as a function of baseband frequency;

b) carrier frequency modulated by a television signal: indicate the standard of the television signal (including, where appropriate, the standard used for colour), the frequency deviation for the reference frequency of the pre-emphasis characteristic and the pre-emphasis characteristic itself. Also indicate, where applicable, the characteristics of the multiplexing of the video signal with the sound signal(s) or other signals;

c) carrier phase-shift-modulated by a pulse code modulation signal (PCM/PSK): indicate the bit rate and the number of phases;

d) amplitude modulated carrier (including single sideband): indicate as precisely as possible the nature of the modulating signal and the kind of amplitude modulation used;

e) for all other types of modulation, provide such particulars as may be useful for an interference study;

f) for any type of modulation as applicable, indicate the characteristics of energy dispersal.

Item 12 Maximum hours of operation

Indicate in G.M.T. the maximum hours of operation on the frequncy of each carrier.

Item 13 Co-ordination

Give the name of any administration or group of administrations with which the use of the satellite network to which the space station belongs has been successfully co-ordinated in accordance with No. 639AJ.

Item 14 Agreements

Give also, if appropriate, the name of any administration with which agreement has been effected to exceed the limits prescribed in these Regulations and the contents of such agreement.

Item 15 Operating administration or company

Give the name of the operating administration or company and the postal and telegraphic addresses of the administration to which communications should be sent on urgent matters regarding interference, quality of emissions and questions referring to the technical operation of stations (see Article 15).

SECTION E. BASIC CHARACTERISTICS TO BE FURNISHED IN NOTICES RELATING TO FREQUENCIES TO BE RECEIVED BY SPACE STATIONS

Item 1 Assigned frequency

Indicate the assigned frequency of the emission to be received, as defined in Article 1, in kHz up to 30000 kHz inclusive, and in MHz above 30000 kHz (see No. 85). At least one separate assignment notice should be made out for each antenna radiation beam.

Item 2 Assigned frequency band

Indicate the bandwidth of the assigned frequency band in kHz (see No. 89).

Item 3 Date of bringing into use

[1] This information need only be furnished when such information has been used as a basis to effect co-ordination with another administration.

[1] This information need only be furnished when such information has been used as a basis to effect co-ordination with another administration.

a) In the case of a new assignment, indicate the date (actual or foreseen, as appropriate) when reception of the assigned freqency begins.

b) Whenever the assignment is changed in any of its basic characteristics as shown in this Section (except in the case of a change in Item 4, the date to be given shall be that of the latest change (actual or foreseen, as appropriate).

Item 4 Identity of the receiving space station(s)

Indicate the identity of the receiving space station(s).

Item 5 Orbital information

a) In the case of a space station aboard a geostationary satellite, indicate the planned nominal geographical longitude on the geostationary satellite orbit and the planned longitudinal and inclination tolerances. Indicate also:

1) the arc of the geostationary satellite orbit over which the space station is visible, at a minimum angle of elevation of 10° at the Earth's surface, from its associated earth stations or service areas; and

2) the arc of the geostationary satellite orbit within which the space station could provide the required service to its associated earth stations or service areas; and

3) in the event that the arc defined in paragraph 2) above is less than the arc defined in paragraph 1) above, provide the reasons therefor.

Note: The arcs specified in 1) and 2) will be indicated by the geographical longitude of the extremes of these arcs on the geostationary satellite orbit.

b) In the case of space station(s) aboard non-geostationary satellite(s), indicate the angle of inclination of the orbit, the period, the altitudes in kilometres of the apogee and perigee of the space station(s) and the number of satellites used.

Item 6 Associated transmitting earth station(s)

Identify the associated transmitting earth station(s) by reference to the notification thereof or in any other appropriate manner.

Item 7 Class of station and nature of service

Indicate the class of station and nature of service performed, using the symbols shown in Appendix 10.

Item 8 Class of emission, necessary bandwidth and description of the transmission(s) to be received

In accordance with Article 2 and Appendix 5:

a) indicate the class of emission of the transmission(s) to be received;

b) [1] indicate the carrier frequency or frequencies of the transmission(s) to be received;

c)[1] indicate, for each carrier to be received, the class of emission, necessary bandwidth and description of the transmission(s) to be received.

Item 9 Space station receiving antenna characteristics

For each receiving beam:

a) in the case of a space station aboard a geostationary satellite, indicate the gain of the space station receiving antenna by means of gain contours plotted on a map of the Earth's surface. The isotropic gain at each contour which corresponds to a gain of 2, 4, 6, 10 and 20 dB and at 10 dB intervals thereafter as necessary, below the maximum gain, shall be indicated;

b) in the case of a space station aboard a non-geostationary satellite, indicate the isotropic gain of the space station receiving antenna in the main direction of radiation and indicate the antenna radiation pattern in those directions which can intersect with the Earth's surface, taking the gain in the main direction of radiation as a reference;

c) [1] indicate the type of polarization of the antenna, the sense in the case of circular polarization, and the plane in the case of linear polarization, also indicate the worst case axial ratio in the half power beam;

d) indicate, for a geostationary satellite, the pointing accuracy of the antenna.

Item 10 Noise temperature

Indicate the total receiving system noise temperature (in kelvins) at the input of the space station receiver.

Item 11 Maximum hours of reception

Indicate in G.M.T. the maximum hours of reception of the frequency of each carrier.

Item 12 Co-ordination

Give the name of any administration or group of administrations with which the use of satellite network to which the space station belongs has been successfully co-ordinated in accordance with No. 639AJ.

Item 13 Agreements

Give also, if appropriate, the name of any administration with which agreement has been effected to exceed the limits prescribed in these Regulations and the contents of such agreement.

Item 14 Operating administration or company

Give the name of the operating administration or company and the postal and telegraphic addresses of the administration to which communications should be sent on urgent matters regarding interference and questions referring to the technical operation of stations (see Article 15).

SECTION F. BASIC CHARACTERISTICS TO BE FURNISHED IN NOTICES RELATING TO FREQUENCIES TO BE RECEIVED BY RADIO ASTRONOMY STATIONS

Item 1 Observed frequency

Indicate the centre of the frequency band observed, in kHz up to 30 000 kHz inclusive, and in MHz above 30 000 kHz.

Item 2 Date of bringing into use

(*a*) Indicate the date (actual or foreseen, as appropriate) when reception of the frequency band begins.

(*b*) Whenever there is a change in any of the basic characteristics, as shown in this Section (except in the case of a change in Item 3(*b*)), the date to be given shall be that of the latest change (actual or foreseen, as appropriate).

Item 3 Name and location of the station

a) Indicate the letters "RA".

b) Indicate the name by which the station is known or the name of the locality in which it is situated or both.

c) Indicate the country in which the station is located. Symbols from the Preface to the International Frequency List should be used.

d) Indicate the geographical co-ordinates (in degrees and minutes) of the station site.

Item 4 Bandwidth

Indicate the width of the frequency band (in kHz) observed by the station.

Item 5 Antenna characteristics

Indicate the antenna type and dimensions, effective area and angular coverage in azimuth and elevation.

Item 6 Maximum hours of reception

Indicate in G.M.T. the maximum hours of reception of the frequency band shown in Item 4.

Item 7 Noise temperature

Indicate the over-all receiving system noise temperature (in kelvins).

Item 8 Class of observations

Indicate the class of observations to be taken on the frequency band shown in Item 4. Class A observations are those in which the sensitivity of the equipment is not a primary factor. Class B observations are those of such a nature that they can be made only with advanced low-noise receivers using the best techniques.

Item 9 Operating administration or company

Indicate the identity of the operating administration or company and the postal and telegraphic addresses of the administration to which communication should be sent on urgent matters regarding interference and questions referring to the technical operation of stations (see Article 15).

[Section G. Form of Notice (Earth Station) not printed in the RECORD]

[Section H. Form of Notice (Space Station) not printed in the RECORD]

ANNEX 15: ADDITION OF A NEW APPENDIX (APPENDIX 1B) TO THE RADIO REGULATIONS

The following new Appendix 1A shall be added to the Radio Regulations after Appendix 1A:

ADD

Spa2

APPENDIX 1B

Advance Publication Information to be furnished for a Satellite Network (see Article 9A)

SECTION A. GENERAL INSTRUCTIONS

Item 1 Information shall be provided separately for each satellite network.

Item 2 Information to be furnished for each satellite network shall include general characteristics (Section B), and, as applicable characteristics in the Earth-to-space direction (Section C), characteristics in the space-to-Earth direction (Section D), and characteristics for space-to-space relay (Section E).

SECTION B. GENERAL CHARACTERISTICS TO BE FURNISHED FOR A SATELLITE NETWORK

Item 1 Identity of the satellite network

Clearly identify the satellite network and, if applicable, identify the satellite system of which it will form a part.

Item 2 Date of bringing into use

Indicate the date by which the satellite network is expected to be brought initially into use.

Item 3 Administration or group of administrations submitting the advance information

Give the name of the administration or the names of the administrations in the group submitting the advance information on the satellite network and the postal and telegraphic addresses of the administration(s) to which any communication should be sent.

Item 4 Orbital information relating to the space station(s)

a) In the case of a space station aboard a geostationary satellite, give the planned nominal geographical longitude on the geostationary satellite orbit and the planned longitudinal and inclination tolerances. Indicate also:

1) the arc of the geostationary satellite orbit over which the space station is visible, at a minimum angle of elevation of 10° at the Earth's surface, from its associated earth stations or service areas;

2) the arc of the geostationary satellite orbit within which the space station could provide the required service to its associated earth stations or service areas; and

3) in the event that the arc defined in

[1] This information need only be furnished when such information has been used as a basis to effect co-ordination with another administration.

[1] This information need only be furnished when such information has been used as a basis to effect co-ordination with another administration.

paragraph 2) above is less than the arc defined in paragraph 1) above, provide the reasons therefor.

Note: The arcs specified in 1) and 2) will be indicated by the geographical longitude of the extremes of these arcs on the geostationary satellite orbit.

b) In the case of space station(s) aboard non-geostationary satellite(s), indicate the angle of inclination of the orbit, the period, the altitudes in kilometres of the apogee and perigee of the space station(s) and the number of satellites used having the same characteristics.

SECTION C. CHARACTERISTICS OF THE SATELLITE NETWORK IN THE EARTH-TO-SPACE DIRECTION

Item 1 Earth-to-space service area(s)

Indicate the service area(s) on the Earth associated with each receiving antenna of the space station.

Item 2 Class of stations and nature of service

For each Earth-to-space service area, indicate the class of the stations in the satellite network and the nature of the service to be performed, using the symbols shown in Appendix 10.

Item 3 Frequency range

For each Earth-to-space service area, indicate the frequency range within which the carriers will be located.

Item 4 Power characteristics of the transmitted wave

a) For each Earth-to-space service area indicate the maximum spectral power density (W/Hz) to be delivered to the antenna of the transmitting earth stations (the bandwidth over which this is averaged depends on the nature of the service concerned).

b) If available, indicate, for each Earth-to-space service area, the actual radiation pattern (relative to isotropic) of the transmitting earth station antenna having the highest offbeam equivalent isotropically radiated spectral power density.

Item 5 Characteristics of space station receiving antennae

For each Earth-to-space service area:

a) in the case of a space station aboard a geostationary satellite, indicate the estimated gain of the space station receiving antenna by means of gain contours plotted on a map of the Earth's surface; the isotropic gain at each contour which corresponds to a gain of 2, 4, 6, 10 and 20 dB and at 10 dB intervals thereafter as necessary, below the maximum gain, shall be indicated;

b) in the case of a space station aboard a non-geostationary satellite, indicate the estimated isotropic gain of the space station receiving antenna in the main direction of reception and indicate the antenna radiation pattern in those directions which can intersect with the Earth's surface, taking the gain in the main direction of radiation as a reference.

Item 6 Noise temperature of the receiving space station

For each Earth-to-space service area, when other than a simple frequency changing transponder is used aboard the space station indicate the lowest total receiving system noise temperature.

SECTION D. CHARACTERISTICS OF THE SATELLITE NETWORK IN THE SPACE-TO-EARTH DIRECTION

Item 1 Space-to-Earth service area(s)

Indicate the service area(s) on the Earth associated with each transmitting antenna of the space station.

Item 2 Class of stations and nature of service

For each space-to-Earth service area, indicate the class of the stations in the satellite network and the nature of the service to be performed, using the symbols shown in Appendix 10.

Item 3 Frequency range

For each space-to-Earth service area, indicate the frequency range within which the carriers will be located.

Item 4 Power characteristics of the transmission

For each space-to-Earth service area, indicate the maximum spectral power density (W/Hz) to be delivered to the transmitting antenna of the space station (the bandwidth over which this is averaged depends on the nature of the service concerned).

Item 5 Characteristics of space station transmitting antennae

For each space-to-Earth service area:

a) in the case of a space station aboard a geostationary satellite, indicate the estimated gain of the space station transmitting antenna by means of gain contours plotted on a map of the Earth's surface; the isotropic gain at each contour which corresponds to a gain of 2, 4, 6, 10 and 20 dB and at 10 dB intervals thereafter as necessary, below the maximum gain, shall be indicated;

b) in the case of space station aboard a non-geostationary satellite, indicate the estimated isotropic gain of the space station transmitting antenna in the main direction of transmission and indicate the antenna radiation pattern in those directions which can intersect with the Earth's surface, taking the gain in the main direction of transmission as a reference.

Item 6 Characteristics of receiving earth stations

a) For each space-to-Earth service area, when other than a simple frequency changing transponder is used aboard the space station, indicate the lowest total receiving system noise temperature of the earth stations.

For each space-to-Earth service area and for each projected usage,[1] when simple frequency changing transponders are used on the space station, indicate the lowest equivalent satellite link noise temperature and the associated value of transmission gain evaluated from the output of the receiving antenna of the space station to the output of the receiving antenna of the earth station. For each projected usage, indicate also the receiving antenna(e) of the space station to which each simple frequency changing transponder will be connected.

b) If available, indicate for each space-to-Earth service area the actual radiation pattern (relative to isotropic) of the receiving earth station antenna having the highest off beam level. When simple frequency changing transponders are used on the space station, indicate also, if available, the pattern associated with each equivalent satellite link noise temperature indicated above.

SECTION E. CHARACTERISTICS TO BE FURNISHED FOR SPACE-TO-SPACE RELAY

Where the satellite network is connected to one or more satellite networks by means of space-to-space relay, indicate the following:

a) identity or identities of the other satellite network(s) to which the satellite network is connected;

b) transmit and receive frequency bands;

c) classes of emission;

d) nominal equivalent isotropically radiated power(s) on the beam axis.

ANNEX 16: REVISION OF APPENDIX 9 TO THE RADIO REGULATIONS

Appendix 9 to the Radio Regulations shall be amended as follows:

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[1] A different usage will be considered to take place when different types of carriers are employed (different by virtue of maximum power spectral density), or when different types of receiving earth stations are employed (different by virtue of receiving antenna gain).

Replace the title of Appendix 9 by the following:

APPENDIX 9

MOD Spa2 Service Documents

(See Articles 8, 9, 9A, 10 and 20)

List I. International Frequency List

Replace footnotes 1 to 8 by the following (footnotes 3 and 5 are unchanged):

[1] In the case of television broadcasting stations in Region 1, the frequency in this column is that of the sound and vision carriers (See Appendix 1 to the Radio Regulations). [2] See Nos. 607 and 608 of the Radio Regulations. [3] A symbol instead of a date indicates an assignment notified pursuant to No. 272 of the Extraordinary Administrative Radio Conference Agreement (Geneva, 1951), or, in the frequency bands above 27 500 kHz, an assignment for which the notice was received by the I.F.R.B. before 1st April 1952. [4] See Appendix 1 to the Radio Regulations. [5] Columns 12a and 12b contain numbers or letters which are explained in the Preface to the International Frequency List. [6] See Article 9, Section II and Article 9A, Section IV, of the Radio Regulations. [7] See Nos. 516, 517, 621, 622, 639BS, 639DM, 639DO and 639DP of the Radio Regulations. [8] Including dates referred to in Section II of Article 9 and Section IV of Article 9A of the Radio Regulations.

Replace the title of List VIIIA by the following:

MOD Spa2

List VIIIA.—List of Space Radiocommunication Stations and Radio Astronomy Stations [1]

MOD Spa2

Replace the title of section 1 by the following: 1—Earth stations in the fixed-satellite service

Replace the column heads of section 1 by the following:

1. Name by which the station is known or the name of the locality in which it is situated.
2. Geographical co-ordinates (in degrees and minutes) of the transmitter site.

TRANSMISSION

Telecommand where appropriate

3a. Frequency (MHz or GHz).
3b. Class of emission, necessary bandwidth and description of transmission.
3c. Power (kW).

Communications

4a. Frequency (MHz or GHz).
4b. Class of emission, necessary bandwidth and description of transmission.
4c. Power (kW).

RECEPTION

Telemetering

5a. Frequency (MHz or GHz).
5b. Class of emission, necessary bandwidth and description of transmission.

Tracking

6a. Frequency (MHz or GHz).
6b. Class of emission, necessary bandwidth and description of transmission.

Communications

7a. Frequency (MHz or GHz).
7b. Class of emission, necessary bandwidth and description of transmission.
8. Identity of the associated space station(s) with which communication is to be established.
9. Operating administration or company.
10. Remarks:

1. Special channelling arrangements for: (*a*) telegraphy; (*b*) telephony; (*c*) other types of communication, as appropriate.

2. Special methods of modulation.

Note: For the cases where these data must be supplied, see Nos. 639BA, 639BB and 639BC.

Replace the title of Section 2 by the fol-

lowing: 2—Space stations in the fixed-satellite service

Replace the column heads of Section 2 by the following:

1. Identity of the station.

TRANSMISSION

Telemetering

2a. Frequency (MHz or GHz).
2b. Class of emission, necessary bandwidth and description of transmission.
2c. Power (watts).

Tracking

3a. Frequency (MHz or GHz).
3b. Class of emission, necessary bandwidth and description of transmission.
3c. Power (watts).

Communications

4a. Frequency (MHz or GHz).
4b. Class of emission, necessary bandwidth and description of transmission.
4c. Power (watts).

RECEPTION

Telecommand Where Appropriate

5a. Frequency (MHz or GHz).
5b. Class of emission, necessary bandwidth and description of transmission.

Communications

6a. Frequency (MHz or GHz).
6b. Class of emission, necessary bandwidth and description of transmission.
7. Service area or areas on the Earth or the name of the locality and country in which the associated earth station(s) is (are) located.
8. Operating administration or company.
9. Remarks:

1. Orbital information: (*a*) angle of inclination of the orbit; (*b*) period of the object in space; (*c*) altitude of apogee (km); (*d*) altitude of perigee (km); (*e*) number of satellites used, if appropriate; (*f*) in the case of geostationary satellite: minus nominal geographical longitude on the geostationary satellite orbit; minus arc of the geostationary satellite orbit within which the space station could provide the required service to its associated earth stations or service areas.

2. Special channelling arrangements for: (*a*) telegraphy; (*b*) telephony; (*c*) other types of communication, as appropriate.

3. Special methods of modulation.

Replace the title of Section 3 by the following: 3—Earth stations in the earth exploration-satellite service

Replace the column heads of Section 3 by the following:

1. Name by which the station is known or the name of the locality in which it is situated.
2. Geographical co-ordinates (in degrees and minutes) of the transmitter site.

TRANSMISSION

Telecommand where appropriate

3a. Frequency (MHz or GHz).
3b. Class of emission, necessary bandwidth and description of transmission.
3c. Power (kW).

RECEPTION

Telemetering

4a. Frequency (MHz or GHz).
4b. Class of emission, necessary bandwidth and description of transmission.

Tracking

5a. Frequency (MHz or GHz).
5b. Class of emission, necessary bandwidth and description of transmission.

Reception of earth exploration information

6a. Frequency (MHz or GHz).
6b. Class of emission, necessary bandwidth and description of transmission.
7. Identity of the associated space station(s) with which communication is to be established.
8. Operating administration or company.
9. Remarks: Special methods of modulation.

Replace the title of Section 4 by the following: 4—Space stations in the earth exploration-satellite service

Replace the column heads of Section 4 by the following:

1. Identity of the station.

TRANSMISSION

Telemetering

2a. Frequency (MHz or GHz).
2b. Class of emission, necessary bandwidth and description of transmission.
2c. Power (watts).

Tracking

3a. Frequency (MHz or GHz).
3b. Class of emission, necessary bandwidth and description of transmission.
3c. Power (watts).

Transmission of earth exploration information

4a. Frequency (MHz or GHz).
4b. Class of emission, necessary bandwidth and description of transmission.
4c. Power (watts).

RECEPTION

Telecommand where appropriate

5a. Frequency (MHz or GHz).
5b. Class of emission, necessary bandwidth and description of transmission.
6. Service areas or areas on the earth or the name of the locality and country in which the associated earth station(s) is (are) located.
7. Operating administration or company.
8 Remarks:

1. Orbital information: (*a*) angle of inclination of the orbit; (*b*) period of the object in space; (*c*) altitude of apogee (km); (*d*) altitude of perigee (km); (*e*) number of satellites used, if appropriate; (*f*) in the case of a geostationary satellite: —nominal geographical longitude on the geostationary satellite orbit; —arc of the geostationary satellite orbit within which the space station could provide the required service to its associated earth stations or service areas.

2. Special channelling arrangements for: (*a*) telegraphy; (*b*) telephony; (*c*) other types of communication, as appropriate.

3. Special methods of modulation.

Replace the title of Section 5 by the following: 5—Earth stations in the radiodetermination-satellite service.

Replace the column heads of Section 5 by the following:

1. Name by which the station is known or the name of the locality in which it is situated.
2. Geographical co-ordinates (in degrees and minutes) of the transmitter site.

TRANSMISSION

Telecommand where appropriate

3a. Frequency (MHz or GHz).
3b. Class of emission, necessary bandwidth and description of transmission.
3c. Power (kW).

RECEPTION

Telemetering

4a. Frequency (MHz or GHz).
4b. Class of emission, necessary bandwidth and description of transmission.

Tracking

5a. Frequency (MHz or GHz).
5b. Class of emission, necessary bandwidth and description of transmission.

Supplementary Information Necessary for the Operation of the Radiodetermination System

6a. Frequency (MHz or GHz).
6b. Class of emission, necessary bandwidth and description of transmission.
7. Identity of the associated space station(s) with which communication is to be established.
8. Operating administration or company.
9. Remarks: Special methods of modulation.

Replace the title of Section 6 by the following: 6—Space stations in the radiodetermination-satellite service.

Replace the column heads of Section 6 by the following:

1. Identity of the station.

TRANSMISSION

Telemetering

2a. Frequency (MHz or GHz).
2b. Class of emission, necessary bandwidth and description of transmission.
2c. Power (watts).

Tracking

3a. Frequency (MHz or GHz).
3b. Class of emission, necessary bandwidth and description of transmission.
3c. Power (watts).

Transmission of radiodetermination information

4a. Frequency (MHz or GHz).
4b. Class of emission, necessary bandwith and description of transmission.
4c. Power (watts).

RECEPTION

Telecommand where appropriate

5a. Frequency (MHz or GHz).
5b. Class of emission, necessary bandwidth and description of transmission.
6. Service area or areas on the Earth or the name of the locality and country in which the associated earth station(s) is (are) located.
7. Operating administration or company.
8. Remarks:

1. Orbital information: (*a*) angle of inclination of the orbit; (*b*) period of the object in space; (*c*) altitude of apogee (km); (*d*) altitude of perigee (km); (*e*) number of satellites used, if appropriate; (*f*) in the case of a geostationary satellite: —nominal geographical longitude on the geostationary satellite orbit; —arc of the geostationary satellite orbit within which the space station could provide the required service to its associated earth stations or service areas.

2. Special channelling arrangements for: (*a*) telegraphy; (*b*) telephony; (*c*) other types of communication, as appropriate.

3. Special methods of modulation.

Replace the title of Section 7 by the following: 7—Earth stations in the space research service

Replace the column heads of Section 7 by the following:

1. Name by which the station is known or the name of the locality in which it is situated.
2. Geographical co-ordinates (in degrees and minutes) of the transmitter site.

TRANSMISSION

Telecommand Where Appropriate

3a. Frequency (MHz or GHz).
3b. Class of emission, necessary bandwidth and description of transmission.
3c. Power (kW).

RECEPTION

Telemetering

4a. Frequency (MHz or GHz).
4b. Class of emission, necessary bandwidth and description of transmission.

Tracking

5a. Frequency (MHz or GHz).
5b. Class of emission, necessary bandwidth and description of transmission.

Reception of research information

6a. Frequency (MHz or GHz).
6b. Class of emission, necessary bandwidth and description of transmission.
7. Identity of the associated space station(s) with which communication is to be established.
8. Operating administration or company.
9. Remarks: Any special characteristics of the station and scope of research.

Replace the title of Section 8 by the following: 8—Space stations in the space research service

Replace the column heads of Section 8 by the following:

1. Identity of the station.

TRANSMISSION

Telemetering

2a. Frequency (MHz or GHz).
2b. Class of emission, necessary bandwidth and description of transmission.
2c. Power (watts).

Tracking

3a. Frequency (MHz or GHz).
3b. Class of emission, necessary bandwidth and description of transmission.
3c. Power (watts).

Transmission of information

4a. Frequency (MHz or GHz).
4b. Class of emission, necessary bandwidth and description of transmission.
4c. Power (watts).

RECEPTION

Telecommand where appropriate

5a. Frequency (MHz or GHz).
5b. Class of emission, necessary bandwidth and description of transmission.
6. Service area or areas on Earth or the name of the locality and country in which the associated earth station(s) is (are) located.
7. Operating administration or company.
8. Remarks:

1. In the case of an earth satellite, orbital information: (*a*) angle of inclination of the orbit; (*b*) period of the object in space; (*c*) altitude of apogee (km); (*d*) altitude of perigee (km); (*e*) number of satellites used, if appropriate; (*f*) In the case of geostationary satellite: —nominal geographical longitude on the geostationary satellite orbit; —arc of the geostationary satellite orbit within which the space station could provide the required service to its associated earth stations or service areas.

2. In the case of a space probe, general indication of its trajectory.

3. Special methods of modulation.

Replace the title of Section 9 by the following: 9—Stations in the radio astronomy service

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ANNEX 17: REVISION OF APPENDIX 10 TO THE RADIO REGULATIONS

Appendix 10 to the Radio Regulations shall be amended as follows:

Delete the symbol FE.

Replace the symbols EC, TC, TH, TM *and* TN *by the following:*

MOD EC Space station in the fixed-satellite service
MOD TC Earth station in the fixed-satellite service
MOD TH Earth station in the space research service
MOD TM Earth station in the meteorological-satellite service
MOD TN Earth station in the radionavigation-satellite service

Add, in alphabetical order, the following new symbols:

ADD EA Space station in the amateur-satellite service
ADD EB Space station in the broadcasting-satellite service (sound broadcasting)
ADD EV Space station in the broadcasting-satellite service (television)
ADD TA Space operation earth station in the amateur-satellite service
ADD TE Transmitting earth station
ADD TF Fixed earth station in the radiodetermination-satellite service
ADD TL Mobile earth station in the radiodetermination-satellite service
ADD TP Receiving earth station
ADD TT Earth station in the space operation service

ANNEX 18: ADDITION OF A NEW APPENDIX (APPENDIX 28) TO THE RADIO REGULATIONS

The following new Appendix 28 shall be added to the Radio Regulations after Appendix 27:

APPENDIX 28

Procedure for Determination of the Co-ordination Area around an Earth Station in Frequency Bands between 1 and 40 GHz shared between Space and Terrestrial Radiocommunication Services

1. *Objectives*

The co-ordination area (see No. 103D) is determined by calculating, in all directions of azimuth from the earth station, the co-ordination distances (see No. 103B), and drawing to scale on an appropriate map the co-ordination contour (see No. 103C).

It must be emphasized that the presence or installation of a terrestrial station within the co-ordination area of an earth station would not necessarily preclude the successful operation of either the earth station or that terrestrial station, since the procedure is based on the most unfavorable case asumptions as regards interference.

For the determination of the co-ordination area two cases may have to be considered:

(1) For the earth station when it is receiving (and hence capable of being interfered with by terrestrial stations);

(2) For the earth station when it is transmitting (and hence capable of interfering with terrestrial stations).

Where an earth station is intended to operate with a variety of classes of emissions, the earth station parameters to be used in the determination of the co-ordination contour shall be those which lead to the greatest co-ordination distances, for each earth station antenna beam and in each allocated frequency band which the earth station proposes to share with the terrestrial services.

The procedure given in this Appendix for the determination of the co-ordination area is fairly complex. For this reason, it is considered useful to present in Annex A a simplified vesion of this procedure which will assist a user in following the necessary steps to produce co-ordination contours. The simplified presentation is given for certain allocated frequency bands.

It is suggested to draw, together with the co-ordination contour, auxiliary contours based on less unfavourable assumptions than those chosen for determination of the co-ordination contour. These auxiliary contours may be used during subsequent negotiations between the administrations concerned with a view to eliminating from the discussions (without the need for more precise calculations) the case of certain existing or planned stations located within the co-ordination area. The determination and use of these auxiliary contours is explained in Annex B to this Appendix.

2. *Permissible values of interference*

The permissible interference power (in dBW) in the reference bandwidth to be exceeded for no more than p percent of the time at the receiver input of a station suffering interference, from each source of interference, from each source of interference, is given by the general formula below:

$$P_r(p) = 10 \log_{10} (kT_rB) + J + M(p) - W \quad (1)$$

where

$$\text{with} \qquad M(p) = M(p_o/n) = M_o(p_o) \quad (1a)$$

k=Boltzmann's constant (1.38×10^{-23} joule per K);

T_r thermal noise temperature of the receiving system (K);

B=reference handwidth (in Hz) (bandwidth, of concern to the interfered with system, over which the interference power can be averaged);

J=ratio (in dB) of the permissible long term (20% of the time) interfering power to the thermal noise power in the receiving system [1];

P_o percentage of the time during which the interference from all sources may exceed the permissible value;

n=number of expected entries of interference, assumed to be uncorrelated;

p=percentage of the time during which the interference from one source may exceed the permissible value; since the entries are not likely to occur simultaneously $p = p_o/n$;

$M_o(p_o)$=ratio (in dB) between the permissible interference powers during p_o% and 20% of the time respectively, for all entries of interference [2];

$M(p)$=ratio (in dB) between the permissible interference powers during p% of the time for one entry of interference, and during 20% of the time for all entries of interference, respectively;

W=equivalence factor (in dB) relating the effect of interference to that of thermal noise of equal power in the reference bandwidth.[3]

Tables I and II list values for the above parameters.

3. *Determination of co-ordination distance for near great circle propagation mechanisms*

When determining the co-ordination distance for an earth station, a number of mechanisms of radio-wave propagation need to be considered. This section deals with the determination of co-ordination distance in conditions associated with super-refraction, ducting, scattering and reflection due to irregularities in the refractive index of the lower atmosphere in the absence of precipitation. The determination of the co-ordination distance associated with propagation due to scattering from hydrometeors is discussed in Section 4.

3.1 *Normalized basic transmission loss* L_o *(0.01):*

To facilitate the graphical determination of the co-ordination distance, it is convenient to normalize the percentage of time to 0.01% and the frequency to 4 GHz.

The first step in the determination of the co-ordination distance is the calculation of a normalized basic transmission loss L_o *(0.01)* given by:

$$L_o(0.01) = P_t' + G_t' + G_r - P_r(p) - F(p) - 20 \log_{10} (f/4) \quad (2)$$

where

P_t'=maximum available transmitting power (in dBW) in reference bandwidth B at the input to the antenna of an interfering station[4];

G_t'=gain (in dB relative to isotropic) of the transmitting antenna of the interfering station. If the interfering station is an earth station, this is the isotropic gain in the pertinent direction. If it is a terrestrial station, P_t' *and* G_t' are combined in the main beam equivalent isotropically radiated power E, for which the values given in Table II shall be used. When G_t' is the gain in the main direction of radiation it is denoted G_t' *max.*;

G_r=gain (in dB relative to isotropic) of the receiving antenna of the station suffering interference. If that station is an earth station, this is the isotropic gain in the pertinent direction; in the case of a terrestrial station, the maximum antenna gain is to be used. When G_r is the main beam gain, it is denoted G_r *max.* (In the case of terrestrial tions, see Table I);

$F(p)$=correction factor in dB to relate the effective percentage of the time p to 0.01% (see Figure 1);

f=operating frequency in GHz.

The "pertinent direction" referred to in the definitions of G_t' *and* G_r is usually the direction toward the physical horizon on the azimuth considered (see Section 3.2) except when an earth station points its main beam at elevation angles below 12°. In the latter case, the path of minimum transmission loss may not be the horizon path but rather the main beam path (see Section 3.6).

When considering moving satellites, G_t', or G_r (whichever pertains to the earth station antenna) is variable with time. In such cases, it is suggested that an equivalent time-invariant earth station antenna gain [5] should be used. This equivalent gain is either 10 dB less than the maximum horizon antenna gain or is that value of horizon antenna gain ex-

ceeded for no more than 10% of the time, whichever is the greater.

3.2 *Antenna gain at the earth station horizon for geostationary satellites:*

The gain component of the earth station antenna in the direction of the physical horizon around an earth station is a function of the angular separation ϕ between the antenna main beam direction and the horion direction under consideration. Therefore, knowledge of the angle φ is required for each azimuth.

The elevation ϵ and azimuth α of geostationary satellites as seen from an earth station at a latitude λ are uniquely related. Figure 2 shows the "permissible" location arcs of geostationary satellites in a rectangular *elevation azimuth plot,* each are corresponding to an earth station latitude.

Specific relative satellite longitudes may not be known beforehand, but even when they are, the possibility of the addition of a new satellite, or the repositioning of an existing one suggests that all or a portion of the applicable arc be considered to hold satellites.

With the correct arc or segment of arc chosen and suitably marked, the horizon profile $\theta(\alpha)$ is superimposed on the plot of Figure 3, which shows an example for an earth station located at 45°N latitude for a satellite expected to be located somewhere between relative longitudes of 10°E and 45°W, with the site horizon profile drawn as shown.

For each point on the local horizon $\theta(\alpha)$, the smallest distance to the arc is determined and measured on the elevation scale. The example of Figure 3 shows the determination of the off-beam angle φ at an azimuth $\alpha_0 = 210°$ with a horizon elevation $\theta = 4°$.

If this is done for all azimuths (in suitable increments, e.g. 5°), a relationship $\varphi(\alpha)$ results. The relationship $\varphi(\alpha)$ may be used to derive a function for the horizon antenna gain $G(\alpha)$, by using the actual earth station antenna pattern, or a formula giving a good approximation; for example, in cases where the ratio between the antenna diameter and the wavelength exceeds 100, the following equation should be used:

$G(\varphi)$ equals 32 minus 25 $\log_{10}\varphi$(dB) (1° less than or equal to φ 48° equals minus 10 dB (48° less than or equal to φ 180°).

The application of this gain equation to the $\varphi(\alpha)$ plot yields the desired horizon antenna gain as a function of azimuth.

The parameters used above are defined as follows:

α = azimuthal angle under consideration, east of True North;

φ = the smaller angle in degrees between the main beam direction of the earth station antenna and the straight line connecting the earth station to the physical horizon on azimuth α;

ϵ = earth station main beam elevation angle above horizontal plane;

λ = latitude of earth station;

θ = elevation angle of the physical horizon above the horizontal plane on azimuth α.

3.3 *Radio-climatic Zones:*

The world has been divided into three basic radio-climatic regions termed Zones A, B and C, respectively.

These zones are defined as follows:

Zone A: land, with the exception of a coastal strip the width of which is either 100 km or that distance from the actual coast at which the terrain begins to exceed an altitude of 1000 m, whichever is the lesser distance;

Zone B: sea, at latitudes greater than 23.5° (North or South), excluding the Mediterranean and Black Seas, but including the coastal strip defined above wherever land borders on sea at latitudes greater than 23.5°;

Zone C: sea, at latitudes smaller than 23.5° North or South), including the Mediterranean and Black Seas, and the coastal strip defined above wherever land borders on sea at latitudes smaller than 23.5°.

3.4 *Procedure for the determination of the coordination distance for propagation mode (a):*

To obtain the co-ordination distance for Zone A, it is necessary to subtract from L_0(O–01) a correction ΔL which accounts for the difference in basic transmission loss over paths that have different horizon elevation angles at the earth station. ΔL is computed in two steps. First a correction ΔL_0 for unit elevation angle (i.e, for a 1° elevation angle) is obtained from Figure 4 as a function of the normalized basic transmission loss and the frequency. Linear interpolation should be used between the curves of Figure 4 for frequencies not shown.

For ainy other horizon elevation angle 0, the horizon angle correction ΔL (in dB) is obtained from Figure 5 using the value of ΔL_0 previously obtained from Figure 4. If values are required at elevation angles other than those indicated, linear interpolation should again be used. In cases where the elevation angle is less than 0.2°, ΔL is always 0 dB.

The horizon angle correction ΔL so obtained should be subtracted from the normalized basic transmission loss to result in a "co-ordination loss" L_c:

$L_c = L_0(0.0) - \Delta L$.

This co-ordination loss, used with the appropriate frequency in Figure 6, yields the co-ordination distance.

In a similar manner, the Zone B and Zone C co-ordination distance can be determined using Figures 7, 8 and 9 for Zone B and Figures 10, 11 and 12 for Zone. C

Distances so obtained are, for reference purposes, to be labelled d_{aA}, d_{aB}, and d_{aC} for Zones A, B and C, respectively.

3.5 *Co-ordination distance for mixed paths:*

3.5.1 *Two Zones.*

The procedure to be followed in the case of a mixed path involving two zones is illustrated by the example shown in Figure 13b. The earth station is situated in Zone A at a distance of 75 km from Zone B. The graphical presentation described below is particularly useful where more than one boundary between zones may be involved, as in this example.

It is assumed that, at a frequency of 4 GHz, the normalized basic transmission loss $L_0(0.01)$ is 200 dB, and that the horizon elevation angle is zero degrees. This results in identical values of 200 dB for L_c in any zone (which would, of course, not be the case if the horizon elevation angle were greater than 0.2°). The procedure is as follows:

(i) determine the distance entirely in Zone A that would give the co-ordination loss. Mark this distance (in this case it is 350 km) from the origin along the abscissa axis of linear graph paper as indicated by the point A (Figure 13a);

ii) determine the distance entirely in Zone B that would give the same co-ordination loss. Mark this distance (in this case it is 530 km) from the origin along the ordinate axis of the chart as indicated by the point B;

iii) draw a straight line between points A and B representing these distances from the origin;

iv) starting from the origin, the distance of 75 km from the earth station to Zone B is set off along the abscissa axis of the chart as indicated by the point A_1;

v) starting from point A_1 the Zone B path length of 375 km is then set off parallel to the ordinate axis of the chart as indicated by the point B_1;

vi) the further distance in the next Zone A region is then measured parallel to the abscissa axis from the point B_1 to the point of intersection of the mixed path curve as indicated by X. On Figure 13a, this distance is 30 km;

vii) the co-ordination distance is the sum of the distances OA_1, A_1B_1 and B_1X and is equal to

$$75+375+30=480 \text{ km}$$

The distance B_1X can also, more precisely, be found numerically from the total distance of the two parts in Zone A, OA_1+B_1X given by

$$OA_1+B_1X=OA\left(1-\frac{A_1B_1}{OB}\right)$$

whence:

$$B_1X=OA\left(1-\frac{A_1B_1}{OB}\right)-OA_1$$

hence,

$$B_1X=350\left(1-\frac{375}{530}\right)-75=27 \text{ km}$$

In some special cases, the mixed path involves all three radio-climatic Zones A. B and C. A solution to this problem can be found in adding a third dimension to the procedure to be followed for mixed paths involving only two zones. Theoretically, it means that the third coordinate has to be determined for a point having coordinates corresponding to the known distances in the first two zones and lying in a plane defined by three points on the axes X, Y and Z, corresponding to distances in Zones A, B and C, respectively, that would give the required basic transmission loss.

In practice, the procedure can be reduced to a simple graphical method shown in Figure 14, assuming for example a co-ordination loss (L_c) of 200 dB at a frequency of 4 GHz. It is required to find the co-ordination distance from the earth station in the direction given in Figure 14a. Here an earth station is situated in Zone A at a distance of 75 km in a given azimuthal direction from Zone B. In the same azimuthel direction Bone B is 375 km long and followed by an unknown portion in Zone C (Figure 14a.).

In this case, the procedure to be applied should be as follows (Figure 14b):

i) repeat the same procedure as for mixed paths involving only two zones, given in steps (i) to (v) above, and continue as follows:

ii) from the point B_1 draw a line parallel to the line AB to intersect the abscissa axis as indicated by the point D;

iii) determine the distance entirely in Zone C that would give the co-ordination loss. Mark this distance (in this case it is 930 km) from the origin along the ordinate axis of the chart as indicated by the point C. Draw a straight line between points C and A;

iv) at the point D, draw a line parallel to the ordinate axis to intersect the line CA as indicated by X;

v) the distance between the points D and X, which is the unknown distance in Zone C, is found to be 75 km;

vi) the co-ordination distance is then the sum of the distances $OA_1+A_1B_1+DX$ and in this example is equal to

$$75+375+75=525 \text{ km}$$

The distance DX can also, more precisely, be found numerically from the formula:

$$DX=OC\left(1-\frac{OA_1}{OA}-\frac{A_1B_1}{OC}\right)$$

hence,

$$DX=930\left(1-\frac{75}{350}-\frac{375}{530}\right)=73 \text{ km}$$

The distance obtained from either the single zone case (Section 3.4), whichever is applicable, is to be labelled d_a.

3.6 *Determination of the co-ordination distance for propagation mode* (b)

If the main beam of the earth station antenna is elevated less than 12° for long periods of time, as may be the case in operation with geostationary satellites, the co-ordination distance in the azimuthal direction of the main beam is determined in the same manner as above but the antenna elevation angle ϵ is used instead of the horizon elevation angle θ, and the antenna main beam gain is used instead of the gain towards the horizon. *In all such cases, the Zone A curves should be used irrespective of the actual zone involved.*

This procedure yields a distance for propagation mode (b), to be labelled d_b.

When considering non-geostationary satellites, interference via the main beam path should only be considered when the earth station antenna points in the same direction for appreciable periods of time (e.g., when working to deep space probes or to satellites which are almost geostationary).

3.7 *Evaluation of results from propagation modes (a) and (b)*

If propagation mode (b) is applicable, then the distance obtained for propagation mode (b) is compared with that of propagation mode (a) and where the co-ordination distance resulting from the main beam calculation exceeds that from the horizon path calculation, the procedure illustrated in Figure 15 should be used as follows to obtain the co-ordination contour for great circle propagation mechanisms:

i) draw two straight lines from the earth station at azimuthal angles of ±5° relative to the azimuth of the main beam till they intersect the co-ordination contour obtained according to propagation mode (a);

ii) from the point corresponding to the co-ordination distance derived according to propagation mode (b) in the azimuthal direction of the main beam, draw two straight lines to join these two intersections;

iii) these two lines so drawn constitute the part of the co-ordination contour to be used in the sector ±5° relative to the azimuthal direction of the main beam;

iv) outside the preceding sector ±5° the co-ordination contour for the great circle propagation mechanisms is the one obtained for propagation mode (a).

For reference purposes, the distances obtained after application of procedures set forth in Sections 3.4 to 3.7 are to be labelled d_{ab}.

4. *Determination of co-ordination distance for propagation mode (c) scattering from hydrometeors)*

The determination of co-ordination distance for scattering from hydrometeors (rain scatter) is predicated on a path geometry which is substantially different from that of the great circle propagation mechanisms.

4.1 *Normalized transmission loss $L_1(0.01)$*

To determine the co-ordination distance associated with rain scatter, it is necessary to calculate a "normalized transmission loss", given by:

$$L_1(0.01) = P_t' + \Delta G - P_r(p) - F_1(p,f) \quad (4)$$

where:

ΔG = difference (in dB) between the maximum gain of terrestrial station antennae in the frequency band under investigation and the value of 42dB. When the earth station is a transmitting station, the values shown in Table 1 should be used; when it is a receiving station, the values shown in Table II should be used.

$F_1(p,f)$ = correction factor (in dB) to relate the effective percentage of the time p to 0.01%, in the frequency band under consideration (see Figure 16).

All other parameters have been defined in Section 2. For terrestrial stations, values of P_t' are listed in Table II.

4.2 *Rain-climatic Zones*

The world has been divided into five basic rain-climatic zones numbered 1 to 5 as shown in Figure 17.

4.3 *Procedure for the determination of rain scatter co-ordination distance*

To obtain the rain scatter co-ordination distance for rain-climatic Zone 1, the normalized transmission loss (obtained by solving equation (4)), is used together with the appropriate frequency in Figure 18 to yield the rain scatter distance d_{cr}.

Figures 19 to 21 show corresponding curves for rain-climatic Zones 2 to 5. In all cases that rain climate is to be chosen which corresponds to the location of the earth station. Due to the peculiar geometry associated with rain scatter propagation, the centre of the rain scatter co-ordination contour does not coincide with the location of the earth station by a distance Δd.

The rain scatter distance d_{cr}, together with the elevation angle ϵ of the main beam of the earth station antenna are used in Figure 22 to obtain the distance denoted Δd. The distance Δd is measured from the earth station location along the azimuth of the main beam of the earth station antenna; a circle of radius d_{cr} is drawn around the point so reached. The circle is the rain scatter contour.

The rain scatter co-ordination distance, to be labelled d_c, is the distance from the earth station site to the rain scatter co-ordination contour on the azimuth under consideration.

5. *Minimum value of co-ordination distance*

In the process of determining the co-ordination distance for propagation mode (a) or (b), if values result which would require the co-ordination distance curves to be extended to distances of less than 100 km, the co-ordination distance (d_a or d_b) for the propagation mode under consideration shall be 100 km.

In the process of determining the co-ordination distance for propagation mode (c), if values result which would require the rain scatter distance curves to be extended to distances of less than 100 km, the rain scatter distance (d_{cr}) shall be 100 km, used with the appropriate value of Δd.

6. *The co-ordination distance*

On any azimuth, the greatest of the co-ordination distances d_a, d_b, or d_c, for any of the three propagation modes, represents the co-ordination distance and is to be used for the co-ordination procedure.

An example of a co-ordination contour is shown in Figure 23.

7. *Parameters for calculation*

The values of parameters necessary for the determination of the co-ordination contour are given in Table I in the case of a transmitting earth station, and in Table II in the case of a receiving earth station.

In certain cases, an administration may have reason to believe that, for its specific earth station, a departure from the values associated with the earth station, as listed in Table II, may be justified. Attention is drawn to the fact that for specific systems the bandwidths B or, as for instance in the case of demand assignment systems, the percentages of the time p *and* p_o may have to be changed from the values given in Table II.

To aid in subsequent negotiations between administrations (as discussed in Annex B), it has been found useful to isolate from equation (2) two composite parameters associated only with terrestrial stations, an interference sensitivity factor $S = G_r - P_r(p)$ for the case of transmitting earth stations, and the e.i.r.p. $E = P_t' - G_t'$ for the case of receiving earth stations. The values to be used for S and E are given in Tables I and II, respectively.

If it becomes necessary to calculate the co-ordination distance in a band not shown in Table I or II, the values associated with the nearest allocated frequency band for the same service should be used.

TABLE I.—PARAMETERS REQUIRED FOR THE DETERMINATION OF COORDINATION DISTANCE FOR A TRANSMITTING EARTH STATION

Space radiocommunication service designation	Space operation (telecommand)	Fixed-satellite							
Frequency bands (GHz)	1.427–1.429	2.655–2.690	4.400–4.700	5.850–6.425	7.900–7.975, 8.025–8.400	10.95–11.20	12.50–12.75	14.4–14.5	27.5–29.5
Modulation of terrestrial station [1]	A	A	A	A	A	A	A	A	N
Interference parameters and criteria:									
p_o (percent)	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.003
n	2	1	1	2	2	2	2	2	1
p (percent)	0.005	0.01	0.01	0.005	0.005	0.005	0.005	0.005	0.003
J (dB)	16	9	9	16	16	16	16	16	0
$M_o(p_o)$ (dB)	17	17	17	17	17	17	17	17	30
W (dB)	0	0	0	0	0	0	0	0	0
Terrestrial station parameters:									
B (Hz)	4×10^3	4×10^3	4×10^3	4×10^3	4×10^3	4×10^3	4×10^3	4×10^3	1×10^6
G_r (dB) [2]	35	[3] 52	[3] 52	45	47	50	50	50	50
ΔG (dB)	−7	[3] 10	[3] 10	3	5	8	8	8	8
T_r (K)	750	[3] 500	[3] 500	750	750	1500	1500	1500	3200
Auxiliary parameters:									
S (dBW)	166	192	192	176	178	178	178	178	154
$P_r(p)$ (dBW) in B	−131	−140	−140	−131	−131	−128	−128	−128	−104

[1] A=analog modulation; N=digital modulation.

[2] Feeder losses are not included in the values for G_r.

[3] In these bands the parameters for the terrestrial station associated with transhorizon system have been used.

TABLE II.—PARAMETERS REQUIRED FOR THE DETERMINATION OF COORDINATION DISTANCE FOR A RECEIVING EARTH STATION

Space radiocommunication service designation	Space operaiton (telemetering)[1]	Meteorological-satellite[1]	Space research		Fixed-satellite				Earth exploration-satellite[1]	Space research		Fixed-satellite					Earth exploration-satellite[1]
			Near earth	Deepspace; manned						Near earth	Deep space						
Frequency band (GHz)	1.525–1.535	1.670–1.690	1.700–1.710 2.290–2.300		2.500–2.535		3.400–4.200		7.300–7.750	8.025–8.400	8.400–8.500		10.95–11.20 11.45–11.70	11.70–12.20 12.50–12.75		17.7–19.7	21.2–22.0
Modulation at earth station[2]					A	N	A	N	A	N			A	N	A	N	N
Interference parameters and criteria:																	
p_o (percent)			0.1	0.001	0.03		0.03	0.003	0.03	0.003	0.1	0.001	0.03	0.003	0.03	0.003	0.003
n			2	1	3		3	3	3	3	2	1	2	1	2	1	1
p (percent)			0.05	0.001	0.01		0.01	0.001	0.01	0.001	0.05	0.001	0.015	0.003	0.015	0.003	0.003
J (dB)					−8		−8	0	−8	0			−8	0	−8	0	0
$M_o(p_o)$ (dB)					17		17	[3] 5	17	[3] 5			17	[3] 5	17	[3] 5	[3] 5
W (dB)					4		4	0	4	0			4	0	4	0	0
Terrestrial station parameters:																	
E (dBW) in B	55	55	[4] [6] 62	[4] [6] 62	92		55	55	55	55	[4] 25	[4] 25	55	55	55	55	[5] 35
P′t (dBW) in B	13	13	[4] [6] 10	[4] [6] 10	40		13	13	13	13	[4]−17	[4]−17	5	5	5	5	[5]−15
ΔG (dB)	0	0	10	10	10		0	0	0	0	0	0	0	0	0	0	0
Reference bandwidth: B (Hz)			1	1	[6] 10^3		10^3	10^3	10^3	10^3	1	1	10^3	10	10^3	10^3	10
Permissible interference power: $P_r(p)$ (dBW) in B			−220	−220							−220	−220					

[1] Parameters associated with these services may vary over a rather wide range. Further study is required before representative values become available.
[2] A=analog modulation; N=digital modulation.
[3] See note (2) in sec. 2. $M_o(p_o)$ may assume values between 5 and 40 dB, depending on frequency, rain-climatic zone and system design.
[4] These values are estimated for 1 Hz bandwidth and are 30 dB below the total power assumed for emission.
[5] These values assume an RF bandwidth of no less than 100 MHz, and are 20 dB below total power assumed per emission.
[6] In these bands, the parameters for the terrestrial stations associated with transhorizon systems have been used.

Figures 1–23 are not printed in the RECORD.

ANNEX A TO APPENDIX 28: DETERMINATION OF CO-ORDINATION DISTANCE IN ALLOCATED FREQUENCY BANDS

1. Article 9A of the Radio Regulations requires co-ordination distances to be determined only in the particular frequency bands given in Article 5 of these Regulations and listed in Tables III and IV of this Annex. For each of these frequency bands it is convenient to combine those parameters which depend only upon the frequency and types of system using the band. The resulting value of the combined parameters is then a given constant for a particular allocated frequency band and type of earth station.

Earth station transmission:

2. In the bands allocated for earth station transmission (Table III), use is made of constants C_1 and C_2 derived in the following manner:

For propagation by modes (*a*) and (*b*):

$$C_1 = G_r - P_r(p) - 20\log_{10}(f/4) - F(p)$$
$$= S - 20\log_{10}(f/4) - F(p)$$

For propagation by mode (*c*):

$$C_2 = -P_r(p) - F_1(p,f) + \Delta G$$

The normalized basic transmission loss $L_0(0.01)$ and the normalized transmission loss $L_1(0.01)$ are given by:

$$L_0(0.01) = P_t' + G_t' + C_1$$
$$L_1(0.01) = P_t' + C_2$$

The values of C_1 and C_2 for bands allocated for earth station transmission are given in Table III, together with the reference bandwidth (B) which is used in calculating P_t'

Earth station reception:

3. In the bands allocated for earth station reception (see Table IV) use is made of constants C_3 and C_4 which are derived in the following manner:

For propagation by modes (*a*) and (*b*):

$$C_3 = E - (10\ log_{10}\ kB + J - W) - F(p) - 20\log_{10}(f/4)$$

For propagation by mode (*c*):

$$C = P_t' - (10\ \log_{10}\ kB + J - W) - F_1(p,f) + \Delta G$$

The normalized basic transmission loss $L_0(0.01)$ and the normalized transmission loss $L_1(0.01)$ are given by:

$$L_0(0.01) = G_r + C_3 - 10\log_{10}\ T_r - M(p)$$
$$L_1(0.01) = C_4 - 10\log_{10}\ T_r - M(p)$$

The values of C_3 and C_4 for bands allocated for earth station reception are given in Table IV.

Flow Diagrams:

4. The procedure for determining co-ordination distance is illustrated by Flow Diagrams 1 and 2 in this Annex. The steps required to determine co-ordination distances for a transmitting earth station are shown in Flow Diagram 1, and those for a receiving earth station are shown in Flow Diagram 2. The symbols used in these diagrams are defined in the main text of Appendix 28.

TABLE III.—EARTH STATION TRANSMISSION (SEE FLOW DIAGRAM 1)

Allocated frequency bands (GHz)	C_1 (dBW)	C_2 (dBW)	Reference bandwidth B(Hz)
1.427–1.429	178	127	4×10^3
2.655–2.690	196	150	4×10^3
4.400–4.700	191	150	4×10^3
5.850–6.425	175	136	4×10^3
7.900–7.975 / 8.025–8.400	175	138	4×10^3
10.95–11.20	172	137	4×10^3
12.50–12.75	171	137	4×10^3
14.40–14.50	170	137	4×10^3
27.5–29.5	142	112	1×10^6

TABLE IV.—EARTH STATION RECEPTION (SEE FLOW DIAGRAM 2)

Allocated frequency bands (GHz)	Designation of space radiocommunication service	Type of modulating signal[1]	C_3 (dBW)	C_4 (dBW)
1.525–1.535	Space operation (telemetering)			
1.670–1.690	Meteorological-satellite			
1.700–1.710	Space research:			
2.290–2.300	Near Earth			
	Deep space, manned			
2.500–2.535	Fixed-satellite	A	277	231
3.400–4.200	Fixed-satellite	A	236	194
		N	234	188
7.300–7.750	Fixed-satellite	A	230	194
		N	228	186
8.025–8.400	Earth exploration-satellite			
8.400–8.500	Space research:			
	Near Earth			
	Deep space			
10.95–11.20	Fixed-satellite	A	225	184
11.45–11.70		N	220	176
11.70–12.20	Fixed-satellite	A	224	184
12.50–12.75		N	219	176
17.7–19.7	Fixed-satellite	N	196	154
21.2–22.0	Earth exploration-satellite			

[1] A=Analogue modulation; N=Digital modulation.

ANNEX B TO APPENDIX 28: DETERMINATION AND USE OF AUXILIARY CONTOURS

1. *Introduction:*

For great circle propagation mechanisms, modes (*a*) and (*b*), auxiliary contours are of great value in eliminating certain existing or planned terrestrial stations falling within the co-ordination area without recourse to precise and arduous calculations. The work of both the earth station administration and the affected administrations is therefore eased during subsequent negotiations if these auxiliary contours are supplied.

2. *Determination of the auxiliary contours:*

Two types of contours can be determined, depending on whether the earth station is used for transmission or reception.

2.1 *Transmitting earth station:*

The contours are determined in the same way as the corresponding co-ordination contour for propagation modes (*a*) and (*b*), but using terrestrial station interference sensitivity factor *S* values (in dBW) which are 5, 10, 15, 20 dB, etc. lower than the value (given in Table I of Appendix 28) corresponding to the co-ordination contour.

2.2 *Receiving earth station:*

The contours are determined in the same way as the corresponding co-ordination contour, for propagation modes (*a*) and (*b*), but using terrestrial station e.i.r.p. values *E* (in dBW) which are 5, 10, 15, 20 dB, etc. lower than the value (given in Table II of Appendix 28) corresponding to the co-ordination contour.

3. *Use of auxiliary contours:*

The auxiliary contours, the co-ordination contour for great circle propagation (modes (*a*) and (*b*)) and the co-ordination contour for rain scatter (mode (*c*)) are all plotted on the same diagram for a given shared band. An illustrated example is given in Figure 23 of Appendix 28 for a transmitting earth station.

For each terrestrial station situated within the co-ordination area, a two-stage procedure may be applied, one for the great circle propagation mechanism and the other for rain scatter.

3.1 *Great circle propagation mechanism (modes (a) and (b)):*

If a transmitting terrestrial station is outside the co-ordination area corresponding to modes (*a*) and (*b*), it need not be considered further with respect to modes (*a*) and (*b*).

For each transmitting terrestrial station situated within the co-ordination area corresponding to modes (*a*) and (*b*), the e.i.r.p. value in the direction of the earth station is determined. If this value is less than the value associated with the nearest contour defining an area outside of which the station is situated, the station may be considered not to cause more than a permissible level of interference and therefore may be eliminated from further considerations with respect to modes (*a*) and (*b*).

For each receiving terrestrial station, the analogous procedure may be applied, using the interference sensitivity factor instead of the e.i.r.p. value.

3.2 *Elimination of a terrestrial station and rain scatter mechanism (mode (c)):*

Terrestrial stations eliminated by the above procedure from further consideration with regard to propagation modes (*a*) and (*b*) need, nevertheless, be further considered with regard to propagation mode (*c*) when they lie within the rain scatter co-ordination area.

FOOTNOTES

[1] The factor *J* (in dB) is defined as the ratio of total permissible long-term (20% of the time) interference power in the system, to the long-term thermal noise power in a single receiver. For example, in a 50-hop terrestrial line-of-sight radio relay hypothetical reference circuit, the total allowable additive interference power is 1000 pW0p (C.C.I.R Recommendation 357–1) and the mean thermal noise power in a single hop may be assumed to be 25 pW0p. Therefore, since in a FDM/FM system the ratio of the interference noise power to the thermal noise power in a 4 kHz band is the same before and after demodulation, $J=16$ dB. In a satellite link in the fixed-satellite service, the total allowable intereference power is also 1,000 pW0p (C.C.I.R. Recommendation 356–2), but the thermal noise contribution of the down path is not likely to exceed 7,000 pW0p, hence *J* is greater than or equal to 8.5 dB. In digital systems it may be necessary to protect each communication path individually, and in that case, long-term interference power may be of the same order of magnitude as long-term thermal noise, hence $J=0$ dB.

[2] $M_o(p_o)$ (in dB) is the "interference margin" between the long-term (20%) and the short-term (p_o%) allowable interference powers. For analogue radio-relay and fixed-satellite systems in bands between 1 and 15 GHz, this is the ratio (in dB) between 50,000 and 1,000 pW0p (17 dB). In the case of digital systems, $M_o(p_o)$ may tentatively be set equal to the fading margin which depends, inter alia, on the local rain climate.

[3] The factor *W* (in dB) is the ratio of thermal noise power to interference power, in the reference bandwidth, producing the same interference effect after demodulation (e.g. in a FDM/FM system it would be expressed for equal voice channel performance; in a digital system it would be expressed for equal bit error probabilities). For FM signals, it is defined as follows:

$$W=10\log_{10}\left\{\begin{array}{l}\text{Interfering power in the receiving system after demodulation}\\ \hline \text{Thermal noise power in the receiving system after demodulation}\end{array}\times\begin{array}{l}\text{Thermal noise power at the receiver input in the reference bandwidth}\\ \hline \text{Interfering power at the radio frequency in the reference bandwidth}\end{array}\right\}$$

Also, when the wanted signal uses FM modulation with r.m.s. modulation indices which are greater than unity, *W* is approximately 4 dB, regardless of the characteristics of the interfering signal. For low-index FDM/FM systems a very small reference bandwidth (4 kHz) has been used in order to avoid the necessity of dealing with a large range of characteristics of both wanted and unwanted signals upon which, for greater reference bandwidths, the value of *W* would depend.

When the wanted signal is digital, *W* is usually equal to or less than 0 dB, regardless of the characteristics of the interfering signal.

[4] Primes refer to the parameters associated with the interfering station.

[5] This equivalent antenna gain should not be used when the earth station antenna points in the same direction for appreciable periods of time (e.g., when working to deep space probes or to satellites which are almost geostationary).

ANNEX 19: ADDITION OF A NEW APPENDIX (APPENDIX 29) TO THE RADIO REGULATIONS

The following new Appendix shall be added to the Radio Regulations after the new Appendix 28:

APPENDIX 29

Method of Calculation to evaluate the Degree of Interference between geostationary Satellite Networks Sharing the same Frequency Bands.

1. *Introduction:*

The method of calculating interference is based on the concept that the noise temperature of the system receiving interference increases as the level of the interference increases. It can, therefore, be applied irrespective of the modulation characteristics of these satellite networks, and of the precise frequencies used.

In this method, the apparent increase in the equivalent satellite link noise temperature (1) resulting from interference caused by a given system is calculated and this value is compared with a predetermined increase in the noise temperature (see section 3 below).

2. *Calculation of the increase in noise temperature of the satellite link receiving interference:*

Let A and A' be the satellite links (2) of the two satellite networks considered. Primes indicate the parameters of satellite link A'; the notation without primes is used for the parameters of satellite link A.

The parameters are defined as follows (for satellite link A):

ΔT_s = increase in the receiver noise temperature of the satellite S caused by interference in the receiver of this satellite (K);

ΔT_e = increase in the receiver noise temperature of the earth station e_R caused by interference in the receiver of this station (K);

p_s = maximum power density per Hz delivered to the antenna of satellite S (averaged over the worst 4 kHz band for a carrier frequency below 15 GHz or over the worst 1 MHz band above 15 GHz) (W/Hz);

$g_3(\eta_{e'})$ = transmitting antenna gain of satellite S in the direction of the receiving earth station e_R of satellite link A' (numerical power ratio);

Note: the product $p_s g_3(\eta_{e'})$ is the maximum equivalent isotropically radiated power per Hz of satellite S in the direction of the receiving earth station e'_R of satellite link A';

p_e = maximum power density per Hz delivered to the antenna of the transmitting earth station e'_R (averaged over the worst 4 kHz band for a carrier frequency below 15 GHz or over the worst 1 MHz band above 15 GHz) (W/Hz);

$g_2(\delta e)$ = receiving antenna gain of satellite S in the direction of the transmitting earth station e'_R (numerical power ratio);

$g_1(\theta)$ = transmitting antenna gain of the earth station e'_R in the direction of satellite S' (numerical power ratio);

$g_4(\theta)$ = receiving antenna gain of the earth station e'_R in the direction of satellite S' (numerical power ratio);

k = Boltzmann's constant (J/K);

l_d = free-space transmission loss on the down-path (numerical power ratio) (3);

l_u = free-space transmission loss on the up-path (numerical power ratio) (3);

γ = transmission gain of the satellite link evaluated from the output of the receiving antenna of the space station S to the output of the receiving antenna of the earth station e'_R (numerical power ratio, usually less than 1);

θ = geocentric angular separation between two satellites (degrees) (4).

The parameters ΔT_s and ΔT_e are given by the following equations:

$$\Delta T_s=\frac{p'_s g'_1(\theta) g_2(\delta_{e'})}{k l_u} \quad (1)$$

$$\Delta T_e=\frac{p'_s g'_2(\eta_e) g_4(\theta)}{k l_d} \quad (2)$$

The symbol ΔT will be used to denote the apparent increase in the equivalent noise temperature for the entire satellite link at the receiver input of the receiving station e^1_R due to interference from link A'.

This increase is the result of interference entering at both the satellite and earth station receiver of link A and can accordingly be expressed as:

$$\Delta T=\gamma\Delta T_s+\Delta T_e \quad (3)$$

Hence,

$$\Delta T=\gamma\frac{p'_s g'_1(\Theta) g_2(\delta_{e'})}{k l_u}+\frac{p'_s g'_2(\eta_e) g_4(\Theta)}{k l_d} \quad (4)$$

Equation (4) combines both the up-path and the down-path interference. If there is a change of modulation in the satellite or if the translation frequencies of the wanted and interfering satellites are different then it may be necessary to treat up and down paths separately using equations (1) and (2).

In the foregoing equations, the gains $g'_1(\Theta)$ and $g_4(\Theta)$ are those of the earth stations concerned. Unless more precise actual data

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(1) See No. 103A.

(2) See No. 84AFC.

(3) To simplify the circulation it was assumed that:

Basic transmission loss on the down-path is the same regardless of the satellite and earth station considered;

Basic transmission loss on the up-path is the same regardless of the earth station and satellite considered.

(4) To simplify the calculation it was assumed that the topocentric angular separation between the two satellites as seen from any earth station is identical to the geocentric angular separation between the two satellites.

are available, an appropriate reference radiation pattern may be used to express the gain $g'_1(\Theta)$ and $g_4(\Theta)$ in a direction forming an angle Θ with the direction of maximum radiation. In the event that precise numerical data are not available, the reference radiation pattern 32–25 log $_{10}\Theta$ shall be used for earth station antennae for which the ratio *diameter/wavelength* exceeds 100.

In the same way, the increase $\Delta T'$ in the equivalent noise temperature for the entire satellite link at the receiver input of the receiving earth station e'R under the effect of the interference caused by satellite link A is given by the following equations:

$$\Delta T'_s = \frac{p_s g_3(\Theta) g'_2(\delta_s)}{k l_u} \quad (5)$$

$$\Delta T'_s = \frac{p_s g_3(\eta_{s'}) g'_4(\Theta)}{k l_d} \quad (6)$$

$$\Delta T' = \gamma' \frac{p_s g_3(\Theta) g'_2(\delta_s)}{k l_u} + \frac{p_s g_3(\eta_{s'}) g'_4(\Theta)}{k l_d} \quad (7)$$

For two multiple-access satellites this calculation must be made for each of the satellite links established via one satellite in relation to each of the satellite links established via the other satellite.

3. Comparison between calculated and predetermined percentage increase in equivalent satellite link noise temperature

The calculated values of ΔT and $\Delta T'$ shall be compared with the corresponding predetermined values. These predetermined values are taken as 2% of the appropriate equivalent satellite link noise temperatures:

If the calculated values of ΔT is less than the predetermined one, the interference level from satellite link A' to satellite link A is permissible irrespective of the modulation characteristics of the two satellite links and of the precise frequencies used;

If the calculated value of ΔT is more than the predetermined one, a detailed calculation shall be carried out following the methods and techniques set out in the relevant C.C.I.R. Reports and Recommendations.

The comparison of $\Delta T'$ with the predetermined value shall be carried out in a similar manner.

As an example, it can be seen that in the case of a satellite link operating in accordance with current C.C.I.R. Recommendations, using FM telephony and having a total noise in a telephone channel of 10,000 pW0p including pW0p interference noise from terrestrial radio-relay systems and 1,000 pW0p interference noise from other satellite links, a 2% increase in equivalent noise temperature would correspond to 160 pW0p of interference noise.

The list of basic characteristics to be furnished for each network is given in Appendix 1B to the Radio Regulations. A detailed illustration of the interference calculation in the case of two geostationary satellite links is given in the Annex to this Appendix.

4. Determination of the satellite links to be considered in calculating the increase in equivalent satellite link noise temperature from the data furnished for the advance publication of satellite network

The greatest increase in equivalent satellite link noise temperature caused to any link of another satellite network, existing or planned, by interference produced by the proposed satellite network must be determined.

The most unfavourably sited transmitting earth station of the interfering satellite network should be determined for each satellite receiving antenna of the network suffering interference by superimposing the "Earth-to-space" service areas of the interfering network on the space station receiving antenna gain contours plotted on a map of the Earth's surface. The most unfavourably sited transmitting earth station is the one in the direction of which the satellite receiving antenna gain of the network interfered with is the greatest.

The most unfavourably sited receiving earth station of the network suffering interference should be determined in an analogous manner for each "space-to-Earth" service area of that network. The most unfavourably sited receiving earth station is the one in the direction of which the satellite transmitting antenna gain of the interfering network is the greatest.

When the satellite of the network suffering interference is equipped with simple frequency-translating transponders the above determinations are made in pairs, one for the receiving antenna of a particular transponder and one for the "space-to-Earth" service area associated with the transmitting antenna of that transponder.

The calculation procedure described above may be used to determine the greatest increase in equivalent noise temperature caused to any satellite link in a proposed satellite network by interference produced by any other satellite network.

ANNEX TO APPENDIX 29: EXAMPLE OF AN INTERFERENCE CALCULATION BETWEEN TWO GEOSTATIONARY SATELLITE LINKS SHARING THE SAME FREQUENCY BAND

A. General

In this example, for simplicity, two identical satellite networks are assumed with $0 = 6°$ geocentric angular spacing between the satellites. For this angular separation the reference radiation pattern of the earth station antenna ($32 - 25 \log_{10}\theta$) gives a gain of 12.5 dB in the direction on the satellite of the other network.

The calculations have been performed in dB, which means that numerical multiplications thus become dB additions and numerical divisions become dB subtractions. In each step, the contributing factors have been introduced in a sequence corresponding to the propagation direction. The first three steps define the system parameters for each link. Steps 4, 5 and 6 perform the actual interference calculations.

To determine the equivalent link noise temperature it is necessary to know the ratio between the total internal link noise and the thermal noise of the down-path. The noise budget for this example is assumed as follows:

NOISE BUDGET

Internal noise—8 000 pW0p:	
Thermal noise (down-path)	5 000 pW0p
Thermal noise (up-path)	1 000 pW0p
Intermodulation noise	2 000 pW0p
External noise—2 000 pW0p:	
Interference noise from links using other satellites	1 000 pW0p
Interference noise from terrestrial systems	1 000 pW0p
Total noise	10 000 pW0p

It may be noted that since both satellites use global beams, essentially no antenna discrimination between wanted and unwanted signals is obtained at the satellite and that this constitutes a worst case.

B. SYSTEM PARAMETERS

	Symbol	Link A or A'	Unit
Step 1. Up-path at 6 175 MHz			
Maximum power density per Hz delivered to the antenna of the transmitting earth station in the worst 4 kHz band.	P_s	−370	dBW/Hz
Earth station antenna gain	g_1	62.5	dB
Free space loss 38 500 km at 6 175 MHz	l_u	200	bB
Satellite antenna gain (using global beam)	g_2	15.5	bB
Receiver input at satellite $P_s+g_1-l_u+g_2$		−159	bBW/Hz
Step 2. Down-path at 3 950 MHz			
Maximum power density per Hz delivered to the satellite antenna in the worst 4 kHz band.	P_s	−57	bBW/Hz
Satellite transmitting antenna gain	g_3	15.5	dB
Free space loss for 38 500 km at 3 950 MHz	l_d	196	dB
Earth station receiv. antenna gain	g_4	58.5	dB
Receiver input at earth station $P_s+g_3-l_d+g_4$		−179	dBW/Hz
Step 3. Link calculations			
Transmission gain from satellite receiver input to earth station receiver input 159 dB—179 dB.	γ	−20	dB
Earth station noise temperature (giving G/T=40.7 dB)		60	K
Thermal noise down-path (see noise budget)		5 000	pW0p
Total internal link noise (see noise budget)		8 000	pW0p
Equivalent link noise temperature 8 000/5 000×60	T	96	K

C. INTERFERENCE CALCULATION

	Symbol	Link A or A'	Unit
Step 4) Up-path interference			
Interfering earth station power density (as in Step 1)	p_s'	−37	dBW/Hz
Interfering earth station antenna gain towards interfered satellite (6° off beam)	$g_1'(\delta)$	12.5	dB
Free space loss for 38 500 km at 6 175 MHz (see Step 1)	l_u	200	dB

C. INTERFERENCE CALCULATION—Continued

	Symbol	Link A or A'	Unit
Satellite antenna gain in the direction of the interfering earth station	$g_2(\delta_s')$	15.5	dB
Boltzmann's constant 1.38×10^{-23} J/K	k	−228.6	dBW/K
Increase in receiver noise temperature of the satellite	ΔT_s	91	K
$p_s'+g_1'(\theta)-l_u+g_2(\delta_s')-k$ (in logarithmic units)		19.6	
Step 5. Down-path interference			
Interfering satellite transmitter power density (as in Step 2)	p_s'	−57	dBW/Hz
Interfering satellite antenna gain towards interfered earth station.	$g'_3(\eta_e)$	15.5	dB
Free space loss for 38 500 km at 3 950 MHz (see Step 2)	l_d	196	dB
Earth station antenna gain in the direction of the interfering satellite (6° off beam)	$g_4(\delta)$	12.5	dB
Boltzmann s constant 1.38×10^{-23} J/K	k	−228.6	dBW/K
Increase in receiver noise temperature of the earth station $p'_s + g'(\eta_d) - l_d + g_4(\delta) - k$ (in logarithmic units)		3.6	
Increase in receiver noise temperature of the earth station	ΔT_e	2.29	K
Step 6. Total link interference			
Increase in satellite noise temperature (from Step 4)	ΔT_s	91	K
Numerical value for γ (from Step 3)	γ	0.01	numerica
Increase in receiver noise temperature of the earth station (from Step 5)	ΔT_e	2.29	K
Increase in equivalent link noise temperature $\gamma\Delta T_s$			
$+ \Delta T_e = 0.01 \times 91 + 2.29$	ΔT	3.2	K
Percentage increase 3.2/96 × 100%	$(\Delta T/T)\times 100\%$	3.33	%
Increase in link noise due to interference (3.33/100) × 8 000 pW0p		266	pW0p

D. Conclusions

In the example shown, the increase in equivalent satellite link noise temperature is 3.33%. Since it exceeds the predetermined value of 2%, the amount of noise introduced can no longer be considered permissible and therefore co-ordination between the two networks is required. More precise calculations should now be made using, in particular, the actual antenna patterns of the earth stations, the topocentric angular separation of the satellites, and the precise basic transmission losses. There may be additional factors such as polarization discrimination, frequency interleaving, spectral distribution of the interference which all reduce the calculated interference.

It can be shown that for this example a larger satellite spacing of 7.4° would have caused only 2% increase in equivalent link noise temperature and thus obviated the need for any co-ordination.

FINAL PROTOCOL

At the time of signing of the Final Acts of the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971) the undersigned delegates take note of the following statements made by signatory delegations:

GENERAL

The World Administrative Radio Conference for Space Telecommunications (Geneva, 1971) decided that the following statement by India should be included in the Final Protocol forming part of the Final Acts of the Conference:

"In India, the band 845–935 MHz is also used in the experimentation of satellite broadcasting of television with frequency modulation including energy dispersal, subject to agreement with the administrations having services operating in accordance with the Table of Frequency Allocations which may be affected.

"For the protection of terrestrial television services the power flux-density limit given in Radio Regulation 332A will apply; and for the protection of fixed and mobile services operating in this band, the power flux-density limit given in Radio Regulation 470NI and the power flux-density limit in Radio Regulation 470NK will apply."

FEDERAL REPUBLIC OF CAMEROON

The Delegation of the Federal Republic of Cameroon to the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971), unable at the present state of its development to make pertinent comments on the proposed allocation of frequency bands between 40 and 275 GHz yet earnestly wishing to encourage technological progress.

Signs the Final Acts of the present Conference but reserves for its Government the right to take such action as it may consider necessary to safeguard its interests, and to protect its telecommunication network should certain Members or Associate Members fail to comply with the provisions of the Radio Regulations thus revised and amplified.

CENTRAL AFRICAN REPUBLIC

The Delegation of the Central African Republic to the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971) signs the Final Acts of the present Conference but reserves for the Government of the Central African Republic the right to take such action as it may consider necessary to safeguard its interests should certain Members or Associate Members fail in any way to comply with the decisions of the present Conference or should action resulting from the reservations made by other countries jeopardize the efficient operation of its telecommunication services.

CEYLON

The Delegation of Ceylon reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should certain Members fail in any way to comply with the decisions of the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971), or should reservations by other countries jeopardize its telecommunication services.

CHILE

The Chilean Delegation reserves the right for the Republic of Chile to take, in cooperation with the International Telecommunication Union, such action as it may consider legitimate to safeguard its sovereignty and interests should any Member or Associate Member fail to comply with any or all of the provisions of the revised Radio Regulations (Geneva, 1971) and the Montreux Convention (1965) or should reservations made by other countries affect directly or indirectly the interests and/or telecommunication systems of the Republic of Chile.

DEMOCRATIC REPUBLIC OF THE CONGO

The Delegation of the Democratic Republic of the Congo to the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971) reserves for its Government the right, in co-operation with the International Telecommunication Union, to take such action as it may consider necessary to safeguard its interests should certain Members or Associate Members fail to comply with the provisions of the revised Radio Regulations, or should reservations made by other countries jeopardize the efficient operation of its telecommunication services.

REPUBLIC OF THE IVORY COAST

The Delegation of the Ivory Coast wishes to declare that, by virtue of the powers conferred on it, it reserves for its Government the right to take such action as it may consider necessary, in co-operation with the International Telecommunication Union, to safeguard its interests should certain Members or Associate Members fail in any way whatever to comply with the provisions in the revised version of the Radio Regulations (Geneva, 1959), prepared by the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971), or should reservations made by other countries jeopardize the efficient operation of its telecommunication services.

REPUBLIC OF INDONESIA

The Indonesian Delegation is of the firm belief that only through close international co-operation on as broad a basis as possible could the tremendous potential of satellite communications be realized.

Indonesia being an archipelago with a vast land and sea area looks forward with great hope to the expansion of satellite communications as to help solving its tremendous communication problems.

The great importance of satellite communications in helping to diffuse education, information, and other public services to the people in places far away from the capitals is being fully recognized by the developing countries.

There is, however, great need for the developing countries to fully participate in the discussions and in important decisions concerning the future of the satellite systems. They need to be continuously informed with regard to its further progress and development.

Furthermore, the developing countries should not be left with a feeling as being dependent on the goodwill of a small group in order to enjoy the progress of this technology. The use of the satellite system should not be limited to a few rich; assistance measures have therefore to be devised so as to allow even the poorest among the developing countries to take advantage of the progress in the satellite communication systems.

If the progress of this technology is to benefit mankind as a whole and if it is to become a substantial contribution towards the success of the Second Development Decade, then it is necessary that more attention be given to the interest of the developing countries.

Indonesia is grateful to the I.T.U. and the U.N.D.P. for the assistance given so far in the improvement of its communication system. There are, however, projects which are still to be completed such as: the regional telecommunication network in South East Asia, educational projects, telecommunication projects in West Irian in the framework of the Funds for Development for West Irian and others for which further assistance is being required. It is the sincere hope of Indonesia that it could be given technical assistance in developing its own national satellite communication system.

IRAN

The Imperial Government of Iran reserves the right to take such action as it may consider necessary to protect and use its services as operated at present or to be brought into operation in the future should they be affected by the services of other countries.

It also reserves the right not to accept the I.F.R.B. procedures for registering the frequencies now used or to be used in the future in respect of its equipment and on its territory.

The Delegation of Iran therefore reserves for its country the right to take such action as may be necessary to meet its requirements in telecommunications and to protect its existing and future services without restriction of any sort as to the equipment used or to be used in the future in all frequency bands.

JAMAICA

The Delegation of Jamaica reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should any Member fail in any way to comply with the decisions of the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971) and in so doing jeopardize the telecommunication services of Jamaica.

ISLAMIC REPUBLIC OF MAURITANIA

The Delegation of the Islamic Republic of Mauritania to the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971), in signing the Final Acts of this Conference, reserves for its Government the right, in co-operation with the International Telecommunication Union, to take such action as it may consider necessary to:

Safeguard its interests, or

Protect, in all the frequency bands concerned, its existing, projected or future telecommunication network, should certain Members or Associate Members fail in any way to comply with the revised and supplemented provisions of the Radio Regulations, or should reservations made by other countries jeopardize the normal operation of its telecommunication services.

REPUBLIC OF THE NIGER

The Delegation of the Republic of the Niger reserves for its Government the right to take any steps it may deem fit and adequate to safeguard its interests should any country fail in any way to comply with the provisions contained in the Final Acts of this Conference or should reservations made by any country jeopardize the efficient operation of its telecommunications.

PAKISTAN

In signing the Final Acts of the Woird Administrative Radio Conference for Space

Telecommunications, (Geneva, 1971), the Delegation of Pakistan reserves the right of its Government to adhere to all or to some of the provisions of the revised Radio Regulations (Geneva, 1959).

The Delegation of Pakistan further declares that it reserves the right of its Government in accepting implications that may arise through the non-adherence by any other country Member of the Union to the provisions of these revised Radio Regulations.

REPUBLIC OF RWANDA

The Delegation of the Republic of Rwanda, in signing the Final Acts of the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971), reserves for its Government the right to take such action as it may consider necessary to safeguard its interests, should any Members or Associate Members fail in any way to comply with the provisions of the Radio Regulations (Geneva, 1959) as revised by this Conference or should reservations made by other countries jeopardize the efficient operation of its telecommunication services.

REPUBLIC OF THE SENEGAL

The Delegation of the Republic of the Senegal to the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971), in signing the Final Acts of this Conference, reserves for its Government the right to take such action as it may consider useful or necessary:

To safeguard its interests in the use of the frequency bands above 40 GHz;

Or should certain Members fail in any way to comply with the decisions of this Conference or should acts deriving from reservations made by other Members jeopardize the efficient operation of its telecommunication services.

REPUBLIC OF SINGAPORE

In signing the Final Acts of the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971), the Delegation of the Republic of Singapore reserves for its Government the right to take such action as it may consider necessary to safeguard its interests should any country fail in any way to comply with the requirements of the Final Acts of this Conference or should reservations made by any country jeopardize the telecommunication services of the Republic of Singapore.

REPUBLIC OF VENEZUELA

The Delegation of the Republic of Venezuela to the World Administrative Radio Conference for Space Telecommunications (Geneva, 1971), delcares that, in signing the Final Acts of the Conference, it expressly reserves the right for its Government to adopt or not to adopt the conclusions of the Conference and to take any steps that it may deem fit to safeguard its interests and to protect its telecommunication networks should any Member or Associate Member fail to comply with the provisions of the Radio Regulations as amended or supplemented at the date mentioned above.

INTERNATIONAL PLANT PROTECTION CONVENTION

MAIN PURPOSE OF THE CONVENTION

The main purpose of the convention is to promote international cooperation in controlling pests and diseases of plants and plant products and in preventing their introduction and spread across international boundaries.

The convention applies to living plants and parts thereof, to unmanufactured and milled material of plant origin, and to seeds (Art. II (1)). It may be extended to storage places, containers, conveyances, and packing material (Art. II(2)), but it is to have particular reference to pests and diseases of importance to international trade (Art. II(3)). Supplementary agreements covering specific regions, plants, or problems may also be negotiated (Art. III) and regional organizations established (Art. VIII).

Each contracting government is required to make provision "as soon as possible and to the best of its ability," for (1) a competent official plant protection organization for inspection and disinfection work and for issuance of phytosanitary certificates; (2) distribution of information within the country regarding pests and diseases of plants; and (3) research and investigation in the field of plant protection (Art. IV). Provisions are made regarding issuance of phytosanitary certificates to insure that they are dependable documents (Art. V (1)), and it is agreed that a government will "not require consignments of plants intended for planting or propagation imported into its territories to be accompanied by phytosanitary certificates inconsistent with" a model certificate annexed to the convention (Art. V(2)).

National plant protection legislation is not to be used as a basis for import regulations except for phytosanitary reasons (Art. VI(2)(a)). Phytosanitary restrictions and requirements in regard to imports are to be published and communicated to other contracting governments and to the U.N. Food and Agriculture Organization (Arts. VI(2)(b) (c) and (d)). Inspections and other requirements are to be carried out so as to impede trade as little as possible (Art. VI(d) (e) and (f)). A worldwide reporting service on plant diseases and pests is to be established in cooperation with the Food and Agriculture Organization (Art. VII).

The convention is of indefinite duration but it may be denounced on one year's notice (Art. XV). Disputes regarding the convention are to be settled by negotiation between the governments concerned, assisted, if they so desire, by a committee of experts appointed by the Director General of the Food and Agriculture Organization (Art. IX).

BACKGROUND

Negotiations for the present convention took place in 1950 and 1951, with the participation of the Departments of State and Agriculture. The convention was open for signature at Rome from December 6, 1951, to May 1, 1952, during which time it was signed by the United States and 36 other states. Up to the present, 61 countries, which are listed in the appendix, have completed the ratification or adherence procedure.

The convention came into force, as among ratifying countries, on April 3, 1952.

CONVENTION TO PREVENT AND PUNISH THE ACTS OF TERRORISM

PURPOSE

The express purpose of this Convention is to condemn crimes of violence against officials of foreign states and international organizations as common crimes regardless of the motive for which they were committed. The effect is to exclude such crimes, for purposes of extradition and asylum, from being treated as political offenses. Thus, the perpetrators of such crimes would not be eligible for the diplomatic or territorial asylum which is often extended to those who commit political offenses.

BACKGROUND

In the past few years a new form of terrorism has emerged, directed against diplomats and other officials of foreign governments. Approximately 17 incidents of kidnapping and violence directed at representatives of states have occurred in six countries of the Western Hemisphere in the last three years, nine of which involved United States personnel.

This wave of terrorism prompted the General Assembly of the Organization of American States (OAS) to adopt a resolution on June 30, 1971 condemning all acts of terrorism as crimes against humanity and further condemning "such acts when perpetrated against representatives of foreign states, as violations not only of human rights but also of the norms that govern international relations." In response to this situation, the Inter-American Juridical Committee was requested to prepare "one or more draft Inter-American instruments on kidnapping, extortion and assaults against persons, in cases in which these acts may have repercussions on international relations." The work of this Inter-American Juridical Committee was considered by a special session of the OAS General Assembly meeting in Washington January 25–February 2, 1971. The Convention under consideration is a much narrower version of the Committee's draft and is limited only to assaults against foreign officials.

It was adopted by the OAS General Assembly by a 13 to 1 vote with 2 abstentions. It should be noted, however, that six of the OAS delegations boycotted the final vote in protest against what they considered an inadequate document. Brazil, Argentina, Ecuador, Paraguay, Guatemala and Haiti wanted a convention which included all acts of political terrorism and not just the kidnapping of diplomats and foreign officials.

The Convention was signed at Washington on February 2, 1971 and submitted to the Senate on May 11, 1971.

PROVISIONS OF THE AGREEMENT

The Convention consists of a preamble and thirteen articles accompanied by a short statement of the Delegation of Panama clarifying the interpretation of the right of asylum with respect to the Panama Canal Zone.

The following is a summary of the convention's provisions provided by the Secretary of State.

Article 1 commits the Contracting States to cooperate by taking effective measures under their own laws and in accordance with the Convention to prevent and punish acts of terrorism, especially kidnapping, murder, and other assaults against the life or physical integrity of those persons to whom the state owes a special duty of protection under international law. This provision extends to acts of terrorism generally, but incorporates no specific commitments. Rather, it establishes a general duty of cooperation that should guide the Contracting States in their application of other provisions of the Convention.

Article 2 provides that kidnapping, murder and other assaults against the life or personal integrity of those persons to whom the state has the duty to give special protection according to international law, and related acts of extortion, shall be considered common crimes of international significance regardless of motive. The provision establishes the principle that such crimes are not to be considered as political offenses.

Article 3 states that persons charged or convicted of crimes referred to in Article 2 shall be subject to extradiction under the provisions of existing treaties or, in the absence of a requirement for a treaty, in accordance with relevant national laws.

Article 3 confirms that it is the exclusive responsibility of the state that may be asked to grant asylum or extradition to determine the nature of the acts and whether the Convention is applicable to a particular request for extradition.

Article 4 specifies that "any person deprived of his freedom through the application of this convention shall enjoy the legal guarantees of due process".

Article 5 requires a Contracting State, if it withholds surrender of a fugitive charged or convicted of an offense specified in Article 2 either because the person sought is a national of the requested state or because of

some other legal impediment, to submit the case to its competent authorities for prosecution as if the act had been committed in its territory.

Article 6 states that "none of the provisions of this convention shall be interpreted so as to impair the right of asylum".

Article 7 requirees the Contracting States to include the crimes described in Article 2 of the Convention as extraditable offenses in any future extradition treaty concluded among them.

Article 8 sets forth certain obligations of cooperation accepted by the Contracting States to prevent or punish the crimes defined in Article 2 of the Convention. The Contracting States agree:

(*a*) To take all measures within their power, in conformity with their laws, to prevent and impede the preparation in their respective territories of such crimes that are to be carried out in the territory of another Contracting State;

(*b*) To exchange information and consider effective administrative measures for the purpose of protecting the persons referred to in Article 2;

(*c*) To guarantee to every person deprived of his freedom under the Convention every right to defend himself;

(*d*) To endeavor to have the criminal acts included in their penal laws, if not already so included;

(*e*) To comply most expeditiously with the request for extradition concerning the criminal acts contemplated in this Convention.

Articles 9–13 provide that the Convention shall remain open indefinitely for signature by the member states of the Organization of American States and any other state, member of the United Nations or its specialized agencies or party to the Statute of the International Court of Justice. Other states may be invited by the OAS General Assembly to sign.

DATE OF ENTRY INTO FORCE

Pursuant to Article 12, this Convention shall enter into force among the states that ratify it immediately upon deposit of their instruments of ratification.

Treaty With Honduras on the Swan Islands

PURPOSE

The express purpose of this treaty is to settle long-standing difference between the United States and Honduras resulting from their conflicting claims to the Swan Islands. The State Department has indicated that this treaty will fulfill the desire of the Honduran people for the recognition of Honduran sovereignty over these islands and will adequately protect the interests of the United States in maintaining a weather observation and telecommunication facility on the larger of the two islands.

BACKGROUND

The Swan Islands are rock keys located in the Caribbean about 98 miles off the coast of Honduras. The islands have no intrinsic value to the United States and the largest of the two islands is only two miles long and one-half mile wide. The only U.S. interest in these islands is the operation and maintenance of a meteorological observation and telecommunications facility and an air navigation beacon. The islands are populated by approximately six Americans who operate the facilities and a dozen Honduran nationals and British subjects who work for the United States facilities or raise cattle.

The U.S. claim to these islands was originally made in 1863 under the authority of Guano Act of 1856 (48 U.S.C. 1411–1419). That Act provides that whenever "any United States citizen discovers a deposit of guano on any island, rock or key, not within the lawful jurisdiction of any other government, and not occupied by the citizens of any other government, and takes peaceable possession thereof, and occupies the same, such island, rock, or key may, at the discretion of the President, be considered as appertaining to the United States." The Act also provides that nothing in it "shall be construed as obliging the United States to retain possession of the islands, rocks, or keys, after the guano shall have been removed from the same."

Guano operations were carried on for a number of years but have long since ceased. Beginning in 1914, the U.S. has operated a weather observation station and since 1946 the Federal Aviation Agency has maintained an airways beacon. During the 1960's the islands were also the site of a radio transmitter, since discontinued, broadcasting to Cuba.

The Honduran claim to these islands is based on succession to a sixteenth century Spanish claim. The State Department feels that this issue is of considerable importance to the Honduran people and has been a long-standing irritant in U.S.-Honduran relations.

On August 23, 1960, the Secretary of State informed the Honduran Foreign Minister that the U.S. would be pleased to discuss the position of Honduras with respect to the Swan Islands. On November 3, 1962, a joint communique issued after a meeting between President Kennedy and Honduran President Villeda Morales stated that the two governments should seek, on an urgent basis, a solution to the question concerning these islands. It was submitted to the Senate on March 28, 1972.

PROVISIONS OF THE AGREEMENT

The Treaty consists of a short preamble and five Articles accompanied by an exchange of notes which set forth the terms of the agreement dealing with: (1) a cooperative program for the meteorological and telecommunications facility; (2) the electric power; (3) the rights of third country nationals; (4) the juridical position of the U.S. with respect to the territorial sea and jurisdiction over fisheries.

The following summary of the treaty's provisions was provided by the Secretary of State:

Under Article I of the Treaty the Government of the United States recognizes the sovereign of Honduras over the Swan Islands.

Article II recognizes the mutual benefit derived from the maintenance of a meteorological observation and telecommunications facility and provides for establishment of a cooperative program to continue the facility on terms to be agreed. Simultaneously with signature of the Treaty, the two Governments exchanged notes setting forth the terms of agreement for the facility. They provide for continuation of the meteorological facility on terms recommended by the National Oceanic and Atmospheric Administration (NOAA) under a cooperative program similar to those in effect with several countries throughout the world. The United States Government will retain use of the land and title to the property and improvements thereon needed for the facility and will maintain and operate the facility. The Government of Honduras will make the needed land available for use without charge, will be responsible for the continued maintenance and further development of the dock and landing strip, and will facilitate the NOAA operation by granting it tax-exempt status as well as providing for duty-free entry for materials, equipment, and supplies relating to the program. Radio frequencies will be protected and a radio call signal has been assigned for the facility's use. The meteorological program agreement will enter into force simultaneously with the Treaty, and operations under it will be subject to review and possible revision five years later. To the extent the program depends on funds appropriated by the United States Congress, it is made subject to the availability of such funds.

Under Article III of the Swan Islands Treaty the Government of Honduras assumes responsibility for operation and maintenance of the radio air navigational facility in the Swan Islands as long as it is included in the International Civil Aviation Organization Caribbean Regional Air Navigation Plan. This transfer of responsibility was recommended by the Federal Aviation Administration, which presently operates the beacon. As provided in a supplementary exchange of notes, electric power for the operation of the air navigation facility as well as for the lighting systems associated with the dock and landing strip will be supplied, as at present, by the electric generators to which the United States Government is retaining title.

Article IV of the Treaty provides for the transfer to the Government of Honduras, upon entry into force of the Treaty, of all land, buildings, equipment, and other property to which the United States holds title, except for such property as the parties agree, pursuant to Article II, shall be retained by the United States for operation by NOAA of the meteorological facility. As pointed out above, it is agreed in the cooperative weather program agreement that the United States will retain use of the land and title to the property thereon needed for that facility.

DATE OF ENTRY INTO FORCE

Pursuant to Article V, this treaty will enter into force on the date instruments of ratification are exchanged in Washington.

Convention on Taking of Evidence Abroad

BACKGROUND AND PROVISIONS

The Convention on the Taking of Evidence Abroad in Civil or Commercial Matters was approved at the conclusion of the eleventh session of the Hague Conference on Private International Law which was held from October 7–26, 1968. It was opened for signature on June 1, 1970, and signed on behalf of the United States on July 27. According to the State Department, the willingness of the Conference to proceed promptly with work on the evidence convention is perhaps attributable in large measure to the difficulties encountered by courts and lawyers in obtaining evidence abroad from countries with markedly different legal systems. To minimize such difficulties in the future, the convention, which consists of a preamble and forty-two articles, is designed to:

1. Make the employment of letters of request a principal means of obtaining evidence abroad;

2. Improve the means for securing evidence abroad by increasing the powers of consuls and by introducing in the civil law world, on a limited basis, the concept of the commissioners;

3. Provide means for securing evidence in the form needed by the court where the action is pending; and

4. Preserve all more favorable and less restrictive practices arising from internal law, internal rules of procedure and bilateral or multilateral conventions.

The Convention is divided into three chapters dealing with (1) letters of request which are issued by a judicial authority in a civil or commercial matter to obtain evidence or to perform some other judicial act; (2) the taking of evidence by foreign officials, principally consuls and commissioners; and (3) general provisions. The report accompanying the convention explains these chapters as follows:

Chapter I deals with Letters of Request ("Commissions rogatories"). It includes articles 1–14, and regulates the form of the Letter, the scope of its content, the methods of transmission, the language to be used, the method and technique of execution, the compulsion to be exercised against a witness, the privileges and immunities of the witness, the permissible grounds for refusal to ex-

ecute the Letter, and the question of costs and expenses.

Chapter II deals with the use of consuls or commissioners to take evidence. It includes articles 15–22, and regulates the situations under which a consul or commissioner may act, the extent to which approval and consent of the State of execution may be required, the extent to which compulsion against the witness may be available, the privileges and immunities of the witness, the limits of the power of the consul or commissioner, and the privilege of obtaining evidence through other channels in the event of the failure to obtain the evidence through the consul or commissioner.

Chapter III contains the general clauses. It includes articles 23–42, and regulates the relationship between the present Convention and the Conventions of 1905 and 1954, the limits of the power of reservation by a signatory, the declarations to be filed and the authorities to be designated under certain articles, the State which may be signatories or which may accede to the Convention, the use of diplomatic channels to resolve disputes, the application of the Convention to the territories of a signatory, the time when the Convention will enter into force, the time the Convention will remain in force, the power of denunciation and the provisions for administration by the Ministry of Foreign Affairs of the Netherlands.

Chapter III also contains individual clauses further limiting the scope of Letters of Request, providing details respecting the Central Authority, authorizing States with more than one legal system to designate one of them to execute Letters of Request, further regulating certain costs and expenses, and listing the matters as to which States may, by agreement, derogate from the provisions of the Convention.

Finally, Chapter III contains, in article 27, the all-important provision that if any State, by internal law or practice, permits any act provided for in the Convention to be performed on a more liberal and less restrictive basis than the Convention provides, such internal law or practice will be unaffected by the Convention and will continue to govern.

DATE OF ENTRY INTO FORCE

The Convention will enter into force on the sixtieth day after the third instrument of ratification has been deposited by any of the twenty-five member states which attended the eleventh session of the Hague Conference on Private International Law.

EXTRADITION TREATY WITH ARGENTINA

According to the Administration, the Extradition Treaty with Argentina, which is the first to be signed with a Latin American country since 1961, "follows generally the form and content of extradition treaties recently concluded by this Government."

MAJOR PROVISIONS

Article 2 of the Treaty lists thirty extraditable offenses, including those relating to narcotics and aircraft hijacking. In addition, it contains a provision which would permit extradition in the case of conspiracy to commit any of the offenses mentioned.

Pursuant to the provisions of Article 3, the normal concept of territorial jurisdiction is extended to include aircraft in flight. Thus, acts of aircraft piracy would be covered whether or not they occur over United States territory. In addition, extradition could be granted for offenses committed outside the territory of either country, if such offense would be punishable under the laws of both parties. It is understood that this provision will be useful in narcotics and counterfeiting violations.

Article 4, which is a standard provision, grants the executive authority of either country the discretionary power to extradite its own nationals. However, if one of the parties refuses extradition on the basis of nationality, then that party is obliged to undertake to try the individual requested when the offense is punishable under its own laws and it has appropriate jurisdiction. This latter provision is new to United States extradition treaties.

Under the terms of Article 8, extradition may be refused unless assurances are received from the country requesting extradition that the death penalty will not be imposed for an offense not punishable by death in the country from which extradition is requested. Several other recent treaties include similar language.

Other articles deal with such matters as procedures to be followed in requesting extradition (Article 11), provisional arrest in case of urgency (Article 12), requests for additional evidence or information (Article 13), detention or punishment for an offense other than that for which extradition has been granted (Article 14), the handling of multiple requests for extradition of the same person (Article 15), the time limit for removal of a person after extradition has been granted (Article 16), surrendering evidence upon granting of the extradition (Article 17), and the procedure for requesting transit for the person surrendered (Article 18).

Article 19 provides that expenses related to "the translation of documents and to the transportation of the person sought" are to be paid by the requesting party. In addition, it states that each party shall assist the other in the presentation of extradition cases before their respective judges and magistrates. The Department of State maintains that this requirement is normally included in the more recent extradition treaties "because the costs of presentation are a hindrance to the making of extradition requests." It should be noted, however, that this provision differs from domestic law (18 U.S.C. 3195) which requires that costs or expenses incurred in extradition proceedings be paid by the requesting authority. The State Department expects to recommend legislation amending that law so it will not be in conflict with the treaty language.

The provisions of Article 21 are new in United States extradition treaties. They provide for judicial cooperation in criminal matters by the execution of letters rogatory. (These letters are directed to any judge or tribunal having jurisdiction in a foreign country with the request that witnesses come before them and answer interrogatories and that they cause their depositions to be committed to writing and returned with the letters rogatory.) Article 21 states that expenses incurred in processing such letters shall be borne exclusively by the receiving State.

DATE OF ENTRY INTO FORCE

In accordance with the provisions of Article 22, this treaty will enter into force upon the exchange of instruments of ratification in Buenos Aires. It may be terminated at any time by giving six months' notice. Although it will abrogate and supersede the Extradition Treat of 1896, the offenses listed in that treaty which have been committed prior to the time the pending treaty enters into force will be subject to extradition pursuant to the provisions of that treaty.

PARTIAL REVISION OF RADIO REGULATIONS

The pending Partial Revision of the Radio Regulations relating to space telecommunications was signed on behalf of the United States at the conclusion of a conference held at Geneva from June 7–17, 1971.

BACKGROUND

The Radio Regulations (Geneva, 1959) came into force for the United States on October 23, 1961. Subsequently, the United States became a party to three partial revisions of those regulations: (1) a partial revision to allocate frequency bands for space radiocommunication purposes, dated at Geneva November 8, 1963; (2) a partial revision dated at Geneva April 29, 1966, to put into effect a revised frequency allotment plan for the aeronautical mobile service; and (3) a partial revision dated at Geneva November 3, 1967, relating to the maritime mobile service.

PROVISIONS OF PARTIAL REVISION

According to the Department of State, the 1971 World Administrative Radio Conference for Space Telecommunications was called, pursuant to a resolution adopted by the Administrative Council of the International Telecommunication Union in May, 1969, (a) to consider, revise, and supplement the Radio Regulations and related instruments to adopt new provisions for radiocommunication services in so far as they use space radio techniques, including those for manned space vehicles and for the radio astronomy service; (b) to provide for the use of space radio techniques by the Aeronautical Mobile and Maritime Mobile Services; (c) to adopt provisions pertaining to the technical criteria and procedures for frequency sharing between space and terrestrial services and between space systems; and (d) to consider the feasibility of coordinated frequency planning for radiocommunication satellites, including those placed on the geostationary orbit. The revisions embodied in the Final Acts deal with these matters.

The Final Protocol sets forth the texts of declarations made by certain of the governments represented at the Conference in regard to their rights to take action to protect their interests should any other country not comply with the provisions or should reservations made by other countries jeopardize the efficient operation of their respective telecommunication services.

DATE OF ENTRY INTO FORCE

The Partial Revision, according to its terms, will come into force on January 1, 1973, and will supersede the existing regulations adopted at the space telecommunications conference held in 1963. It has the support of the Department of State, the Federal Communications Commission, and the President's Director of Telecommunications Policy.

The PRESIDING OFFICER. Without objection, the protocols will be considered as having passed through the various parliamentary stages, up to and including the presentation of the resolutions of ratification, which will be read for the information of the Senate.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Plant Protection Convention, which was open for signature at Rome from December 6, 1951, to May 1, 1952, and during that period was signed on behalf of the United States of America and 36 other states. (Ex. D, Eighty-fourth Congress, second session.)

Resolved, (Two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance, signed at Washington on February 2, 1971 (Ex. D, 92–1).

Resolved, (Two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on the Swan Islands Between the Government of the United States of America and the Government of Honduras, signed at San Pedro Sula on November 22, 1971 (Ex. H, 92–2).

Resolved, (Two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the

Convention on the Taking of Evidence Abroad in Civil or Commercial Matters Adopted at the Eleventh Session of the Hague Conference on Private International Law on October 26, 1968, and Signed on Behalf of the United States of America at the Hague on July 27, 1970 (Ex. A, 92–2).

Resolved, (Two-thirds of the Senators present concurring therein), That the Senate advise and consent to ratification of The Treaty on Extradition Between the United States of America and the Republic of Argentina, signed at Washington on January 21, 1972 (Ex. F, 92–2).

Resolved, (Two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of A Partial Revision of the Radio Regulations (1959) Relating to Space Telecommunications, with a Final Protocol, Dated at Geneva, July 17, 1971 (Ex. E, 92–2).

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order at an appropriate time to request a yea-and-nay vote on all six treaties; that three of them be voted on beginning at 2:30 p.m. on Monday next and that the other three be voted on on Tuesday next, but the time will be determined by the joint leadership, in conjunction with interested Senators, at a later time.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR YEAS AND NAYS ON TREATIES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order, with one show of seconds, a yea-and-nay vote on each of the six treaties to which the distinguished majority leader alluded a little earlier.

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

UNANIMOUS-CONSENT AGREEMENT ON S. 1736

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that, at such time as the conference report on S. 1736, the Public Buildings Act amendment, is called up, there be a limitation of 1 hour thereon, the time to be equally divided between the distinguished senior Senator from West Virginia (Mr. RANDOLPH) the chairman of the committee, and the distinguished senior Senator from Kentucky (Mr. COOPER).

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

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that at 2:30 p.m. today the Senate proceed to the consideration of the conference report on S. 1736, the Public Buildings Act amendment.

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

Mr. ROBERT C. BYRD. Mr. President, whether there will be a rollcall vote on that conference report, I am in no position to say at this time. It would be well for the respective cloakrooms, however, to alert Senators to the fact that the conference report will be before the Senate during the afternoon, beginning at 2:30 p.m., to last for not to exceed 1 hour, and that there is a possibility of a rollcall vote thereon.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF RICHARD G. KLEINDIENST

Mr. ROBERT C. BYRD. Now, Mr. President, I ask unanimous consent that the Senate, in executive session, return to the consideration of the nomination of Richard G. Kleindienst to be Attorney General of the United States.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

RECESS TO 12:30 P.M. TODAY

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

The motion was agreed to; and at 12:06 p.m. the Senate took a recess until 12:30 p.m; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ALLEN).

ORDER FOR YEAS AND NAYS ON S. 722

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that it may be in order to order the yeas and nays on S. 722 by the same show of seconds as will order the yeas and nays on the various treaties previously ordered.

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

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

The PRESIDING OFFICER. The clerk will please call the roll.

The second assistant 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.

STATUS OF APPROPRIATION BILLS

Mr. ELLENDER. Mr. President, since Wednesday, May 31, 1972, there have been on the Senate Calendar two of the large, important regular annual appropriation bills—H.R. 14989, making appropriations for the Departments of State, Justice, Commerce, the judiciary, and related agencies, and H.R. 15093, making appropriations for the Department of Housing and Urban Development, Space, Science, Veterans.

The State-Justice-Commerce appropriation bill is being held up for lack of several authorizations. All of the appropriations for the Department of State have not been authorized, so the committee has inserted in the bill a general provision stipulating that the funds shall be available only upon the enactment of authorizing legislation. Under the Department of Commerce, several items have not been authorized although the funds have been included in the bill with a similar restriction. Some of these items are export control, fishermen's protective fund, certain activities under the National Bureau of Standards, and the Maritime Administration. There is no authorization for certain activities of the Commission on Civil Rights, for which funds have been included in the bill; nor are the funds contained in the bill for the United States Information Agency authorized. All of these items contain restrictions on the use of the funds, prohibiting such activities until the authorizing legislation has been enacted.

This is also the case with respect to the appropriation bill for the Department of Housing and Urban Development, Space, Science, Veterans. The homeownership and rental housing assistance item, which is included in the bill on page 2, requires enactment of authorizing legislation. This is true of college housing, comprehensive planning grants under community planning and management, urban renewal programs, and grants for neighborhood facilities. Although the funds for these items have been included in the bill, certain authorizations are lacking and, consequently, similar provisions prohibiting the use of the funds until the enactment of such authorization have been inserted in the bill in each instance. This is also true of the National Science Foundation where an appropriation of $619 million has been provided by both the House and the Senate committee.

It is expected that the committee will report the District of Columbia appropriation bill in the near future. There will be no need to delay this bill due to a lack of authorization.

It is expected that the committee will

report the Department of Transportation appropriation bill in the near future. However, again, as in the case of the first two bills I mentioned, certain authorizing legislation is required—for example, for the Coast Guard, the National Highway Traffic Safety Administration, the Federal Railroad Administration, high-speed ground transportation, and the natural gas pipeline safety program. Thus, when this bill is reported, it will likewise have to be held on the Calendar.

The committee will be reporting the Department of the Interior and Related Agencies appropriation bill in the near future, and in this case, there is no reason why it cannot be considered immediately in the Senate. There is no program which requires authorizing legislation except the American Revolution Bicentennial Commission. I understand the House has omitted this item from the bill, but we can consider the item in a supplemental bill.

It is expected that the Departments of Labor and Health, Education, and Welfare appropriation bill will be reported to the House today and is scheduled for House action next week. It is my hope that the Committee on Appropriations of the Senate will report the bill to the Senate promptly. Again in this case, I have been advised the House will include $116,200,000 for comprehensive health services projects, which requires authorizing legislation. It will include, I am informed, over $137 million for family planning service grants and contracts, which is not authorized, as well as over $100 million for maternal and child health services, which is likewise not authorized. Consequently, when this bill is reported to the Senate it will also have to be held up pending the enactment of authorizing legislation.

It is not clear when the military construction appropriation bill will be reported to the House, but there is no authorizing legislation in either the Senate or the House for this entire program.

A large part of the funds in the Public Works-Atomic Energy Commission appropriation bill requires authorizing legislation. It is expected that this bill will come to the Senate in the near future, and I am hopeful that the AEC authorization will have cleared the Congress so that we can take this bill up on the floor as soon as we receive it from the House.

Most of the requirement for authorizing legislation in the agriculture-environmental and consumer protection appropriation bill—namely, the Environmental Protection Agency—has passed both bodies and is in conference, so I would envision handling this bill in the Senate soon after it is received from the House of Representatives. However, it is not clear yet when the House will pass this particular appropriation bill.

I foresee no difficulties with respect to the Treasury-Postal Service appropriation bill. The $250 million authorization bill for the Special Action Office for Drug Abuse has now been signed into law, and I would hope that we can process the appropriation bill shortly after its arrival from the House. However, the date when this bill will be considered in the House is not certain.

There are two remaining appropriation bills—the foreign assistance appropriation bill and the Department of Defense appropriation bill—which are dependent upon authorizing legislation, not yet processed in either the Senate or the House of Representatives.

I desired to make this short review to the Senate at this time on the status of the appropriation bills. Mr. President, it appears to me that we are in a very bad situation. Until the authorizing committees can report their respective bills and have them considered by the Congress, we are not in a position to complete action on the appropriation bills before July 1. It will be recalled that I promised to have all of our regular appropriation bills on the desk of the President on or before June 30. We are still in a position to do so, if we can have the necessary authorizing legislation enacted.

Mr. President, as I have stated on the floor of the Senate on many occasions, it is my hope to have all the bills on the President's desk on or before June 30, and I am proud to say that the Senate Committee on Appropriations, through its subcommittees, has held the proper hearings on all of those bills, and we are now waiting on the House of Representatives and on the authorizing committees as well, in order to be able to handle the bills and send them to the President. I do hope that action will be taken soon in order to accomplish that, so that the bills can be passed and sent to the President as soon as possible.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF RICHARD G. KLEINDIENST—UNANIMOUS CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, beginning at the hour of 1 p.m., the debate on the nomination of Mr. Kleindienst be under time control, and that the time between 1 p.m. and 4 p.m. be equally divided between and controlled by the distinguished senior Senator from Massachusetts (Mr. KENNEDY) and the distinguished Senator from Nebraska (Mr. HRUSKA).

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

RECESS UNTIL 1:45 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 1:45 p.m. today.

The motion was agreed to; and at 12:55 p.m., the Senate took a recess until 1:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BURDICK).

ORDER FOR EXECUTIVE SESSION ON TUESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, at the direction of the distinguished majority leader, I ask unanimous consent that on Tuesday next, at the hour of 3 o'clock P.M., the Senate go into executive session, and that the Senate then proceed to vote on Executive Calendar Order No. 23, Executive A, 92d Congress, 2d session; that immediately following that vote, the Senate proceed to vote on Executive Calendar Order No. 24, Executive F, 92d Congress, 2d session; and that upon the disposition of that treaty. the Senate immediately proceed to vote on Executive Calendar Order No. 25, Executive E, 92d Congress, 2d session.

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

Mr. ROBERT C. BYRD. Mr. President, the yeas and nays will be ordered on those three treaties. The yeas and nays will also be ordered on the three treaties on which votes will occur on Monday. Senators are alerted, therefore, to the fact that there will be at least three rollcall votes on Monday next beginning at 2:30 p.m. and at least three rollcall votes on Tuesday next.

NOMINATION OF RICHARD G. KLEINDIENST

BYRD TO VOTE AGAINST KLEINDIENST

Mr. ROBERT C. BYRD. Mr. President, the nomination of Richard G. Kleindienst to be Attorney General of the United States was voted out of the Judiciary Committee on February 24, 1972, by a vote of 13 to 0 following 2 days of routine hearings. On February 29 and March 1, 1972, columnist Jack Anderson ran stories of an alleged secret memorandum from an International Telephone & Telegraph lobbyist, Mrs. Dita Beard, to her superior, Mr. William R. Merriam, the head of ITT's Washington Office. The stories alleged that the memorandum implied a deal with ITT regarding a monetary commitment to the Convention Bureau of San Diego, Calif., for the purpose of bringing the Republican National Convention to that city in exchange for a settlement of the $6 billion ITT divestiture suits with the Antitrust Division of the Justice Department.

On March 2, 1972, the Judiciary Committee met again in public hearings and Chairman EASTLAND stated:

> This hearing was called at the request of Mr. Kleindienst.

In his opening statement Mr. Kleindienst said:

> I would not want that confirmation to take place with a cloud over my head.

On April 27, 1972, the hearings concluded over the objections of six of the members of the committee who, the day before, had unsuccessfully sought, by a vote of 8 to 6, to call further witnesses and to postpone concluson of the hearings to a point beyond the following day.

The hearings totaled 24 days, tying the Senate record for length of confirmation hearings, and included an unprecedented seven-member subcommittee hearing in a hospital room in Denver, Colo.

Although my duties on the floor of the

Senate precluded me from taking the active role in the hearings that I otherwise might have wished, I did take an active part in the executive sessions concerning this nomination. I have also reviewed the transcripts as best I could. I take this opportunity to very briefly express my problem with the confirmation of Mr. Kleindienst to be Attorney General.

These hearings have seen events that do not do credit to the integrity of the Senate's role to advise and consent on the nomination of high public officials. These hearings have seen corporate witnesses making themselves less than available to the committee. These hearings have seen the shredding of possibly relevant documents at the Washington office of ITT by ITT security personnel following the appearance of the news stories as to the alleged Beard memorandum.

These hearings have seen a deluge of "real Beard memorandums" as well as affidavits contradicting each other as to who typed what part of which memorandum. These hearings have seen the outright contradiction of witnesses testifying under oath, and a lack of candor and/or memory of certain witnesses concerning events that could have been helpful to the committee in sorting out the conflicting implications of the evidence. Events of this type and the behavior surrounding the Senate confirmation hearings do not do credit to our constitutional system. The American people expect and deserve better.

The lack of candor of witnesses; the reluctancy of witnesses to relate events in detail; the innocuous-looking documents and statements that, when closely scrutinized, raised questions that remain unanswered; the many inconsistencies and contradictions spread throughout the 24 days of hearings and the 1,751 printed pages of testimony; the quashing of a subpena by the U.S. attorney—conduct which, in the words of a high official of the Justice Department, was characterized as "highly improper" but which was publicly exonerated by the Department—all these constitute a show of arrogance and deception and insensitivity to the people's right to know.

It is for these reasons that I consistently voted in the executive sessions of the Senate Judiciary Committee to call additional witnesses and to continue the hearings—always within reason—to try to find some of the answers.

The answers were not forthcoming, however, and they do not even now appear on the record. But I do not believe that any useful purpose would be served by a resumption of the hearings, judging from the experience and the results of the previous marathon.

It seems to me that there are two distinct aspects with respect to a vote on the nomination of Mr. Kleindienst—one is the personal aspect to him about which we are all aware. The other and the broader aspect, it seems, has to do with the unique nature of the position of Attorney General and the administration of the Department of Justice on a day-to-day basis.

Probably unlike any other department of the executive branch, the Attorney General participates more directly, hour by hour and day by day, in not only the decisionmaking process but also the actual formal decision itself. Constantly throughout each day, the decision whether or not to prosecute in a particular case—whether antitrust, civil rights, general crimes, tax, or environment—requires the personal signature of the Attorney General. The decision whether to conduct an administrative investigation with respect to the alleged improper conduct of Department of Justice employees requires the actual signature of the Attorney General. The decision whether a national security or a court-ordered electronic surveillance shall be instituted requires the actual signature of the Attorney General.

Because of the sensitive impact and effect that the function, therefore, has upon the lives of both individual citizens and corporations, it is imperative that the person who is called upon to exercise that function do so with the full power contemplated by the Constitution. This is to say that he be not only nominated as the Attorney General of the United States, but also confirmed by the U.S. Senate, thereafter appointed by the President, and qualified by taking the oath of office. So, as a consequence, in order to permit the proper administration of justice under the law, the Senate of the United States should as speedily as possible determine the identity of the next Attorney General, so that all persons—whether individual, corporations, labor organizations, or other associations—will know that in the event a prosecutorial decision is made that will affect them, it will have been made by the Attorney General of the United States—not by an Acting Attorney General of the United States, a creature of bureaucratic regulation.

I have stated that Mr. Kleindienst is entitled to a judgment and a verdict by the full Senate. If it is the Senate's judgment that his nomination be rejected, then that judgment should be rendered without further delay and the President given an opportunity to submit another nomination for consideration. If, on the other hand, it is the will of a majority of the Senate that consent be given to the nomination, then that action should no longer be unduly delayed. As for myself, as one Senator, and as one member of the Senate Judiciary Committee, I am ready to cast my vote.

I have no question regarding the legal ability of Mr. Kleindienst. Moreover, he is a man of remarkable charm and ingratiating personality. I personally like him. Actually, I would like very much to be in a position to vote for his nomination, believing, as I do, that the President should be given the benefit of the doubt, as a general rule, regarding nominations of cabinet members.

In retrospect, I am constrained to feel that Mr. Kleindienst's loyalty to his superiors, his dedication to the administration which he serves, and circumstances and events—all these may have conspired to prevent him from being the master of his own destiny. He must be given great credit for his willingness to return before the committee in his desire that the confirmation not take place with a cloud over the nomination. Yet, the questions raised and left unanswered, in the course of the hearings, in my judgment, have only served to silhouette the cloud to which the nominee referred.

I am afraid that the events which were brought to light during the course of the hearings are typical of what has contributed much to the decline of public confidence in what we call the Government—or what some would call the "system." Such public confidence cannot be restored when important questions remain unanswered and where uneasy doubts remain which cannot be explained away.

I am sorry to have to vote against Mr. Kleindienst. I cannot say that he is unfit or unworthy or incapable. I can only say that the overall complex of circumstances and events surrounding the nomination are such that, the record being what it is today as it stands before us for our judgment, I cannot give my consent to the nomination.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BURDICK. Mr. President, the Committee on the Judiciary has spent many days of hearings on the qualification of Richard Kleindienst to be Attorney General of the United States. As a member of that committee, I attended most of those hearings, including the abortive hearings scheduled at Denver, Colo. At each stage of the hearings, I joined with those on the committee who urged that the hearings be extended for whatever length of time was necessary in order that the committee might hear the complete testimony of those persons who had knowledge of the events involved in these hearings.

As we meet here today to deliberate upon the nomination of Mr. Kleindienst, the fact remains that all the necessary witnesses have not been heard and the examination of certain vital witnesses has not been completed. The Members of this body should not be asked to make a final decision on this nomination until the hearing record is complete.

It is particularly important, at this time in our history, that the serious questions raised during these hearings not be glossed over by means of forcing a vote on an imperfect record.

Thus, when we are asked to consent to the nomination of a person to serve as Attorney General of the United States, we must bear in mind that we are dealing with the highest law enforcement office in our Federal system. The decision of this body on the question of the nominee's confirmation is a judgment of the Senate that the nominee, by past record and general qualifications, is a person who would faithfully and impartially execute and enforce the laws of the

United States. This judgment of the Senate must be reached under such facts and circumstances that the vast majority of our citizenry will concur in the decision which we have made.

Mr. Kleindienst himself recognized this when he asked for additional hearings after charges had been made that settlement of the ITT antitrust case had been influenced by partisan political reasons during the time when he was the Deputy Attorney General.

The Judiciary Committee, by a unanimous vote, reported the nomination of Richard Kleindienst favorably. Subsequently, Mr. Kleindienst requested an appearance before the committee to "remove a cloud" over his nomination caused by a story which appeared in Jack Anderson's column, linking a contribution to the Republican Convention in San Diego, with a settlement of certain antitrust suits against the International Telephone & Telegraph Co. Mr. Kleindienst stated:

The reason why I asked for this hearing, Mr. Chairman, and members of the committee, is because charges have been made that I influenced the settlement of Government antitrust litigation for partisan political reason. These are serious charges, and by virtue of the fact that the confirmation of my nomination as the Attorney General of the United States is before the U.S. Senate, *I would not want that confirmation to take place with a cloud over my head*, so to speak, nor would I want the U.S. Senate to act upon my nomination if there was any substantial doubt in the minds of any of the Members of the U.S. Senate to the effect that while I performed my official duties on behalf of the U.S. Government in the past 3 years as the Deputy Attorney General, that I engaged in any improper conduct or in any conduct that would go to or be relevant to the consideration of my confirmation by the U.S. Senate. (Hearings, p. 96.) (Emphasis added.)

The President of the United States at his March 24 news conference said:

We want the whole record brought out because as far as he is concerned, he wants to go in as Attorney General with no cloud over him. He will not have any, in my opinion, once the hearings are concluded and what we are talking about will be proof, rather than simply charges which have not been substantiated. (Emphasis Added.) (New York Times, March 25, 1972)

On the 10th day of April 1972, a majority of the Judiciary Committee voted to conclude the hearings on the 20th day of April 1972. I voted against the termination of the hearings because, among other reasons, a principal witness, Dita Beard, had not been fully heard.

The hearings have come to an end, Mrs. Beard has not been heard, the cloud over the nomination has not been removed, and yet the majority of the committee wish to report the nomination. A recent Wall Street Journal editorial commented:

If Mr. Kleindienst is confirmed, it will inevitably be under the cloud he said he sought to avoid. (Emphasis added.)

The irony of the situation is that, although 24 days have been consumed in taking testimony, a principal witness has not appeared, except for a brief and preliminary examination at a Denver hospital. Mrs. Beard and her memo constituted the basis for the Jack Anderson story that precipitated the return of Richard Kleindienst to the committee room. I submit that it will be impossible to conclude the hearing now and at the same time do what the nominee and the President of the United States wanted done, namely, remove the cloud over the nominee.

The majority might argue that because of her health, she is not available. Serious doubts about that have arisen since the abortive Denver hearing. Within a few days after the Denver collapse, Mrs. Beard appeared on a Mike Wallace television show without the tubes, needles, monitors and other medical trappings which were present when the committee began their hearing in Denver. Within 2 days after the Mike Wallace TV appearance, she moved from the hospital to a private apartment. In addition, the committee received a statement from two independent doctors questioning the objective findings of Mrs. Beard's personal physician. It is true that her own doctors say that she cannot testify at this time.

I have the deepest concern for Mrs. Beard's health and I recognize the emotional strain of any hearings. However, in view of what has transpired since the Denver hearing, I believe it is reasonable to assume that her testimony will be available.

The majority might argue that it is not fair to Mr. Kleindienst to require him to wait until the Beard testimony is available. Mr. Kleindienst is the Attorney General for all practical purposes at this time. I do not believe the delay that might be occasioned in securing the testimony of Mrs. Beard would be as prejudicial to him as will be the murky situation that now prevails about the record without her testimony.

Finally, the majorty might say that further testimony of Mrs. Beard is not necessary since we have her statement. But having her statement and having the right to cross-examine are two different things.

For two centuries past, the policy of the Anglo-American system of Evidence has been to regard the necessity of testing by cross-examination as a vital feature of the law. *The belief that no safeguard for testing the value of human statements is comparable to that furnished by cross-examination, and the conviction that no statement (unless by special exception) should be used as testimony until it has been probed and sublimated by that test,* has found increasing strength in lengthening experience. (Emphasis added.) 5 Wigmore, Evidence, § 1367, at 28 (3rd ed. 1940)

As the record now stands, 12 members of the Judiciary Committee, including me, have been denied this right of cross-examination. The record is replete with inconsistencies, contradictions and perjury on the part of someone. In a great many cases there are contradictions between Mrs. Beard's abbreviated testimony and the other witnesses, which in the interest of the truth and the record must be cleared up. I should like to point out to my colleagues these are not idle matters, but bear directly on the issues. For that reason, I have selected many places in the record that need explanation. The answers could well clear away dark clouds that hang over this nomination. These are some of the areas I would have pursued, and would pursue, if Mrs. Beard were a witness.

DITA BEARD'S RESPONSIBILITY OVER ANTITRUST MATTERS

Mrs. Beard, according to her testimony, had almost sole responsibility for the ITT-San Diego convention arrangements but denied she was attempting to gain a favorable settlement of the three antitrust suits against ITT and its subsidiaries. She testified in Denver that Britt Hume, when questioning her in February, tried to tie her work on convention arrangements and antitrust lobbying together. She said:

. . . I kept stating, "You are not going to tie the two together, because they are not related." I was never assigned to work on anything in antitrust. I have no background to work on such a thing as that and certainly I don't work at that level. (Hearings, p. 761.)

She further emphasized her denial of any antitrust lobbying when she testified:

At that point, sir, I wasn't near the White House as far as this antitrust thing was concerned. I did not understand it. I am not a lobby—I am not a lawyer. I can't add two and two. I was never involved in that in any way. . . . (Hearings, p. 747.)

But the matter cannot rest with these denials as there are too many statements and too much evidence of her lobbying efforts to the contrary.

Mr. Hume stated that in his interview with Mrs. Beard, she indicated she was instructed in regard to the antitrust cases as follows:

. . . She said Governor Nunn, whom she described as a good and dear and close friend, had tipped her in advance that the Attorney General would be at this Kentucky Derby party, and that she might have the opportunity to meet with him at that time.

Senator BAYH. She told you that?

Mr. HUME. She told me that is what Governor Nunn had told her, that is right. I gather there was some kind of friendship between her and Governor Nunn because he testified that she was always present for his Derby parties for the whole time he was Governor.

Nevertheless, she said she wrote a memorandum at that point to Mr. Gerrity, senior vice president for public relations in New York. Mr. Gerrity, from what I understand of the structure, more or less has charge of overseeing the Washington operation. She said that Mr. Gerrity responded to that memorandum in a telephone conversation in which he gave her the broad outlines of what she should push for if she did indeed get into a discussion with the Attorney General over the merger cases. (Hearings, p. 434.)

Mr. Hume further stated that Mrs. Beard told him she did discuss these antitrust matters with the Attorney General at Governor Nunn's party:

She said that the Attorney General began to berate her angrily. He protested that she had been causing trouble for him by writing and having given on the floor of both Houses of Congress a number of speeches which were either critical of the Antitrust Division or critical of the handling of the ITT matter in general. (Hearings, p. 434.)

In a CBS television interview with Mike Wallace on Sunday, April 2, 1972, Mrs. Beard also stated that she had been instructed by Mr. Gerrity that if the occa-

sion arose, she might mention the settlement matter:

WALLACE. Did they tell you to ask about ITT and Hartford?

BEARD. No, they didn't.

WALLACE. Honest?

BEARD. They asked if the occasion arise, if there is a possibility, to do it.

WALLACE. So you did.

BEARD. So I did. . . . (Transcript, p. 1651.)

The fact that Mrs. Beard did lobby, despite her protestations to the contrary, can best be seen in the uniform assertions of the other witnesses.

Former Attorney General Mitchell testified that she lobbied in antitrust matters:

As I recall this incident, Mrs. Beard approached me to complain about the treatment ITT was receiving at the hands of the Justice Department. . . . (Hearings, p. 541.)

. . . And I don't recall whether anybody introduced me to her or not, but the first contact I had with her was at that time when she approached and opened up on the subject matter of the ITT litigation. (Hearings, p. 542.)

Dr. Liszka testified that she lobbied in antitrust matters:

She told me, "I tried to talk to the Attorney General about a merger and antitrust matters and he told me that I should proceed through proper channels. . . . (Hearings, p. 227.)

Mr. Nunn testified that she lobbied in antitrust matters:

Mrs. Beard responded . . . why didn't he [Attorney General Mitchell] say something about what they were doing to ITT. (Hearings, p. 294.)

* * * * *

As we walked along, she continued to talk, trying to get back on the subject from time to time about ITT and what was happening to them. (Hearings, p. 295.)

* * * * *

In any event she came back to the table or raised the issue again about ITT. . . . (Hearings, p. 295.)

Britt Hume testified that she had lobbied in antitrust matters:

She said Mitchell told her he was sympathetic [about ITT antitrust] but that his great problem was McLaren. . . . (Hearings, p. 492.)

* * * * *

She said she told him [Attorney General Mitchell] they had to have the Hartford Insurance Company "because of the economy." And she added they also wanted "part of Grinnell." She said she couldn't remember what else she asked for, but it was exactly what the company got in the settlement. (Hearings, p. 492.)

In light of the foregoing direct contradictions appearing in the testimony of the several witnesses, it is imperative that Dita Beard complete her appearance as a witness in these hearings.

ORIGIN AND AUTHORITY OF THE MEMORANDUM

The testimony given by various witnesses as to the origin and authenticity of the Dita Beard memorandum only compounds the doubt and inconsistency in the record. As to the motives of Dita Beard in writing the memo, the hearing record discloses at least three statements which indicate that Mr. Merriam needed the memorandum and ordered that it be written. Yet, Mr. Merriam denies this and, in turn, gives conflicting testimony, first by stating Mrs. Beard insisted on writing the memorandum and, then, denying any knowledge of the memorandum at all.

The reasons for writing the memorandum can be found in the following testimony.

Mrs. Beard, in response to a series of questions from Senator KENNEDY, stated that Mr. Merriam was confused and excited about convention arrangements. She stated:

He said, "I don't understand it. Go write it." *And I did.* (Emphasis added.) (Hearings, p. 755.)

Mr. Hume explained that she had related a somewhat different purpose for the memo:

And now she talked, we discussed her memo, and she explained the reason she had written the memo was that she had felt that her friend, Mr. Merriam, who is her boss, I guess, technically, and the manager of the Washington office, had committed an indiscretion by letting the word slip out at a lower level of the White House than she had desired, and she felt that it was undesirable, about this commitment, which remained secret, as you know, until well after the convention decision was made. (Hearings, p. 412.)

She reaffirmed her motive later, as Mr. Hume testified:

And she said that she wrote the memo in an effort really to impress upon him the need for discretion in this matter, and furthermore, she was trying to resolve the confusion that had developed about whether or not it was going to be in cash, this commitment, or in services, that it was apparently the cause of Mr. Merriam asking some questions and then there being a call to the White House, or from the White House, which really triggered this memorandum (Hearings, p. 412.)

Mr. Hume further stated:

The only information I have is Mrs. Beard's statement to me on the night that I talked to her on the phone that she had discussed this with Mr. Merriam and that he had said not that he hadn't received it but that he didn't know what he had done with it. (Hearings, p. 433.)

Although Mrs. Beard seemed quite positive that Mr. Merriam had ordered that she explain the arrangements that ITT had made to contribute to the GOP Convention in writing, Mr. Merriam while testifying before the committee, was unequivocal in his denial of having asked for or of having received the memo. In answer to a question of Senator BURDICK, he denied ever asking for a memorandum. He states:

. . . I do not recall her sending me any memorandum concerning the subject of our conversation. I do not recall asking her to dictate a memorandum on this topic. (Emphasis added.) (Transcript, p. 1608.)

He stated further:

No, sir, in my prepared statement I denied having ever asked her to put anything in writing. No doubt about I was confused but I never asked her to put it in writing. (Transcript, p. 1635.)

But prior to Mr. Merriam's appearance, Congressman WILSON told a different story. His testimony is that Mr. Merriam did not deny receiving the memorandum, but only that he denied having asked for it. Senator BURDICK quoted the Congressman's statement from an earlier newspaper interview as follows:

. . . ITT puts out the story that nobody ever saw it. Well that's Gerrity saying nobody ever saw the memo. The hell they didn't. Merriam personally told me last Monday that he got the memo.

Then Senator BURDICK queried:

That is correct?

The Congressman replied:

That is correct. (Transcript, p. 1536.)

Mrs. Beard must be questioned as to the authenticity of the memorandum of June 25, 1971, which first connected the convention gift and the settlement of the ITT antitrust cases. Mrs. Beard, on March 26, over 3 weeks after the memorandum was first published, denied the authenticity of the memorandum in these words:

I did not write, compose or dictate the entirety of the memorandum which Mr. Hume presented to me in the Washington office of ITT last month. (Hearings, p. 739).

Yet, six other persons have testified that Mrs. Beard either admitted the authenticity of the memorandum or failed to deny her authorship.

Dr. Liszka, testifying on March 6, stated that Mrs. Beard told him that she did not mean to imply some things in the memo—she did not deny she wrote it:

Well, no, she didn't deny it. She denied that she—it was my impression that she accepted it that was her memo. (Hearings, p. 231).

In answer to a question from the chairman as to whether or not she was intoxicated when she wrote it, Dr. Liszka stated:

She said she was just mad. She could have been because, you know, but she said I was mad and disturbed when I wrote it, she said. She stated that she didn't mean to imply things which seem to be implied in the memo. (Hearings, p. 232.)

According to Mr. Hume's testimony, she acknowledged that the memorandum was hers:

. . . I went over there about noon that day and showed her the document, which is the original of this memorandum.

And she was quite flustered about it, but she did acknowledge this was authentic, and she did this in the presence of two ITT public relations officials, Bernie Goodrich and Jack Horner. The best thing she said in terms of authenticating this document was that the initial "D" beside her typed name on the memo was "her own little 'd'," as she put it. (Hearings, p. 408.)

Mrs. Beard went so far as to confess to Britt Hume that "they" wanted her to lie. As he told the committee:

On the night I met here at her home she said, "They wanted me to tell you that I made this up." But, she said something like, *"I wrote this memo. You know I wrote this memo. There is no use trying to pretend otherwise." She underscored the confirmation of it that she had given me a day earlier.* (Emphasis added.) (Hearings, p. 455.)

After the publication of her memorandum by Jack Anderson, Mrs. Beard traveled to New York on February 29, 1972. There she met for 3 hours with Mr. Gerrity, an ITT vice president, who probed

deeply into the question of the handling of the memorandum. In regard to this interview, Senator HART asked:

Senator HART. Did she deny that she had written the memo?

Mr. GERRITY. Sir, at that point in time I do not recall she denied writing the memorandum. . . . (Transcript, p. 2138.)

Following this, Senator BAYH asked:

Senator BAYH. I would suggest the answer to the question I just asked is yes, she did not deny writing it.

Mr. GERRITY. I guess that is a fair inference. (Transcript, p. 2165.)

Nor did she make any denial to her old friend, Louie Nunn. Mr. Nunn, in testimony, related that approximately 2 days prior to the publication of the memorandum, she called him and said his name was used in a column by Jack Anderson about the ITT memorandum; she was sorry if it would embarrass him. Senator KENNEDY then asked Mr. Nunn specifically:

Senator KENNEDY. In that conversation, she didn't say that she didn't write the memorandum, though, did she, Governor?

Mr. NUNN. No. (Hearings, p. 317.)

Congressman WILSON in his testimony reiterated what he had earlier stated in a newspaper interview. In that interview, Congressman WILSON talked of a conversation he had with Mr. Merriam in which Mr. Merriam claimed that Mrs. Beard had insisted on writing the memo. Senator BURDICK asked if the newspaper account was correct.

Senator BURDICK. He [Merriam] said Dita insisted that she write the memo."

That's right, too, isn't it?

Mr. WILSON. That's right. (Transcript, p. 1536.)

Such testimony is totally inconsistent with a claim that Dita Beard did not write the memorandum and even inconsistent with Merriam's claim that he did not know of its existence.

Senator TUNNEY elicited from Mr. Merriam the fact that the authorship of the memorandum had never been denied, at least to him. The exact words were:

Senator TUNNEY. What was the first time that Mrs. Beard denied, Mr. Merriam, that she had written the Anderson memorandum?

Mr. MERRIAM. She never denied it to me, Senator . . . (Transcript, p. 1645.)

TESTIMONY REGARDING ARRANGEMENTS FOR THE REPUBLICATION CONVENTION IN SAN DIEGO

Attorney General Mitchell testified he was not informed of any of the arrangements for the San Diego convention. This was contradicted by Republican Lieutenant Governor Reinecke of California and Ed Gillenwaters. Mr. Gillenwaters stated in an interview with Britt Hume during the week of February 22 that he and Lieutenant Governor Reinecke discussed the arrangements in great detail with Mr. Mitchell in May of 1971. Mr. Gillenwaters admitted to Senator BAYH during the hearings that he had, in fact, made such a statement to Britt Hume:

Senator BAYH. In your original statement to Mr. Hume, did you suggest that his conversation was in April or May?

Mr. GILLENWATERS. Erroneously advised in May. (Transcript, p. 2580.)

Lieutenant Governor Reinecke and Mr. Gillenwaters, in their testimony before the committee, also contradicted Mrs. Beard's testimony given in the Denver hearing. They claimed in their statements to Mr. Hume that the discussions with Mrs. Beard about the possibility of having a convention in San Diego first took place in May. Mrs. Beard had testified in answer to a question of Senator HART that it was in January or February:

Chairman HART. Well, who was it that made the suggestion to you?

Mrs. BEARD. Some people in California, Ed Reinecke and his aide, and not—I have known them. They are very, very close friends. Heck, I have known Ed Reinecke since he was in candidate's school, and I don't know whether it was his idea or whether—I really didn't ask any questions. He said, "This is in utter confidence. We don't know whether there is a chance in the world. You know San Diego. Can you look it over and find out if your own hotel will be built in time, because rooms are going to be difficult?" So I did. My own company didn't know what the heck I was doing. I was out in San Diego counting rooms, meeting with Ma and Pa operations, and we had the time at the Sheraton one of the finest managers I had ever known at any hotel, Gary Seland, who happened to be the assistant manager of the Blackstone in Chicago in 1960 and a tremendous help, having been through a convention, and the dangers thereof and so forth, and he and I just quietly went around counting rooms and realized that, you know, transportation, everything, and realized that extra 700 rooms we were going to have in our hotel would make the difference.

Chairman HART. Well, about when was the suggestion made to you by Mr. Reinecke?

Mrs. BEARD. Either January or February of last year, sir.

Chairman HART. And was the aide whom you have not named Mr. Gillenwaters?

Mrs. BEARD. Yes, I'm sorry. (Hearings, pp. 747 and 748.)

Her answer to Senator HART was consistent with the testimony given by Britt Hume as to what she had originally told him in the interview at her home:

She said she first thought of having the GOP Convention in San Diego during a conversation that she had with Ed Reinecke, the California Lieutenant Governor, in about January of last year. She said that he considered it a possibility and mentioned it to her. (Hearings, p. 411.)

When Senator KENNEDY questioned Lieutenant Governor Reinecke as to the first time the convention idea was discussed, Mr. Reinecke disagreed with Mrs. Beard:

Senator KENNEDY. Well, I think Mrs. Beard indicated to us that as an idea it either started in either January or February of last year, is her testimony. Do you know why she might have thought that it did?

Mr. REINECKE. No; I really don't, Senator. I was not in Washington.

Senator KENNEDY. She said she was out in San Diego; she was out in California.

Mr. REINECKE. I have never met Mrs. Beard in San Diego at any time. (Transcript, pp. 2546 & 2547.)

If Mrs. Beard and Lieutenant Governor Reinecke had begun discussing convention matters in January or February of 1971, as she testified, there is a stronger likelihood of a meeting between Lieutenant Governor Reinecke and Attorney General Mitchell in May to discuss the progress of these arrangements.

Lieutenant Governor Reinecke did testify that when the meeting with Attorney General Mitchell took place in September, a full disclosure of convention arrangements was made at that time:

Mr. REINECKE. I am sure he [Attorney General Mitchell] had heard about it and I wanted him to know about our part of it, what we had done. Also, I am sure he was interested in knowing from the standpoint of communications and security and his role as adviser to the President. It was vital that he know everything he could about something as important as this. (Transcript, p. 2613.)

Whatever version of Lieutenant Governor Reinecke's is believed, he comes in conflict with the following testimony of Mr. Mitchell to the effect that Mr. Mitchell was at no time told of the convention arrangements:

Mr. MITCHELL. The third point, Mr. Chairman, related to the selection of San Diego as the site of the Republican 1972 Convention. I was not involved in any way in any negotiations which led to the selection of San Diego as the site of the convention by the Republican National Committee.

I have never talked to any representative of ITT about the San Diego site or any matter relating thereto.

I have never talked to the Deputy Attorney General or the Assistant Attorney General in charge of the Antitrust Division about the San Diego convention site or anything relating to any discussion or negotiations with ITT or any of its subsidiaries.

I do not as of this date know what arrangements, if any, exist between ITT or the Sheraton Hotel Corp. and the Republican National Committee, or between ITT or any of its subsidiaries and the city of San Diego or any agency thereof. (Emphasis added.) (Hearings, p. 541.)

OTHER NECESSARY WITNESSES AND EXHIBITS

There are additional gaps in the record which are created by the failure of the committee to call several necessary witnesses and the refusal of the Justice Department to comply with requests for evidentiary material. Some of the additional witnesses are Howard Abel, corporate counsel for ITT and William Timmons, White House staff member in charge of the convention arrangements. In addition, Peter Flanigan and Harold Geneen should be recalled to clarify certain inconsistencies which exist between their testimony and the testimony of other witnesses. The need for these witnesses is fully set forth in the separate views of Senator KENNEDY.

On Wednesday, March 8, 1972, I made a request to Judge McLaren for a chronological record of the events which transpired in the ITT litigation. I requested that this chronology cover material from the time that the complaints were filed until final settlement of the cases. On Thursday, April 27, 1972, this chronology had not been received. I called Mr. Kleindienst's attention to this fact during the following testimony:

Senator BURDICK. But there is one omission I would like to call your attention to and maybe you can help us with it.

Mr. KLEINDIENST. If I can, I will, Senator.

Senator BURDICK. On March 8, I questioned Mr. McLaren—

Mr. KLEINDIENST. On what page are you referring to?

Senator BURDICK. 371.

Mr. KLEINDIENST. Thank you, sir.

The CHAIRMAN. Was that 371 or 271?

Senator BURDICK. 371, Volume—page 2. There I had asked Mr. McLaren if he would supply me with a chronology of events and just to state it, Mr. Cook said: "Mr. Chairman, do I understand that Senator Burdick was in effect asking for a docket sheet?

"Senator BURDICK. No, I was just asking for a chronology of the events that took place. This would include the pleadings that were filed, what contacts you made with the courts and with the people in respect to this case. I am thinking of a kind of a day-to-day diary. I haven't been able to attend all the hearings. It would be helpful to me.

"Judge MCLAREN. I think I understand what you are asking for, Senator. I think we can put it together."

Mr. KLEINDIENST. Apparently they have not put it together."

Senator BURDICK. They have not put it together in seven weeks and I have to vote at five o'clock.

Mr. KLEINDIENST. I am deeply apologetic for it and I know Judge McLaren would be. May I just have a moment, Senator Burdick?

Senator Burdick, I have given instructions that it will be prepared immediately and be delivered up here today. (Transcripts, pp. 2922 & 2923.)

On Friday, April 28, 1972, a letter from a Justice Department official stated that the Department had complied with my request, but, in fact, the documents which were referred to were simply responses to the various interrogatories requested by other members of the committee. No document furnished by the Justice Department remotely resembled that which was promised by Judge McLaren on March 8, 1972, and which was again promised on April 27, 1972, by Mr. Kleindienst.

Without this material, the record remains incomplete.

CONCLUSION

Except for the inferences which can be justifiably drawn from the facts of record, the committee's efforts to obtain a full disclosure of the facts surrounding the Department of Justice's settlement of the ITT antitrust litigation have been almost totally frustrated by a tangled web of half-truths and contradictions spun by the witnesses, some of whom were marked by an obvious lack of candor. Ascertainment of the true facts surrounding this litigation is critical to an assessment of Mr. Kleindienst's performance as the second-in-command of the Department for which he is now nominated as the prime commander.

Rather than having dispelled the cloud, these hearings have made it more murky. I have supported efforts to get at the full story. Unless that story is told, completely and frankly, I would have no choice, but to draw the permissible inferences which arise from the record. This would not be fair to Mr. Kleindienst. It would be in the best interests of the Attorney General to assume the administration of that high office free from those clouds of suspicion. It certainly would be in the best interests of the country. And, it would be in the best interests of Dita Beard. As the record now stands, the doubts, suspicions and contradictions will plague her. If she were recalled, she would have the opportunity to give some answers to many unanswered questions.

For these reasons, I oppose the closing of these hearings and I oppose the reporting of this nomination. Mr. Kleindienst deserves to be considered on a complete record which I believe through additional hearings should be made available to the committee. If the nomination is not recommitted, then I would have no alternative, but to vote against the nomination.

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.

AMENDMENT OF PUBLIC BUILDINGS ACT OF 1959—CONFERENCE REPORT

The PRESIDING OFFICER. The hour of 2:30 p.m. having arrived, under the previous order, as in legislative session, the Senate will now proceed to consider the conference report on S. 1736, which was previously submitted by the Senator from Alaska (Mr. GRAVEL).

Thereupon, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1736) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of May 30, 1972, at pp. 19103–19108.)

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

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. RANDOLPH. 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. RANDOLPH. Mr. President, as I understand it, the time agreement is for 1 hour. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. RANDOLPH. Is it likewise correct that one-half of that time would be under my control?

The PRESIDING OFFICER. The Senator is correct.

Mr. RANDOLPH. Mr. President, I ask that the time allotted to me be transferred to the Senator from Alaska (Mr. GRAVEL), the chairman of the Subcommittee on Public Buildings and Grounds of the Committee on Public Works, who is the manager of the conference report.

The PRESIDING OFFICER. The remaining 29 minutes will be so remanded.

Mr. RANDOLPH. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

PRIVILEGE OF THE FLOOR

Mr. GRAVEL. Mr. President, I ask unanimous consent that the following five members of the Public Works Committee staff be given the privilege of the floor to help us during the deliberations: Mr. Barry Meyer, Mr. Bailey Guard, Mr. Harold Brayman, Mr. John Purnton, and Miss Kathy Cudlipp.

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

Mr. GRAVEL. Mr. President, I call up the conference report on the bill (S. 1736) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes.

Mr. President, the conferees of the Senate and House met on May 24, 1972, to consider the differences in their respective versions of S. 1736, the Public Buildings Amendments of 1972. The session was one of cordiality, as the two committees have always been able to compose differences in a spirit of cooperation and accommodation. I feel that we have brought back a sound and useful measure which retains most of the items and provisions included in the version passed by the Senate.

Briefly, Mr. President, the conference report of the Public Buildings Amendments of 1972 authorizes a purchase contract procedure of 3-year duration to eliminate an 8-year backlog of 63 much-needed but unfunded Federal buildings. To finance these on a fiscally sound and efficient basis the legislation also authorizes the establishment of a revolving fund, into which will be deposited rents collected from all Federal agencies using space in Government-owned buildings. These rents will be used to make payments on purchase contracts for the new buildings to be constructed. This will effect a wholesale revamping of the Government's public building construction and improvement program, and will save the taxpayers millions of dollars annually.

In addition, the conference report contains language concerning the Kennedy Center, providing for transfer of the non-performing arts functions of the center, including maintenance, security, janitorial and other services, to the National Park Service, and authorizing funds for the public maintenance and operations costs of these non-performing arts functions during fiscal year 1972.

Mr. BIBLE. Mr. President, will the Senator permit an interruption at that point, because he has mentioned the Kennedy Center?

Mr. GRAVEL. I yield.

Mr. BIBLE. Perhaps the Senator would prefer to complete his statement.

Mr. GRAVEL. No, I am happy to yield now.

Mr. BIBLE. Mr. President, I have read with great interest the statement of the conferees on S. 1736, specifically with respect to their construction of the lan-

guage of section 10. I would appreciate a clarification of the extent of jurisdiction which the conferees contemplate for the National Park Service as to provisions for information and interpretation facilities at the Kennedy Center.

Mr. GRAVEL. I would be most happy to assist the Senator.

Mr. BIBLE. It is my understanding gained from conversations and correspondence that both the National Park Service and the Board of Trustees contemplate that the National Park Service shall have overall responsibility for providing information and interpretation at the Center, but that the Service will not be prohibited from entering into agreements with the Board of Trustees so that interested groups such as the Friends of the Kennedy Center could provide some services, many of which are now being provided by the Friends.

Mr. GRAVEL. That is also my understanding.

Mr. BIBLE. What had concerned me, and the reason I wanted to make this legislative history, is the language in the statement that:

> Section 10 does not confer exclusive responsibility on the National Park Service for providing information and interpretation services at the John F. Kennedy Center for the Performing Arts and in no way does it give authority to the National Park Service over the Friends of the Kennedy Center or place the Friends under the direction of the Park Service.

The implication of this language unless it is clarified appears to be that the Friends of the Kennedy Center would not be responsible to the Park Service for certain informational or interpretative functions, and since the jurisdiction of the Service is not exclusive they can engage in any form of information and interpretation service they choose. This interpretation is totally inconsistent with my understanding of the intent of this section. The National Park Service has done a fine job at other memorials, and I am confident they can do the same at the Kennedy Center. I have grave reservations over any division of authority in a situation like this where you have two entities involved. I want to make it abundantly clear that the overall responsibility for the nonperforming arts function rests with the Secretary of Interior acting through the National Park Service.

Mr. GRAVEL. I agree with the Senator. The statement's language was not designed to give free rein to any group who chose to provide or disseminate information at the Center. The reason the words "section 10 does not confer exclusive responsibilty" was used, was to insure that we do not prohibit the National Park Service from entering into such agreements as it feels would be beneficial. They will still be ultimately responsible for the overall quality of the services provided, but we did not want to prevent them from delegating some functions.

Mr. BIBLE. I thank the Senator. What happens if the National Park Service enters into an agreement with the Board of Trustees calling for the Friends of the Kennedy Center, a creature of the Board, to provide information? Will this language prevent the Service from exercising control over the Friends activities with respect to the information function?

Mr. GRAVEL. Not with respect to those functions provided in the agreement. The Friends of the Kennedy Center provide a variety of services for the Center, some intimately connected with the performing arts function. We wanted to make it clear that the National Park Service does not have any responsibility over the performing arts function of the Center and therefore does not have authority over the Friends in that respect.

Mr. BIBLE. That would be only with respect to the performing arts functions.

Mr. GRAVEL. That is correct.

Mr. BIBLE. But as to the nonperforming arts functions such as providing information and interpretation, the role of the Friends would have to be the subject of an agreement with the National Park Service and the Service would have overall authority over the Friends as it concerned the operation of the Center from the nonperforming arts standpoint.

Mr. GRAVEL. With respect to those nonperforming arts functions for which the Service will have responsibility, they will have authority over the conduct of any group with whom they enter into an agreement.

Mr. BIBLE. I thank the Senator. That accords with my understanding of the situation.

Mr. President, I ask unanimous consent to have printed in the RECORD an exchange of correspondence I have had with Mr. Harry McPherson, which I believe reinforces the understanding I have expressed here today with respect to the prospective role of the National Park Service in administering this great center. I ask unanimous consent that the letter from Mr. McPherson, who is the vice chairman of the Board of Trustees, John F. Kennedy Center for the Performing Arts, and is, as I understand it, their legal adviser, be printed in the RECORD, and I likewise ask unanimous consent that my letter to Mr. McPherson be printed in the RECORD. My letter should be incorporated before the letter from Harry McPherson, because they occurred in that sequence.

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

MAY 31, 1972.

Mr. HARRY MCPHERSON,
Vice Chairman, Board of Trustees, John F. Kennedy Center for the Performing Arts, Washington, D.C.

DEAR HARRY: Thank you for sending me a copy of your letter of May 23 to Senators Randolph and Cooper relating to section 10 of S. 1736 which places the jurisdiction of the National Park Service over the non-performing arts functions of the Kennedy Center.

In your letter you stated with respect to the means of providing "information" and "interpretation" that "the National Park Service has long performed such a role in other national memorials and in the park and monument system, and it is appropriate that the Service have overall responsibility for it in the Center." As you intimated in your letter, the language should not prohibit the Park Service from entering into an agreement with the Friends of the Kennedy Center such that the Friends might provide some services at the Center, but in order to insure that the services are conducted with the quality present at other memorials there should be no division of responsibility and that "overall responsibility" should be vested in the Park Service. I tend to agree with you, and the National Park Service is in accord with this interpretation of its functions under section 10. The Service has evinced interest in having the Friends of the Kennedy Center continue to be involved if this legislation is enacted, as indicated in the letter dated May 23 from the Acting Director Thomas Flynn to Senator Randolph.

The construction placed on section 10 by the Conference Committee in the joint Statement of the Conferees may appear to be inconsistent with such a view. The Conference statement language in question states that "section 10 does not confer exclusive responsibility in the National Park Service for providing information and interpretation services at the John F. Kennedy Center for the Performing Arts, *and in no way does it give authority to the National Park Service over the Friends of the Kennedy Center or place the Friends under the direction of the Park Service.*" This language might allow the Friends of the Kennedy Center to engage in any activities it chooses with no control exercisable by the Park Service with respect to the non-performing arts functions of the Center, which is the only role assigned to the Department. As I interpret it, the language could in effect deny "overall responsibility to the Park Service" over this function. As the fine lawyer you are, I would appreciate your comments with respect to the effect of this language and whether you consider it consistent with the view you expressed in your letter of May 23, 1972.

In addition, there is some more financial information which I would appreciate receiving from you in your capacity of Vice Chairman of the Board of Trustees. In the event this language is approved and a budget request is submitted to the Congress for its consideration, my Appropriations Subcommittee will require this information, and it might be helpful to have it immediately available. I would like to know the exact status of the construction of the building and how much has been spent and how much more is anticipated to be expended to complete the Center, if any. It is my understanding that somewhere in the vicinity of $70 million has thus far been expended, of which more than $40 million has been provided by the Federal Government.

I would also like to have some idea of the budget which has been maintained to operate the Center, i.e., the source of operating funds and the allocation of these funds in the day-to-day operation. It has been advertised that the Park Service will be reimbursed by some $500,000 by the Center for carrying out its proposed functions in connection with the operation as they relate to the performing arts function.

I would also like to be advised of the revenues that have been raised by the Friends of the Center and how these funds have been utilized.

I am aware that the General Accounting Office is currently auditing the Center and this is not expected to be completed until July. However, I am sure that the information I am requesting is basic, and I would appreciate having it in time for Floor consideration of the conference report on the Public Buildings Act.

Cordially,

ALAN BIBLE.

JOHN F. KENNEDY CENTER
FOR THE PERFORMING ARTS,
June 6, 1972.

HON. ALAN BIBLE,
U.S. Senator,
Washington, D.C.

DEAR SENATOR BIBLE: I am responding to your letter of May 31, 1972, with reference to the proposed role of the National Park Service in the Kennedy Center, and to the Center's own financial situation.

First, I can well understand that as Chairman of the Subcommittee on Interior Department appropriations you are concerned that the Park Service's role be spelled out as clearly as possible. In my letter to Senators Randolph and Cooper, I stated that it was appropriate that the Park Service have overall responsibility for the information and interpretation function at the Center. In the words of Park Service Acting Director Thomas W. Flynn, that responsibility is to "provide the public with an interpretive program of high standards similar in quality and integrity to the . . . programs for other memorials in the Washington area, such as the Washington Monument, Lincoln Memorial and Jefferson Memorial."

At the same time, the Center, the Congress, and the public should take full advantage of contributions made by the Friends of the Kennedy Center. This organization, which has attracted support for the Center throughout the nation, has provided guide service, special education programs, and funds for a number of activities at the Center. The Friends have helped us carry out our congressional mandate to offer a broad range of educational experiences to the public. In my judgment, there will be little difficulty in reaching an agreement between the Center and the Park Service as to the Friends' future role. I believe the Park Service wishes to make maximum use of this volunteer force, consistent with its responsibility to "provide an interpretive program of high standards . . ." I read the S. 1736 conference report language as expressing the conferees' concern that the Friends should continue to exist and function, not as a unit of the Park Service, but as an entity whose role will be defined by the Center's Board of Trustees and was you know, the Friends organization is an arm of the Center's Board of Trustees and was created by resolution of the Board.) For reasons of consistency and accountability, the interpretive and informational aspects of that role should be guided and shaped by the Park Service. In other words, the Friends' activities can and should be made to fit into an overall Park Service program as envisioned by Section 10 of the Bill.

Next, as to the financial condition of the Center.

Construction of the Center, as contemplated under the prime contract, is substantially completed. The remedy of several hundred defects and omissions, required of the contractor and subcontractor under warranties, remains to be done. Completion of a multi-purpose room and studio theatre, included in the design of the Center, has been deferred for lack of funding.

To date, approximately $65.2 million has been expended for construction under the prime contract, the total cost of which is estimated to be approximately $67.5 million. In addition, $2.4 million has been expended for settlement of subcontractor's delay claims. The existence of these delay damage claims, totaling more than $6.1 million, was not known by the Trustees or by GSA in 1969, when the estimate of $66.4 million for completion of the Center was given to the Congress. It is anticipated that full settlement of these claims will require between $3 and $4.5 million, a figure which includes the $2.4 million already paid out.

The Federal Government, as you state, has provided more than $43 million for construction of the Center. $23 million was provided by direct appropriations and has been more than matched by private donations. $20.4 million was provided in the form of Treasury Revenue Bonds payable within fifty years of issue.

At the present time, the Center is completely reorganizing its budgeting process. The budget system maintained during the construction phase was found to be quite inappropriate to the operation of a performing arts center. To accomplish this reorganization, the Center has hired a new comptroller, given new authority to its Finance Committee, and retained the firm of Lutz and Carr, experienced theatrical accountants, to assist its own Certified Public Accountant. We hope to complete the reorganization by July 15, 1972, at which time it will be possible to provide the detailed information requested by the Appropriations Subcommittee. The pending GAO review of the Center's operations will also supply more complete answers to the questions your raise.

As to the Center's ability to reimburse the Park Service in the amount of $500,000 per year, as its share of the expense of the functions to be assumed by the Park Service, Roger Stevens has stated that he considers this amount feasible, if the Center is operated purely as a commercial enterprise. By this is meant that to the extent the Center undertakes public service responsibilities—either in the nature of its programming, in reduced-priced tickets for students, the aged, veterans, and other groups, or otherwise—its ability to meet that figure is correspondingly reduced. We shall try to meet it, without sacrificing the other needs which Congress has instructed us to satisfy, but there is no doubt that it will be difficult to do so.

In response to your inquiry about the financial operations of the Friends of the Kennedy Center, from March, 1967, through May, 1972, the Friends have had income of $403,462.30 from the following major sources: membership fees, operation of the information (souvenir) booths at the Center, and fundraising events. Total cash expenditures—chiefly for informational and promotional purposes—during that same period have been $379,248.23. The excess of receipts over disbursements is held by the Friends, subject to certain liabilities. These figures take no account of the value of the volunteers' time and services, which can conservatively be estimated at more than half a million dollars.

In closing, let me offer an independent observation. As I see it, the Center has achieved two principal goals, and has yet to achieve a third.

The first was to construct a building to which the public might come, either to enjoy the lively arts or as tourists. The second was to provide the capital and its millions of visitors with an almost nightly offering of first-rate theater, dance, and music. The building is operating, and the public's response to its attractions has been almost overwhelming. Of both achievements, the Congress that provided the lion's share of the means should be very proud.

The third goal is to develop the tightest and most efficient administration and cost controls possible within a performing arts center. This we are trying to do now, and, given the dedication of the Trustees and the staff to the Center, we will do it.

Public support for the non-performing arts functions—the memorial functions of the Center—is essential if we are to make the performing arts functions viable. I hope it will be possible for you to support the proposal whole-heartedly.

With highest regard.

Sincerely,

HARRY MCPHERSON,
Vice Chairman, Board of Trustees.

Mr. BIBLE. It might well be that either the Senator from Alaska or the Senator from Kentucky (Mr. COOPER), who has been extremely active in working out the negotiations, would likewise like to ask unanimous consent, though the letter is directed to the chairman of the committee (Mr. RANDOLPH), to incorporate the letter from Senator Randolph to the Park Service and likewise the reply of the Park Service. I think those letters should be incorporated into the RECORD, so that we would have a complete cycle of the negotiations and understandings we have reached up to the present time.

By this colloquy and by the introduction of these letters, I merely want to clear up what might appear to be an inconsistency between the language of the proposed statute and the joint statement of the conferees. I think the history made in the other body together with the statements made here today have cleared the air. What it boils down to, Mr. President, is that if this Center is to be administered as a memorial and as a de facto unit of the national park system insofar as its visitation by the thousands of our citizens annually is concerned, then the Secretary of Interior, through the National Park Service, must have overall authority for this nonperforming arts aspect of the Center's operation.

As I understand it, the authorizing language, as contained in the conference report called up here today, is for a period of 1 year, that is for fiscal year 1973; is that correct?

Mr. GRAVEL. That is correct.

Mr. BIBLE. I think there is some language providing for $1.5 million for operation and maintenance up to June 30 of this year, to take care of the items discussed in the supplemental appropriation package. Is that correct?

Mr. GRAVEL. That is correct.

Mr. BIBLE. There may be other problems—and I think there are going to be some. But from what I have been told by the Park Service people and the trustees of the Kennedy Center—I think there is every indication that they will come to a satisfactory agreement. In any event, the problems will have to be cleared up before they come in for appropriations in order to get the money. But I think the procedure will go along very well, though I thought we ought to have a full colloquy, so that we will understand where the responsibilities lie.

Mr. GRAVEL. I thank the Senator from Nevada, who has added a great deal of precision to the understanding of this issue. Of course, he is recognized as Mr. Park Service in this country, and I am deeply grateful to him for his comments.

Mr. President, the language of the conference report also authorizes use of the Congressional Hotel as a House office building and provides that certain surplus space may be leased at fair market value. Finally, it authorizes conveyance of air rights to the city of New York, by the U.S. Postal Service, for the purpose of constructing public housing in Brooklyn over a mail handling facility.

Mr. President, I urge the Senate to adopt the conference report.

Mr. JAVITS. Mr. President, if the Senator will yield on that last point, I do not

wish to intrude on the time of the Senator from Kentucky, but I would like to develop some matters respecting this language concerning the Morgan Post Office Annex, on the time which the Senator will yield me.

Mr. GRAVEL. We are aware of this, and we certainly will give deference to the Senator from New York's views on this, because I think they are very sound.

I will yield the floor at this time, so that the comanager of the measure on the minority side may make his statement, and then I am sure we will both provide the Senator from New York sufficient time for his purpose.

I yield the floor.

Mr. COOPER. I thank the Senator from Alaska.

First, I want to commend the chairman of the subcommittee, the distinguished Senator from Alaska, the members on the majority side, and our member on the minority side, the Senator from Delaware (Mr. BOGGS), for the very effective bill they have presented to the Senate and then to the conference. I believe this bill will save our country millions of dollars in the construction of public buildings.

In line with the colloquy between the Senator from Alaska and the Senator from Nevada (Mr. BIBLE), I shall comment briefly upon the issue they have discussed.

In the conference committee, I raised questions regarding the role of the Friends of the Kennedy Center. I thought it was important to do so, because the Friends of the Kennedy Center are a voluntary association of several thousand persons who have given their time freely and voluntarily—I might say that I understand the value of their services has been estimated to be a half million dollars—to the raising of funds for the Kennedy Center and to undertaking informational and intepretational duties at the center. This has been done under the able direction of Mrs. Polk Guest, who has devoted full time, day after day, to this task.

I am very much interested in what their role would be under this bill. I am, of course, very glad that the National Park Service is undertaking the functions which are spelled out in the bill.

Senator RANDOLPH and I wrote to the National Park Service and the trustees of the Kennedy Center, asking them for their interpretation of the words "information" and "interpretation" which appear in section 10. I thought there was some lack of clarity in their letters and that there were some differences in definitions.

I wrote the language which is on page 16 of the conference report and secured approval of the conferees with respect to this language. Since that time, I have discussed the matter with the Senator from Alaska, the Senator from Nevada, and the Senator from West Virginia (Mr. RANDOLPH), and I think the interpretation which they have given today is about as close as one can get.

It is my understanding—and I ask the Senator from Alaska whether this is correct—that so far as the performing arts are concerned, there has been no limitation upon the work of the Friends of the Kennedy Center, except as done by agreement with the trustees for the Kennedy Center.

Mr. GRAVEL. That is my understanding. Of course, it would be limited by the agreement in question. But it is not our intention to inject the Government in any form into the performing arts.

Mr. COOPER. As to the nonperforming arts work of the center, such role as the Friends might have would be developed between the trustees of the Kennedy Center and the National Park Service?

Mr. GRAVEL. Very much so. Of course, it would be a contractual arrangement, but we do specifically want to give the authority to the National Park Service in that regard so that there is no area for confusion.

Mr. COOPER. I think this would follow. It would be logical that if the Friends are a voluntary association and do not want to place themselves under the National Park Service, they would not have to do so.

Mr. BIBLE. If I may interject, I think the statement is a hundred percent correct. I do not think the Friends can be forced into their agreement. It would be to their advantage to enter into an agreement, and every indication is that they will enter into an agreement. I think the Senator from Kentucky is correct. By this act or any other act, we cannot force them in.

Mr. COOPER. I accept that interpretation, without question.

I just want to point out the very valuable work of the Friends and express the hope that they will have a function which will be helpful in the work of the Kennedy Center.

In an attempt to define some of the issues before going to conference and to get the views of the Park Service and Kennedy Center as to the scope and extent of jurisdiction conferred by section 10, Senator RANDOLPH and I sent a letter to the Park Service and to the board of trustees of the Kennedy Center I ask unanimous consent that these letters be included in the RECORD.

I also ask unanimous consent that the responses to these letters, together with a cost analysis received earlier from the Park Service, be printed in the RECORD.

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

MAY 19, 1972.

Mr. ROGER L. STEVENS,
Chairman, Board of Trustees, John F. Kennedy Center for the Performing Arts, Washington, D.C.

DEAR MR. STEVENS: We have addressed a letter today to Mr. Hartzog, Director of the National Park Service, copy of which is enclosed.

We would be glad to receive your comments on the questions addressed to the National Park Service from the point of view of the Kennedy Center, or any additional information or suggestions you believe might be helpful to us at this time.

We were happy to meet with you earlier his week, and also to learn from several of our colleagues that you have had constructive discussions with them.

Truly,

JENNINGS RANDOLPH,
Chairman.
JOHN SHERMAN COOPER.

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C., May 19, 1972.

Hon. GEORGE B. HARTZOG, Jr.,
Director, National Park Service, Department of the Interior, Washington, D.C.

DEAR MR. HARTZOG: The House of Representatives on April 19 passed S. 1736, as amended, including Section 10—an amendment offered by Congressman Roncalio which would direct the National Park Service to provide certain services "necessary to the non-performing arts functions of the John F. Kennedy Center for the Performing Arts", and authorizing for fiscal year 1973 the appropriation of "such sums as may be necessary" for that purpose.

As Sections 9 and 10 were not included in the bill as passed by the Senate on November 1, 1971, and as there are other differences in "The Public Buildings Amendments of 1972", it will be necessary for these differences to be resolved in conference. A Senate-House conference has been scheduled for Wednesday morning, May 24.

While hearings were not held by either the House or Senate Committees on Public Works on the proposal to extend Park Service jurisdiction to the Kennedy Center, we have recently had some discussions of this matter with representatives of the Center. We understand the proposal has been discussed also with Members of the Interior and Appropriations Committee, but as far as we know no formal presentation as to the intent, scope and cost of this proposal has been submitted. It is essential to have an appraisal of the proposal by the National Park Service before the conference. We need your immediate response to these questions:

1. What is the view of the National Park Service as to the nature and extent of jurisdiction to be assumed under the language of the House amendment, Section 10 of S. 1736?

2. Does the Park Service have any objection to assuming such jurisdiction?

3. Does the language of Section 10 provide the Park Service with any authority, or impose any duties, with respect to the performing arts functions of the Kennedy Center?

4. What does the Park Service consider its authority would be under Section 10, with respect to providing "information, interpretation . . . and other services" necessary to the non-performing arts functions of the Center?

5. Would the Park Service interpretation of the above language provide to it any authority over the activities of the Friends of the Kennedy Center, and if so, in what way? Could the Friends continue their present operations and functions, independent of the activities of the National Park Service?

6. What is the Park Service estimate of the cost of providing the services covered by Section 10? Would it be the intention of the Park Service, if Section 10 is adopted, to request a budget estimate for an appropriation in fiscal year 1973, in this or some other amount, and to support such a request before the Appropriations Committees?

We recognize that time is short before the conference, but are advised that you are acquainted with this proposal. We hope very much, therefore, that you will be able to send us a timely response. As always, of course we would be glad to receive any additional information, comments or suggestions which you believe pertinent, or which you consider might be helpful to us in consideration of Section 10, or any modification or alternative to it the conference might appropriately consider.

Truly,

JENNINGS RANDOLPH,
Chairman.
JOHN SHERMAN COOPER

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 23, 1972.

Hon. JOHN SHERMAN COOPER,
U.S. Senate, Public Works Committee, Washington, D.C.

DEAR SENATOR COOPER: We are pleased to respond to your May 19 letter cosigned by Senator Randolph requesting our appraisal of the proposal that the National Park Service provide certain services necessary to the nonperforming arts functions of the J. F. Kennedy Center for the Performing Arts.

We will comment on the questions in your letter in the order in which they are presented:

1. The National Park Service is agreeable to the nature and extent of jurisdiction to be assumed under the language of the House Amendment, Section 10 of S. 1736.

2. The National Park Service has no objection to assuming such jurisdiction, and prefers that its jurisdiction be as now defined in Section 10.

3. The language of Section 10 does not provide the National Park Service with authority, or impose any duties, with respect to the Performing Arts function of the Kennedy Center. The National Park Service involvement in the performing arts function will be only in those areas of activity which affect both the performing arts and nonperforming arts functions, such as the provision of maintenance, security and janitorial services. Parking and restaurant facilities affect both functions; but we propose to leave responsibility therefor in the Kennedy Center.

4. The National Park Service considers its authority and responsibilities under Section 10 to provide the public with an interpretive program of high standards similar in quality and integrity to the informational and interpretive programs for other memorials in the Washington area such as the Washington Monument, Lincoln Memorial and Jefferson Memorial. It will provide under its control guides and other visitor services.

The National Park Service conduct of these activities would require the same high standards for security, maintenance, interpretation and information services evident in our memorial programs and responsibilities elsewhere in the Washington area.

5. We would not envision the present interpretive and informational services now conducted by the Friends of the Kennedy Center to continue as an independent activity should the Service assume responsibility for this function. It would be the hope of the National Park Service, however, that the Friends of the Kennedy Center could work with the National Park Service in continuing to furnish information and in interpreting the functional or memorial aspects of the Kennedy Center, provided that high standards are maintained. Indeed, the Service looks forward to such assistance. It would be anticipated under Section 10, S. 1736 that the National Park Service would assume the management role required to implement such a program. The full professional skills and expertise of the National Capital Parks office would be available to develop an interpretive program of the highest standards in addition to the resources which are already available for the Kennedy Center interpretive program. In addition to the memorial aspects of the Center, we would interpret the role of theatre operations in the Center for all visitors except for theatre patrons. Obviously, the Friends' performing arts activities would be unaffected by Section 10.

6. We have estimated the total costs of maintenance, security, information, interpretation, janitorial and all other services for the Center to be $2,986,000 for fiscal year 1973, of which $2,400,000 is related to the nonperforming arts function and would be borne by the National Park Service out of funds appropriated to it for this purpose. We would expect that the remaining $586,000, allocated to the performing arts function, would be reimbursed to the Service by the Center. Without this reimbursement the total cost of $2,986,000 will be required. As you can appreciate, this estimate could be reduced in amount, but only with a corresponding reduction in the level of service and maintenance. Such a reduction is not desirable for a building which is valued in excess of $70 million.

If Section 10, S. 1736 is adopted, we will request an appropriation in fiscal year 1973 for funds to fulfill the Service's obligations under this authority. Both the National Park Service and the Department of the Interior would support such a request before the Appropriations Committee. Please let us know if you need any further information.

Sincerely yours,

THOMAS FLYNN,
Acting Director.

VERNER, LÜPPERT,
BERNHARD AND MCPHERSON,
Washington, D.C., May 23, 1972.

Senator JENNINGS RANDOLPH,
Senator JOHN SHERMAN COOPER,
Senate Public Works Committee, U.S. Senate, Washington, D.C.

DEAR SENATORS: In the absence of Roger Stevens, I am responding to questions you have put to Mr. George Hartzog with reference to the proposed relationship between the Kennedy Center and the National Park Service. While several of the questions can only be answered by the Park Service, others can appropriately be commented upon by the management of the Center.

It seems clear that under the House-passed § 10 of S. 1736, the Park Service would have no responsibility for, nor authority over, the performing arts functions of the Center. This is as it should be. Such responsibility and authority are vested by law in the trustees of the Center. To my knowledge, it has never been contemplated that a government agency should in any way control or influence the programming or performance of Center productions.

Further, the language of § 10 would give the Park Service no responsibility for the operation of garages, restaurants, or other commercial concessions at the Center. These are the subject of contractual agreements entered into between the Center and concessionnaires.

The "maintenance, security, . . . and janitorial services" language in § 10 is pretty clear. The cost of these functions is principally associated with the Center's role as a national memorial and tourist attraction, and has accounted for most of the financial burden on the Center since it opened to the public last September.

The fourth and fifth questions in your letter, relative to "information" and "interpretation", have occasioned discussion among those most interested in the Center. Principally, the words refer to the work of guiding and informing the thousands of visitors who come through the Center each day. The National Park Service has long performed such a role in other national memorials and in the park and monument system, and it is appropriate that the Service have overall responsibility for it in the Center.*

At the same time, it would obviously be self-defeating to supplant completely the work of the Friends of the Kennedy Center. In my judgment, it is quite feasible to work out an agreement between the Center and the Park Service by which the Friends may continue to play active roles as guides, to accommodate special group tours, to develop special education programs, to operate a booth for the sale of mementos and other objects associated with the Center. This kind of volunteer work is now being performed by the Friends, to the great benefit of the Center and the public. My understanding is that the Park Service is actively encouraging such voluntary efforts throughout its system, and believes it should be done at the Center. Time has not permitted reaching a detailed agreement on the Friends role, but after discussions with Interior and Park Service officials, I have no doubt that the Center and the Park Service can work out all problems which might arise under the language of the amendment; for surely the intent of the language is to enable the Park Service to play a constructive and cooperative role in helping the Center to perform its legislative mandate.

With the highest regard.

Sincerely,

HARRY MCPHERSON,
Vice Chairman, Board of Trustees.

*The language of § 10 wisely does not provide for an *exclusive* Park Service responsibility in the areas of "information" and "interpretation".

ESTIMATE OF INTERPRETATION, PROTECTION AND MAINTENANCE OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The attached statements show the estimated cost of operating and maintaining the John F. Kennedy Center, as submitted by the Kennedy Center, and included in the hearings before the Subcommittee on Buildings and Grounds of the Committee on Public Works of the U.S. Senate, and those estimates as prepared by the National Park Service.

The Center shows total cost of $2,384,000 and the National Park Service $2,986,000.

The significant differences are as follows:

1. Law enforcement is $35,000 over the Center's estimate and is based on original estimate to the Center and actual experience to date.

2. An item for care of the interior specimen trees is included by the National Park Service at a cost of $69,000. This item was not considered by the Center. Four 16-foot and eighteen 12-foot to 14-foot trees are being donated to the Center, to be placed in the Hall of Nations, and in the atrium on the top level. It will be necessary to purchase an additional 22 trees for rotation purposes on a month-to-month basis which must be done to insure survival of the trees. The rotation costs and the care of the 44 trees in the Center and in storage will cost $69,000.

3. The National Park Service includes an item of $141,000 for interpretation as against no cost shown by the Center. While the estimate is based on utilization of the present volunteers, costs are included for the employment of professional staff for program planning, direction and supervision, and uniforms, meals and transportation for approximately 100 volunteers. This is essential for a quality visitor interpretive program at the Center.

4. The major difference is in operation and maintenance; $1,015,000 as opposed to $548,000 estimated by the Center. The principal reasons for this difference are (1) the understanding that the Center's estimate was made before the Center was opened, and the NPS estimate is based on experience from actual operations, (2) there have been pay increases since the Center's estimate was proposed, and (3) the NPS estimates include the operation of the exterior fountains and pools which have not been operated since opening last September.

5. The National Park Service is less than the Center's estimate for janitorial services, again due to experience gained from actual operations.

The allocation of expenses has been made on the same formula as those for the Center which was based on estimate that the theaters would average two dark days per week during the year and 10 hours of the 15 hours of operation are allocable to nonperforming arts activities. The interior planting and interpretation have been included wholly as nonperforming arts expenses. It is noted that the allocation according to the formula for the Center shows an amount of $1,884,215 as against a National Park Service amount of

$2,400,000. According to the hearings, the Center would cover the difference between the $1,884,215 and $1,500,000 from other sources.

The National Park Service feels strongly and interpretation, befitting this memorial, that to provide quality maintenance, security will require at least a total of $2,986,000 with is requested that this amount be authorized $2,400,000 allocated to the nonperformingand appropriated. The National Park Service arts activities and the remainder to be re-is not in a position to determine whether or imbursed by the Center. If it be the will ofnot the Center may have the funds from Congress to request the Department of theother sources to apply toward these nonper-Interior to assume these responsibilities, itforming arts functions.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS—ALLOCATION OF EXPENSES

	Estimated expenses	Allocable to nonperforming arts activity	Requested Federal appropriation for nonperforming arts activity
Center estimates:			
Security	$285,000	$285,000	$226,885
Operation and maintenance	548,000	417,524	332,386
Utilities	720,000	548,572	436,712
Janitorial services	764,000	582,072	463,381
Shop and other equipment	16,000	12,190	9,704
Management and administration	51,000	38,857	30,932
Total	2,384,000	1,884,215	1,500,000

	Estimated expenses	Allocable to nonperforming arts activity	Requested Federal appropriation for nonperforming arts activity
NPS estimates:			
Security	$320,000	$320,000	$320,000
Interior tree maintenance	69,000	69,000	69,000
Interpretation	141,000	141,000	141,000
Operation and maintenance	1,015,000	773,335	773,335
Utilities	720,000	548,572	548,572
Janitorial services	666,000	507,430	507,430
Management and administration	55,000	41,906	41,906
Total	2,986,000	[1] 2,401,243	[2] 2,401,243

[1] Or $2,400,000.

[2] Or $2,400,000.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS, TOTAL ESTIMATED OPERATING AND MAINTENANCE EXPENSES

	Center estimates	NPS estimates
A. Primarily nonperforming arts costs:		
1. Security	$285,000	$320,000
2. Interior specimen tree maintenance		69,000
3. Interpretation		141,000
B. Costs to be allocated between performing arts and nonperforming arts activities of the Kennedy Center:		
1. Operation and maintenance of mechanical and electrical equipment (excludes theater and backstage equipment)	548,000	1,015,000
Wages, supplies and materials for operation	273,000	940,000
Maintenance repairs	200,000	
Elevator and escalator maintenance	75,000	75,000
2. Utilities, electricity	720,000	730,000
3. Janitorial services	764,000	666,000
Daily servicing	690,000	520,000
Window washing	14,000	14,000
High cleaning	25,000	25,000
Cleaning chandeliers	10,000	10,000
Relamping	8,000	80,000
Trash removal	17,000	17,000
4. Shop and other equipment	16,000	
5. Management and administration	51,000	55,000
Total	2,384,000	2,986,000

NATIONAL CAPITAL PARKS

OPERATING COSTS OF MAJOR MEMORIALS

Maintenance	Lincoln Memorial and grounds	Washington Monument and grounds	Jefferson Memorial and grounds
Memorial maintenance	$30,600	$38,200	$10,000
Memorial operation	32,100	27,700	30,000
Utilities	11,300	10,800	4,700
Sanitation	2,800	28,300	4,000
Outside lighting	1,900	3,300	
Turf	5,000	20,900	6,200
Trees	1,100	10,700	1,000
Flowers		3,000	
Shrubs	5,800	4,900	2,000
Special events	3,400	50,100	1,500
Roads and walks	5,200	42,700	5,000
Miscellaneous	3,000	22,500	3,000
Supervision	9,900	28,000	3,900
Total maintenance	112,100	291,100	71,300
Visitor services	80,000	96,000	80,000
Protection	125,000	125,000	125,000
Total	317,100	512,100	276,300

The above costs were included in the hearings on the Kennedy Center.

These structures are not comparable in size, furnishings and complexity. For instance, the Lincoln Memorial is all masonry with no floor and wall coverings as in the Center, and with no elevator and escalator facilities; and with a very simple heating system as compared to the complex heating and air-conditioning systems in the Center. Also, the many elaborate lighting facilities in the Center do not exist at the Lincoln Memorial.

The Kennedy Center is approximately ten times the size of the Lincoln Memorial.

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

Mr. GRAVEL. I yield the Senator from West Virginia such time as he desires.

Mr. RANDOLPH. Mr. President, the members of the Committee on Public Works, especially those on the Subcommittee on Buildings and Grounds, chaired by Senator GRAVEL, have given very detailed study to the subject matter and to many of the implications which have been discussed in connection with the operation of the Kennedy Center.

I only want to strengthen, if I may, what has been said by the Senator from Nevada and the Senator from Kentucky, that we do realize that there is a proper function for the Friends of the Kennedy Center, who are intensely interested in the development of the Center.

I also feel that it is important to say that we do agree—I think all of us who have studied this question—that there must be better management of the Kennedy Center than we have had to date. This is not in disparagement of any individual or of any group who have had responsibilities. It is the responsibility of Congress, in its authorizing and appropriating process, to insist, insofar as practical, on the quality of oversight or review which will keep us fully informed as to the ongoing functions of the Kennedy Center under management which we know must be the very best.

Mr. GRAVEL. I thank the distinguished chairman of the committee.

Mr. President, at this time I yield to the distinguished Senator from New York as much time as he may need. I reserve 2 minutes for myself, and I am sure that we can use some of Senator COOPER'S time after that.

Mr. JAVITS. I will not take too long, but I do have a very important matter to discuss which relates to the city of New York.

It will be noted, Mr. President, as the Senator from Alaska has already noted, that various arrangements are contemplated by this conference report, with the city of New York respecting a very large facility to be installed—which is mentioned in the report as if it were going to be installed—by the U.S. Postal Service at a location referred to as the "Morgan Annex Site."

This has been a very highly controversial proposition, and there has been much debate between the junior Senator from New York, Senator BUCKLEY, and myself, as well as the Representative from the area, Mrs. ABZUG, with the U.S. Postal Service, respecting the propriety and desirability of building on this site, or on an alternate site which is two city blocks away.

Mr. GRAVEL. Mr. President, will the Senator from New York yield momentarily so that I may ask for the yeas and nays?

Mr. JAVITS. I yield.

Mr. GRAVEL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, my specific concern is with section 6(b) which grants to New York City for public housing the air rights above "the postal facility to be constructed" on the so-called Morgan Annex site in midtown Manhattan.

Mr. President, this language stems from the extensive debate over two complex questions having to do with the Postal Service and New York City. The first question is "Who is the proper owner of the Morgan Annex property?" The second is "What is the best location for a multimillion dollar vehicle maintenance facility the Postal Service wishes to build in Manhattan?"

The language serves a valuable purpose by clarifying the issue of ownership. However, the language used to clarify this issue appears to take as a given fact that the Post Office will construct the vehicle maintenance facility on this property. Therefore, this wording seems to place the conference in the position of having decided on the merits of building at Morgan Annex, which I feel to be incorrect and inappropriate.

A number of responsible citizens and at least one agency of the New York

City municipal government contend that a less costly alternative for construction exists; in addition, a number of agencies of the New York City government question the desirability of use of the Morgan Annex site for a vehicle maintenance facility because of its impact on the New York community in terms of air pollution, community development and surface traffic.

My colleague from New York (Mr. BUCKLEY) and I have insisted very strongly that the doubts be thoroughly explored. However, the questions cannot be settled, apparently, by us or by the parties or by the Postal Service itself, although I have talked with the directors of the Postal Service and I realize how many pros and cons there are in the argument. So we finally decided that we would get a report from the General Accounting Office which would gather up all of the points of view—to wit, those of the Postal Service, those of the General Services Administration, and those of the various agencies of the city of New York, and apply its own expertise to it and come up with an answer.

I have talked with Comptroller General Staats personally and I am satisfied, without in any way quoting him, that he will have this report in about 10 days. It will take a short amount of time thereafter actually to analyze and consider it.

What I am disturbed about here, is the effect of the conference language on the question of what is best in terms of housing regarding the city of New York, which is very controversial, the traffic pattern in New York, which is also hotly controversial, the environmental impact of this particular facility and also the cost question which is the most controversial of all——

Mr. DOMINICK. Mr. President, will the Senator from New York yield?

Mr. JAVITS. May I just finish my thought? My concern is that this particular provision takes for granted that the facility at the Morgan Annex site is about to be built and if we pass the conference report we are confirming that it will be built.

Mr. COOPER. Mr. President, will the Senator just yield a moment so that I may give him more time? I yield him 10 minutes.

Mr. GRAVEL. Mr. President, he is still talking on my time.

Mr. JAVITS. I wanted to make the point, and then I shall yield to the Senator from Colorado (Mr. DOMINICK), that I believe that in the interests of the city of New York, as to whether, in fairness and common decency, an opportunity should be given to the General Accounting Office to file its report, which is in process, so that the Postal Service and all of us may know whether this is truly the best deal for the United States, taking into consideration all the factors which I have just mentioned.

When I am through yielding, I shall ask a question of the manager and the ranking member in that regard.

I yield now to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I thank the Senator from New York. I obviously have heard about this problem myself. It has nothing to do with Colorado except the fact that we have public funds involving it, and I do not intend to inject myself as a Senator from Colorado into a problem which is inherently one of New York's; but it does seem to me that we have got a difficult situation here, where the two Senators from New York have worked hard to try to work out the problem through the General Accounting Office, only to find that we are about to pass a bill under the terms of which the various buildings will be constructed for these purposes, before we get the GAO report.

What I am wondering about is whether the Senator has been able to work out any agreement with the Postal Service or the managers of the bill which would permit a review of this again, at such time as the GAO report comes out.

Mr. JAVITS. I am hoping, as soon as we are at the proper point in this debate, to put that question to the manager and the ranking member. It is my understanding that they will deal with it affirmatively and are sympathetic to the idea of giving an opportunity for this matter at least to be considered, based upon the GAO report.

Mr. DOMINICK. I thank the Senator from New York very much. I know how hard he has worked on this matter. I hope we can get it accomplished.

Mr. JAVITS. I thank the Senator from Colorado for his helpful intercession.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter written by myself, my colleague from New York, and Congresswoman ABZUG on March 8 to the Director, Office of Policy and Program Planning of the General Accounting Office requesting a comparative cost analysis of the Morgan Annex site and an alternative site. Also, a second letter from Senator BUCKLEY, Mrs. ABZUG and me written on March 29 to the Postmaster General expressing our concern over plans to build at Morgan Annex and requesting that a final decision not be made until first, the GAO report was received and second, signed statements were obtained from the six involved New York City agencies presenting their views on the Morgan Annex site.

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

U.S. SENATE,
Washington, D.C., March 8, 1972.

Mr. E. H. MORSE, Jr.,
Director, Office of Policy and Program Planning, U.S. General Accounting Office, Washington, D.C.

DEAR MR. MORSE: Last month the General Accounting Office prepared a comparative cost analysis on the question of whether the Postal Service should (1) construct for ownership a Vehicle Maintenance Facility on land owned by the Postal Service adjacent to the Morgan Station (Morgan Annex site) or (2) negotiate to lease a similar VMF to be constructed by the Sharp Development Corporation on land about two city blocks from the Morgan Annex site.

The Postal Service has indicated that their chief objection to the Sharp proposal was a high footage rate ($5.15 per foot) and the need to build to a height of eight stories. In the past weeks representatives of the Sharp Development Corporation have been working very closely with the New York City Economic Development Administration on a new plan which, based on an extremely positive and creative approach by the New York EDA, indicates a rate thirty-percent lower than that previously quoted (or $3.50 to $3.80 per foot) and would produce a building five stories high, the height proposed by the Postal Service at the Morgan Annex site.

We would greatly appreciate having the comparison of the two alternatives confronting the Postal Service updated on the basis of the new information regarding the Sharp Development Corporation's proposal.

Sincerely,

JACOB K. JAVITS,
U.S. Senate.
JAMES L. BUCKLEY,
U.S. Senate.
BELLA ABZUG,
Member of Congress.

U.S. SENATE,
Washington, D.C., March 29, 1972.

Hon. E. T. KLASSEN,
Postmaster General,
U.S. Postal Service,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: We understand that a decision has been made in favor of the Morgan Annex site for the proposed vehicle maintenance facility and garage in New York City. We request that this decision be reconsidered before it is presented to the Board for final approval.

Selection of the site of the vehicle maintenance facility is critical for two reasons. First, the facility will have a massive impact on the New York community and surface traffic. Second, the construction project represents a significant expenditure of funds, which may indirectly affect the cost of postal service to the public.

Given the importance of this decision, we are concerned at the apparent conflicts over, first, the basic suitability of the Morgan Annex site and, second, the economic advantages of Morgan Annex versus another site. The positions attributed to various New York City agencies in the feasibility study prepared for the Postal Service by Ames Associates directly contradict information given to us by the same agencies. Further, the cost comparison being carried out by the General Accounting Office to resolve earlier conflicts over estimated costs of two different sites is still two to three weeks from completion.

To ensure that reconsideration is based on the best available information, we urge that it await:

1. The submission of signed statements by the Housing and Development Administration, the City Planning Commission, the Borough President's Office, the Department of Traffic, the Department of Highways, and the Economic Development Administration presenting their views on the Morgan Annex site.

2. The final report from the GAO comparing the Morgan Annex and the proposed alternative sites.

We look forward to your advices accordingly.

Sincerely,

JACOB K. JAVITS,
U.S. Senate.
JAMES L. BUCKLEY,
Member of Congress.
BELLA S. ABZUG,
Member of Congress.

Mr. JAVITS. Mr. President, now if I may have the attention of the manager of the bill and the ranking minority member, I would like to ask a question relating to this particular matter.

It would be helpful if we could have an expression from the Senate conferees in support of the policy that no final decision to build the Morgan Annex should be made until the report of the Comptroller General, and the positions of the New York City municipal agencies involved, are received and analyzed by the parties.

As I have said, I have every reason to state that the Comptroller General's re-

port should be in hand within 10 days. I hope very much that in this way we can avoid any necessity for moving into legislation in respect of the matter and also any necessity because of this particular situation for my voting against the conference report.

Mr. GRAVEL. Mr. President, let me say that I share the views of the Senator from New York, that the Postal Service should wait for clarification. The Senator from New York is very much on target with reference to this matter.

Mr. JAVITS. I thank the Senator from Alaska. I take it, then, that the manager of the bill would support us and does support us in the request that this matter not be finalized until the GAO study is received and a modest time afforded to analyze it.

Mr. GRAVEL. I can assure the Senator from New York, not only as manager of the bill but also as a Senator, that I share his views most strongly.

Mr. JAVITS. That will help us in this respect.

Mr. GRAVEL. I say that in my capacity as manager of the bill, and in my capacity as a Senator.

Mr. BOGGS. Mr. President, I want to join the distinguished manager of the bill in the remarks he has just made. I would point out, further, that the conference report, in my opinion, does not preclude the use of an alternative site in Manhattan. This legislation merely says that if the Postal Service builds the Morgan Annex facility, it must give the air rights to the city of New York for construction of a housing facility.

If the Postal Service, after consideration of the GAO report, decides to go ahead at an alternative site, then the Morgan Annex property can be purchased by the city of New York for its fair market value.

As I see it, we will accomplish nothing by delaying consideration of the conference report. Actually, the delay will cause a delay in the construction of many facilities needed by the Federal Government and the public.

Mr. JAVITS. Mr. President, I thank the Senator from Delaware very much. Sometimes in a particular conference report such as this, the matter becomes involved as this one has and can be resolved by the fairness which the Senator from Delaware has evidenced and which the Senator from Alaska has also evidenced. Or, on the other hand, in some cases it could hold up the report.

I welcome the support that my colleagues have given so as to make it possible for me to support the report which dealing with all of the matters that it does, should not be rejected.

Mr. GRAVEL. Mr. President, I can speak for the rest of my colleagues. We will be glad to support the Senator on this matter.

Mr. COOPER. Mr. President, I would like to say that the Senator from Delaware (Mr. BOGGS) is the ranking Republican member of the subcommittee. I want to associate myself with his statements and with the statement of the Senator from Alaska, the manager of the bill. Further, I want to commend the distinguished Senator from Nevada (Mr. BIBLE) for his views on this legislation. His interest in the Kennedy Center is vital, in view of his position as chairman of the Parks Subcommittee of the Interior Committee, and as chairman of the Appropriations Subcommittee which has jurisdiction over Park Service appropriations. I also wish to support the proposal of the Senator from New York.

Mr. JAVITS. Mr. President, I thank the Senator very much. That is very helpful.

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

Mr. COOPER. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 10 minutes remaining.

Mr. COOPER. Mr. President, I yield 5 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Mr. MATHIAS. Mr. President, I thank the distinguished Senator for yielding me 5 minutes. I might not require that much time. I would merely like to address an inquiry to the chairman of the full committee, the very distinguished Senator from West Virginia, because I am somewhat perplexed by reports that appear in the press to the effect that the provisions of this conference report would be available for the first time to construct a recreational facility under the lease purchase arrangement which had heretofore been available only for regular Federal office buildings.

As the distinguished Senator from West Virginia will recall, my colleague from Maryland (Mr. BEALL) and I have discussed with him on occasions the philosophy of the use of the lease purchase facility, and we have understood from him in the process that this would not be the normal course of procedure.

I wonder if the Senator would comment on the reports that have appeared in the press.

Mr. RANDOLPH. Mr. President, responding to the question of the Senator from Maryland, I wish to state that it is proper that the RECORD be clarified in reference to the matter in question. I believe that perhaps I can best respond by reading the letter that I sent on June 1, as chairman of the Senate Public Works Committee, to Hon. J. GLENN BEALL, Jr., the junior Senator from Maryland. It reads as follows:

> This is in response to your letter of June 1, inquiring as to the status of the proposed convention center and sports arena in the District of Columbia.
>
> I am advised the lease-purchase prospectus relating to these facilities is currently pending before the House Public Works Committee, having been approved by its Public Buildings and Grounds Subcommittee. It will not come before the Senate Committee on Public Works until after the House Committee has acted favorably.
>
> It is my feeling that a facility of this kind should not be handled by the lease-purchase prospectus procedure. The purpose of this summary method of authorizing building construction should, I believe, be reserved exclusively for public buildings designed to serve the operational needs of the Federal Government. The procedure does not require action by the full House and Senate. It is my feeling that the only proper method of handling the proposed convention and sports arena, should be by legislation, reported from the respective Committees on the District of Columbia, considered in each House and funded through the appropriations process.
>
> If you have further questions on the status of the proposal, please let me know.

Mr. MATHIAS. Mr. President, does the distinguished Senator from West Virginia feel that he can announce with certainty that that is the feeling of the majority members of the committee?

Mr. RANDOLPH. I believe that is the position generally of the members of the committee.

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

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRAVEL. Mr. President, I yield the Senator from Maryland an additional 3 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized for an additional 3 minutes.

Mr. GRAVEL. Mr. President, I associate myself with the remarks of the chairman of the full committee. He speaks certainly with my voice behind him. In this regard, I think that a record should be made.

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

Mr. GRAVEL. I yield.

Mr. TUNNEY. Mr. President, I was very happy that the Senator from Maryland brought up the point because it was of concern to me.

I am pleased that the very able chairman of the committee made the statement he made. I would like to associate myself with the remarks of the Senator from West Virginia.

I feel that there was a complete understanding in the conference that a special finding of the President would be required to the effect that the building is in the public interest before it could be constructed. From the conversations we had at the time, I was led to believe that this was the general feeling of the membership on the majority side. I am very happy that the Senator from West Virginia has clarified his attitude.

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

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. MATHIAS. Mr. President, I am very happy to yield to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, I wish to state further that the understanding of the Senator from Maryland and the Senator from California as to the feeling within the committee is that which is stated in the letter which I wrote to the junior Senator from Maryland and have just read. That was the position then and it is the position now. It has not changed in any way. I think that should be noted for the RECORD.

The Senator from Kentucky (Mr. COOPER) and I discussed the matter. I believe this is the procedure that should be followed. It is one that retains to the Congress of the United States the decisionmaking in reference to the proposed convention center and sports arena.

We underscore that it should be by legislation. The two committees of the House and Senate on the District of

Columbia should consider this proposal, and then there should be action in the respective Chambers.

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

Mr. MATHIAS. I yield.

Mr. TUNNEY. Mr. President, it was my feeling that the conferees expected that the President was unlikely to make a finding that the complex was in the public interest. Was this the attitude of the other members of the conference who are present this afternoon?

Mr. RANDOLPH. I believe that generally would reflect the feeling we had.

Mr. MATHIAS. I thank the Senator for his clarification.

Mr. GRAVEL. Mr. President, I believe I have 4 minutes remaining?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAVEL. I yield 3 minutes to the distinguished Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BOGGS. I thank the distinguished chairman of the subcommittee. I want to take this opportunity to express my support for the conference report on S. 1736 and to compliment the members of the subcommittee and its distinguished chairman, the Senator from Alaska (Mr. GRAVEL), the Senator from Kentucky (Mr. COOPER), the Senator from California (Mr. TUNNEY), and the distinguished chairman of the full committee the Senator from West Virginia (Mr. RANDOLPH) for their work on the bill and for bringing this conference report promptly to the Senate.

Mr. President, I wish to give my colleagues a brief description of the main features of the legislation.

The central provisions of the legislation are contained in sections 3 and 5 of the bill. Section 5 grants to the Administrator of the General Services Administration authority to enter into lease-purchase contracts, for up to 30 years, for construction of Federal buildings. These are buildings presently authorized, but unfunded in whole or in part.

Mr. President, this is an emergency provision, which expires 3 years after enactment. And we do face an emergency in meeting the office needs of the Federal Government.

Due to slowdowns in the past, there are 63 Federal buildings that have been authorized, but on which construction funds have not been appropriated in whole or in part.

Mr. President, I should point out that congressional authorization of some of these structures dates as far back as a decade or more. Section 5 will allow GSA to go forward with these buildings, shifting the initial capital investment on the private sector.

But I must also point out that section 5(a) requires that title for each building be transferred eventually to the Federal Government.

I ask unanimous consent that a list of these buildings be included at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BOGGS. Mr. President, GSA, it should also be noted, plans to go to the market for purchase contracts on 32 of these structures approximately 60 days after enactment. I am happy to report that one of the buildings on this 60-day list is a new Federal office building authorized for construction in Dover, Del.

The other major provision of the bill is section 3. This section creates a revolving fund into which Federal agencies will pay "rent" fees for the Federal space they occupy. Such a fund should guarantee that future major backlogs of unbuilt Federal structures will not occur.

In addition, Mr. President, I call the attention of my colleagues to language in the statement of managers at the conclusion of the explanation of the conference substitute of section 2 of the bill.

The statement reads:

In the letting of contracts for purchase contract construction, it is the intent of the conferees that the General Services Administration retain ownership of architectural and engineering designs and plans developed for such facilities prior to enactment of this Act.

Further, the conferees recognize that additional design and engineering work may be necessary on some of the projects that will be constructed under a purchase contract arrangement. The GSA should make every effort to contract for such work with the original architect or engineer. GSA should also make every reasonable effort to contract directly for such services with the architect or engineer, rather than directing that the contractor make such arrangements. The conferees believe this is essential, whenever possible, to avoid a situation in which an architectural or engineering firm may face a conflict of interest between the Federal Government and the contractor.

I would like to point out that this language also pertains to section 5 of the bill, the section authorizing lease-purchase contracts.

In closing, Mr. President, I recommend approval of the conference report to the Senate.

EXHIBIT 1

GENERAL SERVICES ADMINISTRATION, PUBLIC BUILDINGS SERVICE—APPROVED PROJECTS, POTENTIAL PURCHASE CONTRACTS

States and cities	Buildings	Net assignable square feet	Estimated direct Federal construction cost
Arizona: Tucson	FOB	74,225	$5,533,000
Arkansas: Batesville	PO, CT, FOB	33,354	2,192,000
California:			
Los Angeles	PF	705,600	8,125,000
San Diego	CT, FOB, PF	639,000	44,955,000
Santa Ana	FOB	197,500	13,900,000
Santa Rose	FOB	49,315	4,502,000
Van Nuys	FOB	176,128	8,521,000
Connecticut: New Haven	PO, FOB	117,420	8,675,000
Delaware: Dover	FOB	19,325	1,577,000
Florida: Orlando	CT, FOB	114,700	8,555,000
Georgia:			
Athens	PO, FOB	75,392	1,868,000
Atlanta	CT, FOB	703,450	51,976,000
Griffin	PO, FOB	33,942	1,690,000
Rome	PO, CT	60,000	3,703,000
Waycross	PO, CT, FOB	52,000	3,946,000
Hawaii: Honolulu	CT, FOB	398,950	44,184,000
Idaho:			
Moscow[1]	PO, CT	28,800	1,340,000
Sandpoint	FPB	25,000	2,168,000
Illinois:			
Chicago	GSA Federal Records Center	180,000	6,946,000
Mt. Vernon	FOB	13,000	975,000
Indiana: Indianapolis	FOB	461,429	19,219,000
Iowa: Iowa City	PO, FOB	73,629	4,497,000
Louisiana: New Orleans	CT, FOB	424,629	27,533,000
Maine: Waterville	PO, FOB	42,650	2,152,000
Maryland: Baltimore	CT, FOB	286,290	19,541,000
Massachusetts:			
Fitchburg[1]	PO, FOB	68,860	4,438,000
New Bedford	PO, FOB	19,400	1,731,000
Michigan:			
Ann Arbor	FOB	48,000	4,167,000
Detroit	P. V. McNamara FOB	820,101	48,224,000
Saginaw	FOB	32,400	2,625,000
Mississippi: Hattiesburg	CT, FOB	36,455	2,636,000
Nebraska: Lincoln	CT, FOB, PF	422,450	21,307,000
New Hampshire: Manchester	PO, FOB	200,000	6,563,000
New Mexico: Las Cruces	CT, FOB	35,700	3,146,000
New York:			
Albany	FOB	185,855	$12,636,000
Auburn	PO, CT, FOB	64,500	4,589,000
Hempstead	FOB	914,900	74,342,000
New York[1]	CT, CU, FOB annex	554,700	58,740,000
Syracuse	CT, FOB	242,200	19,087,000
North Carolina: Winston-Salem	CT, FOB	220,105	12,144,000
Ohio:			
Akron	CT, FOB	286,900	16,168,000
Dayton	CT, FOB	117,300	8,890,000
Oregon:			
Eugene	CT, FOB	58,200	4,923,000
Portland	FOB	349,675	19,667,000
Pennsylvania: Williamsport	PO, CT, FOB	52,000	3,983,000
Puerto Rico: San Juan	CT, FOB	243,000	20,471,000
Rhode Island: Woonsocket	PO, FOB	31,400	2,041,000
South Carolina: Florence	PO, CT, FOB	92,725	5,192,000
South Dakota:			
Aberdeen	FOB	108,825	8,000,000
Huron	PO, FOB	100,000	7,645,000
Rapid City	CT, FOB	54,000	3,728,000
Tennessee: Nashville	CT, FOB	301,451	12,211,000
Texas:			
Denton[1]	PO, FOB	68,364	2,527,000
Fort Worth	FOB, PF	437,500	4,425,000
Houston	Federal motor vehicle facility	16,598	1,240,000
Pearsall	PO, FOB	7,600	347,000
San Angelo	PO, CT, FOB	106,300	4,209,000
Vermont: Essex Junction	PO, FOB	8,585	268,000
Virgin Islands: Charlotte Amalie	PO, CT, FOB	54,000	5,248,000
Virginia: Roanoke	FOB	147,000	11,169,000
Washington: Wenatchee	PO, FOB	55,200	4,489,000
Wisconsin:			
Madison	FOB	129,000	8,123,000
LaCrosse	PO, CT	73,650	6,097,000
Totals		11,750,227	735,709,000

[1] Amount as required by increase.

Mr. GRAVEL. Mr. President, I thank my associate on the committee on the minority side, the Senator from Delaware (Mr. BOGGS). I compliment him. He has been a most assiduous worker in connection with this legislation and it is a pleasure to work with him, as well as the Senator from California (Mr. TUNNEY). I also thank the Senator from Kentucky (Mr. COOPER) for his support. He deeply involves himself in these matters. I also wish to thank the chairman of the full committee, the Senator from West Virginia (Mr. RANDOLPH). It is a pleasure to work with these Senators. I also wish to thank the staff that worked so hard to bring forth the data to make possible this legislation.

Mr. President, I think that with this legislation today we do the American people a great service in connection with the method to finance the space to be occupied. It is a benchmark in the processes of government; it is to the best interests of the taxpayers, and to the best interests of providing service to the people.

Mr. TUNNEY. Mr. President, before we act on this conference report, there is an additional matter which I would like to raise concerning the Federal courthouse to be built in San Diego. This report which we will approve today is intended to be the final congressional action necessary for this project. However in view of the present controversy which exists between the Federal judges in San Diego on the one hand and the Administrative Office of the U.S. Courts and GSA on the other over the design of that building, and similar controversies in other Federal judicial districts, I wish to serve notice that we will continue to monitor this situation closely.

Mr. President, because of some very serious questions raised by Federal judges throughout the country about the adequacy of the proposed new standard size courtroom, the chairman of the House Subcommittee on Public Buildings and Grounds (Mr. GRAY) recently held two hearings on those problems. During the hearings, this entire matter was considered at some length.

As a result of those hearings, it is my understanding that there is presently an effort underway to resolve the problem in a satisfactory manner. I earnestly hope that such a result will occur because I think it would be most unfortunate to have the present situation continue. I clearly support efforts to save Federal tax dollars and I know that was the intent of the proposal for standard courtrooms.

But I am afraid that the application of this idea is being carried forward with none of the flexibility that such proposals require. In fact, in San Diego I think the result may very well be unsatisfactory not only in terms of judicial efficiency but in cost as well.

For that reason I want to serve notice as we act upon this conference report that I will continue to watch this problem closely. I am hopeful that a compromise can be arrived at between the various parties in this situation. But as said in a letter to Chairman GRAY last week, as a member of both the Senate Judiciary Committee and the Public Works Committee, including particularly the Public Buildings Subcommittee, I am prepared to take such appropriate action as may prove necessary. I might add that I have discussed this entire problem with my colleague in the House, Mr. VAN DEERLIN, whose district includes part of San Diego, and we will continue to coordinate our efforts.

Mr. President, I ask unanimous consent that my letter to Chairman GRAY be inserted at this point in the RECORD.

The PRESIDING OFFICER. Without objection it is so ordered.

MAY 25, 1972.

Hon. KENNETH GRAY,
Chairman, Subcommittee on Public Buildings and Grounds, U.S. House of Representatives, Washington, D.C.

DEAR KEN: I want to reiterate my personal interest in swift resolution of the present controversy involving the size of federal courtrooms in the new federal courthouse in San Diego and other judicial districts.

As you know, I presently serve on both the Senate Judiciary Committee and the Senate Public Works Committee (including its subcommittee on Public Buildings and Grounds). In those capacities I have had the opportunity to review the present plans for the San Diego court facility and the alternate proposal being advanced by the Administrative Office of the U.S. Courts and the General Services Administration.

After considering all of the factors, I concluded that forced adherence to the so-called "mini-courtroom" plan will serve neither the interest of the people of San Diego in efficient administration of justice nor the interest of federal taxpayers in cost savings.

For that reason I and members of my staff have been involved since mid-February in various meetings with the federal judges in San Diego, with members of the Senate Judiciary Committee and with GSA and the Administrative Office to reach a workable resolution of this problem.

Your personal interest in this problem and particularly the hearings which you have chaired have been of major significance. It is my understanding that assurances have been given to you that the matter will be promptly resolved through consultation by members of the appropriate committee of the Judicial Conference.

My purpose in writing to you at this stage is to voice my continued interest and support in this matter. In the event that the San Diego situation is not satisfactorily resolved in the very near future, I am prepared to support your efforts by taking appropriate action with the two Committees on which I serve.

In view of your own efforts and those of our colleagues in the House and the Senate, I am confident that such action will not be necessary.

I am sending copies of this letter to the appropriate officials at GSA and the Administrative Office.

Best regards,

JOHN V. TUNNEY,
U.S. Senator.

Mr. GRAVEL. I am prepared to yield back the remainder of my time so that we may proceed to a vote.

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

The PRESIDING OFFICER. All remaining time is yielded back. The question is on the adoption of the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Georgia (Mr. GAMBRELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. BUCKLEY), the Senator from New Jersey (Mr. CASE), and the Senator from Oregon (Mr. PACKWOOD) are absent on official business.

The Senator from Hawaii (Mr. FONG) is necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE) would vote "yea."

The result was announced—yeas 73, nays 2, as follows:

[No. 197 Leg.]

YEAS—73

Aiken	Fannin	Pastore
Allen	Fulbright	Pearson
Allott	Gravel	Percy
Anderson	Griffin	Proxmire
Bayh	Gurney	Randolph
Bellmon	Hansen	Ribicoff
Bennett	Hart	Roth
Bentsen	Hatfield	Schweiker
Bible	Hollings	Scott
Boggs	Hruska	Smith
Burdick	Hughes	Spong
Byrd, Harry F., Jr.	Jackson	Stafford
Byrd, Robert C.	Javits	Stennis
Chiles	Jordan, N.C.	Stevens
Church	Jordan, Idaho	Stevenson
Cook	Kennedy	Symington
Cooper	Long	Taft
Cotton	Mansfield	Talmadge
Curtis	Mathias	Thurmond
Dole	McGee	Tower
Dominick	McIntyre	Tunney
Eagleton	Metcalf	Weicker
Ellender	Miller	Williams
Ervin	Mondale	Young
	Moss	

NAYS—2

Brock	Saxbe

NOT VOTING—25

Baker	Gambrell	Montoya
Beall	Goldwater	Mundt
Brooke	Harris	Muskie
Buckley	Hartke	Nelson
Cannon	Humphrey	Packwood
Case	Inouye	Pell
Cranston	Magnuson	Sparkman
Eastland	McClellan	
Fong	McGovern	

So the conference report was agreed to.

Mr. TOWER. Mr. President, I am extremely pleased, today, with the adoption of the conference report on S. 1736, the public buildings amendments of 1972. This represents the successful culmination of several years' efforts to obtain congressional authorization for Federal construction projects in Denton, Fort Worth, Houston, Pearsall, and San Angelo.

Briefly stated, the public buildings amendments of 1972 will:

First. Establish a public buildings fund into which will be poured rents collected from all Federal departments and agencies using Federal space, and from which will be drawn the capital to finance congressionally approved Federal buildings projects; and

Second. Authorize a 3-year crash program for the construction of 63 public buildings already authorized by the Congress, but unfunded in whole or in part, including the buildings at Denton, Fort Worth, Houston, Pearsall, and San Angelo. To permit the execution of this crash program without jeopardizing present economic and budgetary planning, the bill would authorize the purchase of Federal buildings over a period of years through a purchase-contract arrangement.

This purchase-contract authority permits the General Services Administration to make regular payments over a period of from 10 to 30 years to entrepreneurs who will finance and construct buildings that meet GSA specifications. At the end of the contract term, title to the buildings will be vested in the United States. During the contract term, a purchase-contract building will remain on the local tax rolls, helping to ease the burdens of the Federal presence upon the local community.

The bill includes the purchase-contract authority for all congressionally approved but unfunded buildings projects, including a new post office and Federal office building in Denton, a new Federal office building in Fort Worth, a new motor vehicle facility in Houston, a new post office and Federal office building in Pearsall, and a new post office, courthouse, and Federal office building in San Angelo.

In four of these five cities, the Federal Government already owns the sites and has completed design and construction plans. These sites and plans may now be sold to entrepreneurs who may begin construction of the buildings immediately.

I applaud this action, which will be of tremendous benefit to Texans.

NOMINATION OF RICHARD G. KLEINDIENST

The Senate, in executive session, continued with the consideration of the nomination of Richard G. Kleindienst to be Attorney General.

Mr. PERCY. Mr. President, I want to indicate at this time that I will vote for the confirmation of the nomination of Richard G. Kleindienst as Attorney General of the United States.

The Senate is responsible for giving its advice and consent to the appointments of Cabinet officers. In the long tradition of the past, the Senate has based its decisions on three general criteria. The nominee should be competent to perform the duties of the office; he should be a person of integrity; and in accepting the office for which he is nominated, he should be free of any conflict of interest. Within these bounds, the President should be permitted to have as Cabinet officers those persons he feels will best be able to carry out the policies of his administration.

In my judgment, the question which presents itself to the Senate in cases of Cabinet appointments is clearly distinguishable from judicial appointments. Federal judges hold their positions for life, and they conduct their official responsibilities independent of either the Presidents who nominate them or the Senate which confirms them. Cabinet officials serve at the pleasure of the President, assisting him in the implementation of his programs in the manner and style of his choosing. To the greatest extent possible, a President ought to be permitted to build a Cabinet of his own choice.

I have studied Mr. Kleindienst's record and the confirmation hearings very carefully. From the record and from my own working relationship with Mr. Kleindienst, I have concluded that he clearly meets the criteria I have mentioned.

Mr. Kleindienst's career has been a distinguished one. Having graduated magna cum laude and Phi Beta Kappa from Harvard College, he thereafter received his law degree from Harvard Law School in 1950. He was admitted to the Arizona bar that same year. In the practice of law he focused his efforts on the area of labor law. He served in the Arizona House of Representatives in 1953 and 1954, and since 1969 he has served as the Deputy Attorney General of the United States.

The issues raised during the confirmation hearings involving Mr. Kleindienst's integrity stem mainly from allegations concerning the settlement of three antitrust suits brought against the International Telephone & Telegraph Corp. After reviewing the 1,700 pages of testimony before the Judiciary Committee, I have concluded that the evidence presented was wholly insufficient to support any suggestion of impropriety. I have withheld announcing my decision until today in case any new evidence were presented that would refute the findings of the Judiciary Committee. The record still reveals no evidence to demonstrate that Mr. Kleindienst conducted himself other than properly and forthrightly.

Indeed, the Senator from Michigan (Mr. HART), who participated in every aspect of the Judiciary Committee review and who chaired many of the proceedings, in his supplemental views to the committee report, stated that in regard to the settlement of the ITT cases:

> I find no errors in judgment for which I would deny him his nomination . . . On the basis of this record, I find no basis on which to conclude that the nominee was involved in, or aware of, any effort to link the convention and the settlement.

I concur in that judgment.

Nevertheless, the confirmation hearings have raised again the larger issue of the manner and extent to which influence is exerted by powerful private interest groups on Government policy. It is an area which has received precious little scrutiny by Congress and which deserves a careful and exhaustive review. The American people should not be forced to accept anything less. However, the confirmation procedure itself is not the proper forum to debate this larger issue.

Mr. President, in all candor I should point out that I do have some important differences of opinion with Mr. Kleindienst on matters of public policy. Although I respect his opinions, we at times find ourselves on different sides of issues. But, in general, these differences are irrelevant to the question of the confirmation of the nomination of Mr. Kleindienst. They are nothing more than the differences in views which characterize a healthy democracy.

As I have indicated, I consider Mr. Kleindienst a competent public servant and man of integrity. I also find no basis to suspect that any conflict of interest exists which would interfere with the performance of his duties as Attorney General. He has proven himself worthy of the office to which he has been nominated. For these reasons, I will vote for the confirmation of his nomination as Attorney General of the United States.

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

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

REQUEST FOR UNANIMOUS-CONSENT AGREEMENT—SENATE RESOLUTION 299

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that at such time as Senate Resolution 299—a resolution to establish a select committee to study questions relating to secret and confidential Government documents—is called up and made the pending business before the Senate, there be a time limitation thereon of 2 hours, to be equally divided between and controlled by the distinguished Senator from Nebraska (Mr. HRUSKA) and the distinguished majority leader or his designee; that time on a motion to be offered, presumably by Mr. HRUSKA, but, in any event, a motion to refer the resolution to committee, be limited to 1 hour, to be equally divided between the mover of that motion and the distinguished majority leader or his designee.

I make this request, Mr. President, having cleared it with the distinguished Senator from Nebraska (Mr. HRUSKA) and with the distinguished Senator from Alabama (Mr. ALLEN) and with other Senators involved. Before the Chair propounds the request, I state that it would not be the intention of the leadership to call up this resolution this week. It would

be called up, presumably, on a day next week, after appropriate notice is given to the principal Senators who have shown interest in this measure.

The PRESIDING OFFICER. Without objection, the order is entered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 11 A.M. ON MONDAY, JUNE 12, 1972

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that, when the Senate completes its business tomorrow, it stand in adjournment until 11 a.m. on Monday next.

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

NOMINATION OF RICHARD G. KLEINDIENST

Mr. COTTON. Mr. President, throughout this long debate concerning the confirmation of the nomination of Mr. Kleindienst as Attorney General of the United States, I have not participated; and I suspect it has been assumed generally that I would be in support of the nominee and that, in a sense, it was unnecessary for me to make any public announcement on the floor in connection therewith.

However, I do wish to say that not only have I read with some care the speeches made on the floor in opposition to the confirmation of the nomination of Mr. Kleindienst, but also, I have made some examination of the record—not all the record, but parts of the record that purported to present reasons against his confirmation—and have read with care the utterances of members of the Judiciary Committee who have conducted the hearings and listened to the evidence.

I, too, like the distinguished Senator from Illinois, find no possible reason, no satisfactory reason, and no reason at all, from the viewpoint of the Senator from New Hampshire, why the nomination of Mr. Kleindienst should be objected to.

Furthermore, since early in the year 1964, or perhaps late in the year 1963, I have personally been very well acquainted with Mr. Kleindienst. I worked with him for a series of months in the State of New Hampshire in connection with the campaign of the distinguished Senator from Arizona (Mr. GOLDWATER) when he was running for the office of President of the United States. I have seen Mr. Kleindienst in action and I have counseled with him with small groups in dealing with campaign tactics, campaign strategy, and if you please, Mr. President, to a certain extent, campaign ethics. I have found him in those personal contacts to be a man of absolute integrity who lived up to his background of distinguished service as a member of the bar and to his outstanding qualifications as indicated in his college and law school career, who always advocated the open and honorable course.

From my personal knowledge of Richard Kleindienst, he is about the last man that I would suspect of any act in which he knowingly would deviate one jot from the honorable and straightforward course.

In character, in reputation, in his sense of honor, and in his ability, he is highly qualified to be the chief law enforcement officer of the United States of America. It would be my pleasure, privilege, and honor to vote against recommittal to the Committee on the Judiciary. It would seem to me, from my knowledge of the man throughout this long and drawn out procedure that there was little to justify it.

Certainly it will be my honor, and I shall vote with complete consciousness that I am doing the absolute right thing, to cast my vote for his confirmation.

Mr. KENNEDY. Mr. President, before we adjourn for this evening, I should like to highlight another matter that concerns the nominee. The Judiciary Committee gave some attention to this issue and I think it will be of interest to this membership in its consideration of how it will vote tomorrow afternoon. This concerns the conduct of the nominee in regard to the Warner Lambert case—another antitrust situation in which the nominee played a rather key role.

I think, in reviewing the set of circumstances that involved the ITT cases in particular, it will be of some use for the membership of this body to consider some of the facts that were brought out during the course of the hearings in the Judiciary Committee about how the Warner Lambert matter was resolved.

So, with the indulgence of the Senate, I should like to make some remarks and to read the particular passages from the record which I think would be of interest to the membership this afternoon.

Over the past few days there has been extensive discussion on the Senate floor concerning the nominee's actions in regard to the ITT settlement and the Harry Steward case. There has also been comment on Mr. Kleindienst's refusal to discuss his role in the Carson matter before the committee. These three items are dealt with extensively in the minority views of Senators BAYH, TUNNEY, and myself, and in the separate views of Senator TUNNEY. The Warner Lambert case, as I said, should also be brought to the attention of my colleagues before the votes on the nomination.

WARNER LAMBERT CASE

The role of Mr. Kleindienst in the Justice Department's decision to allow Warner Lambert Co. and Parke Davis & Co. to merge in the fall of 1970 was brought out in the Judiciary Committee hearings.

This case is important because, as Mr. Kleindienst told us:

> The only antitrust case where I had to act as the Attorney General were the three ITT cases and the Warner Lambert case.

We all know about the controversy surrounding the three ITT cases; well, there are some problems with the nominee's handling of the Warner Lambert situation likewise.

Let me first read Mr. Kleindienst's full explanation of his handling of this case, from pages 150–151 of the hearings:

> I was in, I believe, Phoenix, Ariz., on the weekend of November 6, 7, 8, and 9—or 7, 8, and 9, whatever the dates were. I received a call, I believe on a Friday night or a Saturday night, I don't remember which, from Mr. Mitchell, in which he asked me when I was going to return to Washington, D.C. I said that I planned to return on Monday or Sunday night, to be in the office on Monday.
>
> He asked me if I had any appointments scheduled on Monday and I said, "I don't know."
>
> He said, "Do you think you could cancel them?"
>
> I said, "I think I could; for what reason?"
>
> He said, "Well, Mr. McLaren brought up a proposed injunction to me today," on Friday—or if he called me on Saturday, he said "yesterday," but I believe it was a Friday night—"I have a conflict of interest situation in that case, and have to disqualify myself. The complaint seeks to enjoin a merger that's going to take effect on Thursday, November—well, the following Thursday—and you're going to have to determine between 1 day when you get back and sometime on Wednesday, whether or not the Department is going to file the lawsuit and seek the injunction to prevent the proposed merger of Warner-Lambert and Parke, Davis."
>
> I told him that I would call my secretary, or I think maybe I asked him to have his secretary get hold of my secretary and cancel my appointments on the following Monday.
>
> When I came back, the files had been placed on my desk in that matter and were there waiting for me on Monday.
>
> Mr. McLaren was out of the city on that Monday. I think he was up in New Haven some place, but he wasn't there. I read over the files, and, incidentally, the representatives of these two companies had requested a meeting with me to discuss this matter on Monday.
>
> I believe I met with them on Monday afternoon.
>
> I read over the prosecuting memorandum presented by the Antitrust Division and the other matters contained in the file. I then had a meeting with the attorneys and officers of Warner-Lambert and Parke, Davis. They made some very strong assertions and statements to me.
>
> I then studied the file that Monday night.
>
> On Tuesday morning—I believe it was Veteran's Day—I attended the Veteran's Day ceremony at the cemetery, and came back to my office. I believe I had a conference with Mr. McLaren on that Tuesday, but I'm not sure.
>
> In any event, I determined that an injunction should not be issued by the Department of Justice.
>
> On Wednesday noon, Mr. McLaren and I met again, in which we discussed the matter. He disagreed with that decision on my part. I stuck with my decision, in which I said that under these circumstances and at this late hour, with such short notice, with the proposed merger to be consummated the next day—and for some other reasons that I'll come to in a second, Senator—I persisted in my position.
>
> At that luncheon, however, Mr. McLaren and I did agree that the matter should be referred to the Federal Trade Commission, which has concurrent jurisdiction in civil actions of this kind, and which Mr. McLaren indicated to me was having some investigations in the ethical pharmaceutical field.
>
> I told Mr. McLaren that the reasons for my position in the Warner-Lambert case were essentially as follows:
>
> No. 1, the proposed merger did not come within the Department's own guidelines, the guidelines that they publish with respect to acquisitions did not cover this case.
>
> No. 2, in the meeting with the Parke, Davis and with Warner-Lambert officers and attorneys, a representative of Parke, Davis, whose name I don't know, indicated to me that if this merger did not come about, Parke, Davis was going to have to get out of the research business. I felt that that would have a bad effect on competition in the pharmaceutical industry.
>
> I might say that after our decision, Parke, Davis repudiated that statement publicly.

They denied they ever said that. But they did say that to me in that meeting.

Second, at that meeting, a representation was made by some representative of either Warner-Lambert or Parke, Davis that Dr. Edwards at HEW had said that this merger would not interfere with competition.

Finally, I arrived at the opinion not to file the injunction because, even after the acquisition by Warner-Lambert of this company, it would have no more than 5 percent of the market, and this was not a concentrated industry type of business. I think the largest portion of the market by any company was, as I recall, 8 or 9 percent. That might not be correct, but that's my recollection, that there were many companies in the field and it was not concentrated and there was a lot of competition.

But I think the thing that disturbed me more than anything else was, and I think this is the only situation that I ever had in a friendly way to be kind of critical of Mr. McLaren, was the fact that for one reason or another, the Antitrust Division did not get the prosecuting memorandum and the recommendation for the filing of the complaint up to Mr. Mitchell's office until Friday, the Friday before the proposed merger was to take place.

He had to disqualify himself; I was out of town. I got back, and I really had only about 2 days within which to make a very fundamental decision involving two very significant companies.

I think the thing that really tipped it in my mind is the fact that the prosecuting memorandum from the Department itself to the Attorney General—in this case, myself—said that while this case does not come within our guidelines, we think for other reasons that we ought to proceed with it.

Those are essentially the reasons why I arrived at that decision in that case.

Mr. Kleindienst had told us that he "never tried to substantiate a recommendation of opinion of Judge McLaren"; that McLaren "ran the Antitrust Division and I was not going to interfere with his operaton." Yet in the Warner Lambert case he not only overrode McLaren's recommendation and opinion—he did it on the basis of unsubstantiated assertions by counsel to the parties involved. And who was that counsel? The Warner Lambert Co. was represented by none other than the law firm of Mudge, Rose, Guthrie—formerly the law firm of the President and the Attorney General.

I am not going to go into a detailed refutation of the reasons given by Mr. Kleindienst in his referring the Warner Lambert matter to the Federal Trade Commission rather than approving a Justice Department lawsuit to block or undo the merger. In his testimony that I just read the nominee submitted that one of his three reasons—what he was told by a Parke, Davis representative—was totally false and was later repudiated by the company itself. The other two reasons, suffice it to say, were equally weak.

Since Mr. Kleindienst had gone into such detail on his conversation with the Attorney General on the Warner Lambert case, we asked Mr. Mitchell for his recollection. I quoted from the nominee's statement and continued the questioning. I will read here from the transcript:

Senator KENNEDY. Can you tell us why this matter would come to your desk at all or how you were able to become so familiar with that case if you had disqualified yourself?

Mr. MITCHELL. Senator, I have no recollection at all.

He was referring to the telephone call to Mr. Kleindienst here.

Continuing to read from the transcript:

. . . I am certain if the telephone call took place that it wasn't with respect to the details involved. The time elements might have been furnished to me by somebody like my executive assistant. I have no recollection, no reason why I should.

Question. You don't remember talking to Mr. Kleindienst about this case in the kind of detail that Mr. Kleindienst——

Mr. MITCHELL. Quite to the contrary. I don't know much about the case and still don't. It is quite conceivable that based on the information that my executive assistant would give me that I would call Mr. Kleindienst and ask him to come back for that purpose but I have no recollection of it. What year was it, Senator?

Question. 1970.

Mr. MITCHELL. I am sure I talked to Mr. Kleindienst many, many times about many, many things and I certainly wouldn't remember the details of a conversation like that.

Question. You wouldn't have this kind of information, obviously——

Mr. MITCHELL. No, sir.

So with Mr. Mitchell's testimony appearing to be in direct contradiction with that of Mr. Kleindienst, we are left again with an unresolved conflict surrounding the nominee's handling of the one other antitrust case for which he was responsible outside of the ITT cases.

In fact the case was referred by Justice to the Federal Trade Commission—a move admitted by all concerned to be completely unprecedented. The FTC has brought a lengthy complaint to undo the merger, but unfortunately Commission procedures are such that it will take years before any resolution can be reached—quite a different situation than if Justice had sued directly before the merger was consummated.

Why would Mr. Kleindienst want the Warner Lambert merger to go through? Did his boss' old law firm have that much influence? Or was it because the honorary chairman of Warner Lambert, Mr. Elmer Bobst, also happened to be a good and close personal friend of the President of the United States? To see what Mr. Bobst said about the situation, we can turn to the National Journal of January 22, 1972. In an article entitled "President's Inner Circle of Friends Serves as Influential 'Kitchen Cabinet,'" the National Journal reported:

The closeness of Bobst and the White House prompted speculation early in the Administration that favoritism may have been involved when the Justice Department ruled against invoking antitrust proceedings against Warner-Lambert in its takeover of the Parke, Davis & Co. pharmaceutical firm.

McLaren overruled—Richard W. McLaren, head of the department's Antitrust Division, favored taking action but was overruled by Deputy Attorney General Richard G. Kleindienst. Attorney General Mitchell excused himself from the case because of his former association with the Mudge, Rose law firm, which was representing Warner-Lambert.

At the direction of Kleindienst, the issue was turned over to the Federal Trade Commission.

"I never opened my mouth to the President about the case," Bobst said. "I did talk to other people in the White House about it, though."

So there are four major antitrust cases in which Mr. Kleindienst had some participation or involvement by his own admission. In the three ITT cases we saw a strong effort on the part of Mr. McLaren, who was charged with antitrust responsibility and who was driving for 2½ years to have that antitrust policy—as expressed by the ITT cases approved by the Supreme Court—abruptly halted and a settlement favorable to ITT reached. And in the course of those hearings we found that, quite the contrary to what Mr. Kleindienst wrote Chairman O'Brien, that he, in fact, handled and negotiated the settlement of these cases.

We found during the course of our hearings that he was very much involved in a very intimate way with the case.

When we examined the other case in which he was involved, the Warner Lambert case, we found once again the recommendation made by Mr. McLaren was turned around and the unprecedented move taken of turning that case back to the Federal Trade Commission contrary to the recommendations of Mr. McLaren. And we have one of the principal figures in that case, the Warner Lambert case, Mr. Bobst, indicating that he did go to the White House and did talk to White House aides about it. This is a legitimate concern for the Members of the Senate.

So the White House, according to Bobst, was involved in this one also. Who in the White House was involved?

A Washington Post article published on January 29, 1972, written by Morton Mintz, entitled "Nixon Friend Reveals Talks on Drug Firms," based on the National Journal reporter's 5-hour interview with Mr. Bobst, discussed the National Journal piece and continued:

The article did not amplify Bobst's knowledge of the "merits" of the acquisition, in which Mudge, Rose represented Warner-Lambert. The Federal Trade Commission, to which Kleindienst agreed to refer the merger after the Justice Department abandoned it, now is seeking to dissolve the merger.

Sometime after that, Bobst said during a five-hour interview, White House aide Peter M. Flanigan "received and interviewed" FTC Chairman Miles W. Kirkpatrick and Republican members of the regulatory agency.

The purpose was to discuss the Warner-Lambert case."

So again the name of our friend Mr. Flanigan appears in conjunction with alleged impropriety in the handling of an antitrust case for which the nominee was responsible. This is certainly an area which the Judiciary Committee should have the opportunity to question Mr. Flanigan about before we close the books on this nomination. Yet we did not have that opportunity when Mr. Flanigan appeared before the Judiciary Committee.

Reviewing the facts and cast of characters for a moment in the Warner Lambert case, we find—

First. Judge McLaren strongly recommending an antitrust action against a company that he believes to be clearly violating Federal law by merging with another company.

Second. Attorney General Mitchell excusing himself because his law firm represents the prospective defendant.

Third. Mr. Kleindienst taking over responsibility of the case.

Fourth. A chief executive officer of the company and close friend of the President making contact with the White House.

Fifth. Mr. Peter Flanigan named as going to bat in behalf of the company.

Sixth. The Justice Department deciding not to file suit against the company.

Mr. President, admittedly all of the facts surrounding this matter are not known yet. But the appearance of impropriety runs high, and taken along with the ITT cases the pattern seems unmistakable, adding one more cloud over the nominee's head.

EXECUTIVE PRIVILEGE

There is one other area I might review very briefly. I mentioned it the other day in my comments on the floor. That concerns the abuse by the administration of the executive privilege with respect to the Judiciary Committee's requests for information.

Executive privilege is the only basis for refusing to cooperate with congressional committees. President Nixon himself has said so. Mr. President, I would like to read the President's directive to all the departments and agencies on March 24, 1969.

It reads as follows:

THE WHITE HOUSE,
Washington, March 24, 1969.

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

Subject: Establishing a procedure to govern compliance with Congressional demands for information.

The policy of this Administration is to comply to the fullest extent possible with Congressional requests for information. While the Executive branch has the responsibility of withholding certain information the disclosure of which would be incompatible with the public interest, this Administration will invoke this authority only in the most compelling circumstances and after a rigorous inquiry into the actual need for its exercise. For those reasons Executive privilege will not be used without specific Presidential approval. The following procedural steps will govern the invocations of Executive privilege:

1. If the head of an Executive department or agency (hereafter referred to as "department head") believes that compliance with a request for information from a Congressional agency addressed to his department or agency raises a substantial question as to the need for invoking Executive privilege, he should consult the Attorney General through the Office of Legal Counsel of the Department of Justice.

2. If the department head and the Attorney General agree, in accordance with the policy set forth above, that Executive privilege shall not be invoked in the circumstances, the information shall be released to the inquiring Congressional agency.

3. If the department head and the Attorney General agree that the circumstances justify the invocation of Executive privilege, or if either of them believes that the issue should be submitted to the President, the matter shall be transmitted to the Counsel to the President, who will advise the department head of the President's decision.

4. In the event of a Presidential decision to invoke Executive privilege, the department head should advise the Congressional agency that the claim of Executive privilege is being made with the specific approval of the President.

5. Pending a final determination of the matter, the department head should request the Congressional agency to hold its demand for the information in abeyance until such determination can be made. Care shall be taken to indicate that the purpose of this request is to protect the privilege pending the determination, and that the request does not constitute a claim of privilege.

RICHARD NIXON.

That is what the President's memorandum says—

Executive privilege will not be used without specific Presidential approval.

As a matter of fact, when William Rehnquist was the Attorney General's official lawyer—he was in charge of the Office of Legal Counsel in the Justice Department—he specifically acknowledged that executive privilege was the only basis for refusing congressional requests for information under the terms of President Nixon's directive that I just read.

Here is what Mr. Rehnquist said when he testified before Senator ERVIN's Subcommittee on the Separation of Powers last August. The testimony appears on pages 440 and 441 of Senator ERVIN's hearings.

Senator ERVIN. I think Counsel has some questions.

Mr. EDMISTEN. Mr. Rehnquist, I am sure that you are very familiar with the President's memorandum issued to the executive departments and agencies, in which he specifically states that executive privilege will be invoked only in the most compelling circumstances and only personally by him. That memorandum does not give to any agency any authority whatsoever to devise its own means of refusing information, does it?

Mr. REHNQUIST. You mean short of a presidential——

Mr. EDMISTEN. Yes.

Mr. REHNQUIST. No. Let me add, Mr. Edmisten, that requests for information are never or virtually never addressed to the President himself. I think the President expects the responsible heads of the agencies to whom such requests are addressed to make some sort of a tentative determination as to whether some of the information requested might warrant a claim of executive privilege. And during the course of discussions or negotiations between congressional staff members and agency staff members, certainly it is not inappropriate. I think, for the executive people to say if you insist on that, then we will have to go through the procedure for presenting a claim for executive privilege to the President. But that is not the same thing as claiming the privilege.

Mr. EDMISTEN. But under the plain wording of this memorandum, there is no authority for any executive agency or department to refuse outright to give Congress information?

Mr. REHNQUIST. No.

Mr. EDMISTEN. No agency or department is authorized to say no, you shall not have it?

Mr. REHNQUIST. No.

And yet during the recent Judiciary Committee hearings—despite President Nixon's directive, and despite the interpretation that had been placed upon that directive by the Attorney General's lawyer—here is one of our exchanges with the nominee on the subject, which appears on pages 3005–3006.

Q. Well, the reports Justice sent to the White House on antitrust policy; we understand there was at least one. Why wouldn't that be made available?

Mr. KLEINDIENST. It might be on the same basis, Senator.

Q. Well, can we get the basis once more just so we have got that in the record and so we can tell the members of the Senate what the basis is?

Mr. KLEINDIENST. As of right now, Senator Kennedy, it is my refusal.

Q. Just your refusal based on what?

Mr. KLEINDIENST. As the Acting Attorney General of the United States.

Q. Based on what?

Mr. KLEINDIENST. On my opinion it is not a proper document to give to this committee.

So there it is. That is the basis upon which a committee of the Congress was, time and time again, denied extremely relevant and pertinent information.

The nominee's own personal opinion that the committee should not have it.

No executive privilege claimed, no compliance with the President's order, complete rejection of the Rhenquist position—the same William Rhenquist in whom this administration had so much confidence that they put him on the Supreme Court of the United States. Instead, we had just the nominee's own personal opinion that we should not have the information; just the personal opinion of the one person who should have believed he had more to gain by extending his Department's full cooperation to the committee.

That is the kind of theory that was employed to refuse us so much important information: the ITT settlement file, the information about the interagency committee, the factual basis for "clearing" U.S. Attorney Harry Steward of any "wrongdoing," and all the other items that are listed on pages 118 and 119 of our report.

Mr. President, this is just one more subject I thought was important to bring to the attention of the Senate.

I yield the floor.

Mr. BAYH. Mr. President, as accurately pointed out on Monday by the distinguished minority leader, on March 27, when Mr. Kleindienst appeared before the Judiciary Committee on the last day of the hearings into his qualification and fitness to be Attorney General of the United States, I raised the matter of Mr. Kleindienst's conduct in the case of Robert Carson. Mr. Carson, a former administrative assistant to one of our colleagues, had—according to sworn statements of Mr. Kleindienst's—offered to procure a $50,000 to $100,000 contribution to President Nixon's reelection campaign if Mr. Kleindienst would fix a criminal case for a friend of Mr. Carson's. Mr. Kleindienst stated under oath that he did not think that was a bribe offer, and that he did not report the offer until after he found out—1 week after the offer was made—that Mr. Carson was under FBI investigation, including an imminent electronic surveillance. Only then—1 week later—did Mr. Kleindienst report the offer to Attorney General Mitchell—and only after he learned of the FBI investigation of Mr. Carson did he regard Mr. Carson's offer of a week earlier as having been a bribe offer.

The distinguished minority leader did not seek to defend or explain Mr. Kleindienst's curious conduct in that case. In-

stead he chose to question why it was that the Carson matter had not been brought up at some earlier time. He said, in his remarks on Monday:

During the last hour of the last day of 24 days of hearings on this nomination, one member of the Judiciary Committee introduced an entirely new issue which had been utterly ignored by him and the other opponents since the President nominated Mr. Kleindienst on February 15. The new issue involved the Carson case, which is now on appeal and at the trial of which Mr. Kleindienst appeared as a witness.

Mr. Kleindienst's opponents insist that the nominee is not fit to be Attorney General on the basis of facts in the Carson case they were all aware of long before the nomination was submitted to the Senate. Incredible as it may seem, the same Senators voted on February 24 to report Mr. Kleindienst's nomination favorably, even though they knew on the last day of hearings when the issue first came up. I say this is incredible. The same Senators who refused to bring up the issue during the hearings before the first committee vote on February 24 and who voted to report the nominee, now rise on this floor in apparent outrage and indignation. We hear expressions such as "obviously improper" "clearly recognizable," and "easily recognizable." If it is so obivous, why did we wait so long to hear about it? If it is disqualifying now, why was it not disqualifying on February 24? I suggest that the attempt to provide answers to those questions by the Senator who first raised the Carson issue are entirely unsatisfactory.

In my remarks last Friday, I said that it would probably make more sense if Senators spent more time discussing the issues and less time speculating and making allegations about other Senators' motives. But such apparently is not to be the case with regard to the Carson case and the distinguished minority leader. Apparently it is more relevant to the nomination of Mr. Kleindienst—according to the distinguished minority leader—that the Senate find out why certain questions were asked when they were asked, than it is to find out the answers to those questions. Frankly, I do not think that is the issue at all.

But since the issue was raised, let me reply briefly to his inquiry. It is quite clear that Mr. Kleindienst's conduct in the Carson case raises the most serious questions regarding his fitness and qualification to be Attorney General of the United States. These questions were as serious in February as they are now in June. But, as I stated, rather clearly, last Friday:

I was reluctant to get involved in pursuing this matter, because the man who was convicted of perjury and offering of the bribes had previously been the employee of one of our colleagues. I do not think anyone can for a moment suggest that this colleague, who shall remain unnamed here, knew anything about his actions or was implicated in any way, shape, or form. But because of this past relationship, the Senator from Indiana has been reluctant throughout the hearings to get involved in the matter.

I thought about it, and was persuaded not to pursue it.

I felt, at the time of the original hearings back in February, that Mr. Kleindienst was entitled to the benefit of the doubt—no other allegations of wrongdoing having been made by anyone, or any allegations of poor judgment.

However, Mr. Kleindienst then requested a new set of hearings into his nomination, in order to reply to charges of misconduct and questionable judgment.

That he did so is to his credit, for he did not wish to assume the extremely important office of Attorney General with a cloud of suspicion hovering over his appointment to that position.

As those hearings went on, however, it became clear to me that rather than dispell that cloud, the evidence being brought out was only making it more threatening. And troublesome questions about Mr. Kleindienst's judgment were being raised. Not only were these questions being raised—and not satisfactorily answered—with regard to the ITT and Warner Lambert antitrust cases, but these questions of judgment became especially acute in the case of Harry Steward, where Mr. Kleindienst issued a press release clearing Steward of all misconduct despite the fact that the Justice Department investigators who had looked into Mr. Steward's alleged misconduct had found that he had acted in a "highly improper" manner in quashing a subpena on behalf of his leading political benefactor and sponsor.

At this point I felt that the Carson matter was of special relevance, and had to be raised, even though there might be some possible embarrassment to one of our colleagues—who had no part in Mr. Carson's scheme, and certainly was not implicated in any way in his activities. Since Mr. Kleindienst—who was, after all, the only man who could explain his conduct in that case—did not appear again until the final day of the hearings, that final day was the only opportunity that remained to raise the issue, once the clear necessity of raising the issue had been established by the developments in the previous weeks of hearings.

Perhaps the distinguished minority leader is right—perhaps the matter should have been brought up at an earlier time, for as the distinguished minority leader accurately pointed out, Mr. Kleindienst's conduct was equally disqualifying in February as it is now. But that is surely not the issue. Are we really to be stopped from raising crucial issues in March because we did not first raise them in February? It would seem that arguments like this are made because it is apparent that there is no decent explanation for Mr. Kleindienst's conduct in the Carson case, and rather than just accept that, this gratuitous argument is raised to get around that embarrassing truth. Mr. Kleindienst did not have an explanation, so he concocted a specious legal excuse to cover up his refusal to answer questions about the matter. And the distinguished minority leader apparently can come up with no decent explanation either, so instead he has chosen to throw up a smokescreen of frivolous argument.

I would also point out, for the record, that all three Senators who joined in debate on this subject last Friday agreed that the offer that Mr. Kleindienst did not recognize and did not report as a bribe offer was easily recognized as such a bribe offer. And two of those Senators were supporters of Mr. Kleindienst. So this is not some trumped up issue raised at the last minute—it is an extremely serious question of the man's judgment.

I would also like to reply briefly to a point raised in debate last Friday by my good friend, the Senator from Nebraska, who has been so ably defending the nominee for the last few days. This is in regard to Mr. Kleindienst's refusal to answer any questions at all about the Carson case. Mr. Kleindienst made the argument that: he would not answer any questions about the matter because—

I was a witness in that case. I testified in open court in the Federal District Court for the Southern District of New York. My testimony in that matter is a matter of open record. That case is on appeal and I believe that either as a lawyer or as an officer of the Department of Justice that it would be improper for me to comment in any way upon any aspect of that case because by doing so I might risk prejudicing the rights of the defendant in that case, either on appeal or in a retrial of the matter, if one comes about, or to prejudice the rights of the U.S. Government which was the plaintiff in that case.

Last Friday, instead of quibbling about when the matter was first raised, Senator HRUSKA and I engaged in lengthy and thorough debate on this matter of Mr. Kleindienst's conduct in the Carson case and his refusal to answer questions about the matter. The Senator from Nebraska cited, in support of Mr. Kleindienst's refusal to answer questions about the matter, certain American Bar Association disciplinary rules regarding extrajudicial statements by attorneys. Now it is quite clear upon examination of those rules that they simply do not cover the case, and even if they did, the rules themselves contain an exception which would, in fact, specifically allow Mr. Kleindienst to answer the questions which I would have liked to put to him. The rules cited by Senator HRUSKA are as follows:

DISCIPLINARY RULE 7-107

(B) A lawyer or law firm associated with the prosecution or defense of a criminal matter shall not, from the time of the filing of a complaint, information, or indictment, the issuance of an arrest warrant, or arrest until the commencement of the trial or disposition without trial, make or participate in making an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication and that related to:

(1) the character, reputation, or prior criminal record of the accused.

* * * * *

(6) any opinion as to the guilt or innocence of the accused, the evidence or the merits of the case.

(D) During the selection of a jury or the trial of a criminal matter, a lawyer or law firm associated with the prosecution or defense of a criminal matter shall not make or participate in making any extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication and that relates to the trial, parties, or issues in the trial or other matters that are reasonably likely to interfere with a fair trial, except that he may quote from or refer without comment to public records of the court in the case.

(E) After the completion of a trial or disposition without a trial of a criminal matter and prior to the imposition of sentence a lawyer or law firm associated with the prosecution or defense shall not make or participate in making an extrajudicial statement

that a reasonable person would expect to be disseminated by public communication and that is reasonably likely to affect the imposition of sentence.

(I) The foregoing provisions of DR 7-107 do not preclude a lawyer from replying to charges or misconduct publicly made against him or from participating in the proceedings of legislature, administrative, or other investigative bodies.

It should be immediately apparent that these rules do not excuse Mr. Kleindienst from testifying about the Carson case at all. Section E comes the closest to being at all relevant. But it states—and I do not think one has to be a strict constructionist to agree to its limited applicability—that post trial statements about a case are improper where such statements would be "reasonably likely to affect the imposition of sentence."

Now how can that apply to the Carson case? Carson has already been sentenced, and his appeal argued. So the section is absolutely not on point.

But even if it were—for the sake of argument—at all relevant, section I of the rule expressly creates an exception for just such a situation such as the one in which Mr. Kleindienst found himself before the Judiciary Committee on March 27, when he was asked about his conduct with respect to the Carson case. Section I states that the rule does "not preclude a lawyer from replying to charges of misconduct publicly made against him or from participating in the proceedings of legislative, administrative, or other investigative bodies."

Mr. Kleindienst was both appearing before an investigative, legislative body, and replying to publicly made charges of misconduct. What situation could be more on point?

So why did he refuse to answer the questions? He had no good legal reason. I have to suggest again, as I did on last Friday, that Mr. Kleindienst's meager excuse was just a crutch used to try to explain away an embarrassing situation for which there was no decent explanation. This man, who would be Attorney General of the United States, with vast power and influence over all the citizens of this Nation, refuses to answer questions going directly to his fitness for that responsibility, and the Senate of the United States is called upon to stamp its approval in his unjustifiable refusal to tell us just why he behaved the way he did in this crucial matter. Such advise and consent would be neither good advice, nor informed consent.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that tomorrow, after the two leaders have been recognized under the standing order there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes—all of which will be as in legislative session—at the conclusion of which the Senate resume its consideration, in executive session, of the nomination of Mr. Richard G. Kleindienst for the office of Attorney General of the United States.

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

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY AND FOR CONSIDERATION OF AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that on Monday next, following recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes with statements limited therein to 3 minutes, at the conclusion of which the Chair lay before the Senate S. 3390, a bill to amend the Foreign Assistance Act of 1961, and for other purposes.

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

ORDER FOR BILL TO AMEND THE FOREIGN ASSISTANCE ACT OF 1961 (S. 3390) TO BE LAID BEFORE THE SENATE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the close of business tomorrow the Chair lay before the Senate, to be the pending business, S. 3390, a bill to amend the Foreign Assistance Act of 1961, and for other purposes.

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

UNANIMOUS-CONSENT AGREEMENT—SENATE RESOLUTION 299

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, with respect to Senate Resolution 299—concerning which an agreement already has been entered into—time on any amendment to that resolution, debatable motion or appeal be limited to 30 minutes, the time to be equally divided and controlled by the mover of such and the author of the bill, the Senator from New York (Mr. JAVITS), except in an instance in which the author of the bill (Mr. JAVITS) might support such amendment, debatable motion, or appeal, in which case the time in opposition thereto be under control of the distinguished Republican leader or his designee.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PROGRAM

Mr. SCOTT. Mr. President, I rise to ask the distinguished assistant majority leader, what the program is for the rest of the week and the first part of next week. I know there are a number of votes being planned, and I would like Senators to be on notice.

The PRESIDING OFFICER. The Senate will be in order, so that the Senators can be heard.

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene tomorrow at 10 a.m. After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, all of which will be as in legislative session.

Following morning business, there will be a resumption of the consideration of the nomination of Mr. Kleindienst, and beginning no later than 1 p.m., time for the debate thereon will be controlled. A rollcall vote will occur at 4 p.m. on the motion to refer the nomination back to commitee, and, if that motion fails, immediately thereafter there will be a rollcall vote on the confirmation of the nomination of Mr. Kleindienst.

Immediately following that rollcall vote, there will be a rollcall vote on the nomination of Mr. Shultz for the office of Secretary of the Treasury. Immediately after that rollcall vote, there will be debate, under a 1-hour limitation, on a bill on the calendar, S. 722, and there will be a vote on passage of that bill. The able junior Senator from Wisconsin (Mr. NELSON) will be in charge of the time on this side of the aisle, and he has indicated that there will be a rollcall vote.

Mr. SCOTT. It is a resolution; is it not?

Mr. ROBERT C. BYRD. It is S. 722, a bill to declare that certain federally owned land be held by the United States in trust.

Mr. SCOTT. All right.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. In addition to the rollcall votes that I have enumerated, it is quite possible that, if it is agreeable to all sides, during the day between the hours of 10:30 a.m. and 1 p.m., other measures on which a time limitation agreement has been entered into could be called up and could, of course, necessitate rollcall votes. But barring that, the first rollcall vote would occur at 4 p.m. tomorrow.

In further answer to the query by the distinguished Republican leader, the state of the calendar will be such that there will be no session on Friday. It is hoped on the part of the leadership that committees will take advantage of the opportunity to conduct uninterrupted sessions, so that "must" legislation can be prepared for future floor action.

On Monday following routine morning business, the Senate will take up the bill to amend the Foreign Assistance Act of 1961, S. 3390, and at the hour of 2:30 p.m. on Monday, there will begin a procession of rollcall votes back-to-back on three treaties, Calendar Order Nos. 20, 21, and 22 on the Executive Calendar. Following those three rollcall votes on Monday, the Senate will resume its consideration of the Foreign Assistance Act. On Tuesday afternoon, beginning at 3 o'clock, there will be three rollcall votes, back-to-back, beginning with Calendar Order No. 23 on the Executive Calendar,

and including Calendar Order Nos. 24 and 25. There may be other rollcall votes on Tuesday.

One further thing, Mr. President. It is the intention of the leadership next week, possibly beginning with Tuesday, to operate on a two-track system if necessary and where possible, with the Foreign Assistance Act being the main track. There is also a possibility of Saturday sessions from next week onward.

Mr. SCOTT. Mr. President, one further question. Following the rollcall vote on the confirmation of Mr. Shultz as Secretary of the Treasury, there appear also on the Executive Calendar nominations for Deputy Secretary of the Treasury, Under Secretary of the Treasury, Assistant Secretary of the Treasury, and an Assistant General Counsel in the Treasury Department who is to be Chief Counsel for the Internal Revenue Service. I would assume it is the intention to take those up also, following the vote on the Secretary of the Treasury. I know of no delay that has been requested on any of those nominations.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Republican leader is correct; they will be taken up. I do not anticipate rollcall votes thereon.

The distinguished majority leader has just reminded me that we had indicated there would be a rollcall vote on the Shultz nomination. I, therefore, ask unanimous consent that it be in order at this time to order the yeas and nays on that nomination.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thereupon ask for the yeas and nays on the nomination.

The yeas and nays were ordered.

Mr. SCOTT. Have the yeas and nays been requested on the motion to recommit the Kleindienst nomination and, if that should fail, the vote to confirm the nomination?

Mr. ROBERT C. BYRD. That is my understanding. I ask the Chair for confirmation.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I now ask for the yeas and nays on S. 722, and on Executive Calendar Nos. 22, 23, 24, and 25.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. I thank the distinguished Republican leader.

Mr. SCOTT. I thank the distinguished assistant majority leader, and I yield back my time.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 4:27 p.m., the Senate adjourned in executive session until tomorrow, Thursday, June 8, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 7, 1972:

In the Air Force

The following-named officer under the provisions of Title 10, United States Code, Section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of Section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Louis T. Seith [redacted] FR (major general, Regular Air Force) U.S. Air Force.

In the Army

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Leo Edward Benade, [redacted], Army of the United States (brigadier general, U.S. Army).

The following-named officers for temporary appointment in the Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be brigadier general

Col. James Madison Lee, [redacted], Army of the United States (major, U.S. Army).

Col. John Winn McEnery, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Jack Richardson Sadler, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Thomas Upton Greer, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Eivind Herbert Johansen, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Benedeck Starker, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Joseph Malley, [redacted], United States Army.

Col. Lee Eli Surut, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col Richard Joseph Tallman, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John Albert Mauer, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Harold Dean Yow, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Morris Joseph Brady, [redacted], Army of the United States (major, U.S. Army).

Col. Julius Wesley Becton, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Macon Mullens, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Harry Williams Brooks, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Calvert Potter Benedict, [redacted], U.S. Army.

Col. George Macon Shuffer, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard John Eaton, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. George Linus McFadden, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Gerd Susman Grombacher, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward Greer, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Raphael Dean Tice, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Arthur James Gregg, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. William Lyman Lemnitzer, [redacted] Army of the United States (major, U.S. Army).

Col. John Franklin Forrest, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Lewis Fant III, [redacted], Army of the United States (major, U.S. Army).

Col. Ennis Clement Whitehead, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. William White Palmer, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. James Harry Johnson, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Donald Stevenson, [redacted], Army of the United States (major, U.S. Army).

Col. Hugh French Thomason Hoffman, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Arthur Santo Moura II, [redacted], United States Army Reserve.

Col. John Carter Faith, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Charles Kingston, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. James Lafiin Kelly, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert George Yerks, [redacted], Army of the United States (major, U.S. Army).

Col. Wilfrid King Grover Smith, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Jerry Bennett Lauer, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Otis Clyde Lynn, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. George Dewey Eggers, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Donald Raymond Keith, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Jack Vincent Mackmull, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Kenneth Eugene Dohleman, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Frank Payne Clarke, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Greenleaf Trefry, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles Franklin Means, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Orvil Cranfill Metheny, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward Hirsch, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Arnold Cheney, [redacted],

Army of the United States (lieutenant colonel, U.S. Army).

Col. William James Kennedy, xxx-xx-xxxx xxx-..., Army of the United States (lieutenant colonel U.S. Army).

Col. Willard Latham, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Ashbrook Patch, xxx-xx-xxxx xxx-..., Army of the United States (lieutenant colonel, U.S. Army).

Col. Tom Judson Perkins, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Edgar Read, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Gordon Beckner, xxx-xx-xxxx, United States Army.

Col. Lloyd Joseph Faul, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Griffin Jones, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Edward Fix III, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Wesley Currier, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Earl Turnmeyer, xxx-xx-xxxx, U.S. Army.

Col. Paul Traylor Smith, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Jacob Koehler, Jr., xxx-xx-xxxx, Army of the United States (lieutenant colonel U.S. Army).

IN THE NAVY

The following-named Reserve Officers of the U.S. Navy for permanent promotion to the grade of rear admiral:

LINE

Paul C. Huelsenbeck — Chester C. Hosmer
Ira D. Putnam — Samuel W. Van Court

MEDICAL CORPS

Scott Whitehouse

SUPPLY CORPS

Owen C. Pearce

CIVIL ENGINEER CORPS

John H. McAuliffe, Jr.

IN THE MARINE CORPS

Lt. Gen. William G. Thrash, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general in accordance with the provisions of title 10, U.S. Code, section 5233.

In accordance with the provisions of title 10, U.S. Code, section 5232, Maj. Gen. Robert P. Keller, U.S. Marine Corps, having been designated for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

IN THE AIR FORCE

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be colonel (medical)

Schmidt, Clayton H., xxx-xx-xxxx.

To be captain (medical)

Peacock, George H., xxx-xx-xxxx.

To be captain (dental)

Daehlin, Douglas R., xxx-xx-xxxx.
Dettmann, Darryl D., xxx-xx-xxxx.

The following Air Force officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenant

Aitken, Gordon J., xxx-xx-xxxx
Akins, Jerry G., xxx-xx-xxxx
Alford, Robert T., xxx-xx-xxxx
Allen, Guy V., Jr., xxx-xx-xxxx
Anderson, Perry L., xxx-xx-xxxx
Anderson, Philip J., xxx-xx-xxxx
Auffert, Edward L., xxx-xx-xxxx
Barbi, Kenneth W., xxx-xx-xxxx
Barnes, Larry A., xxx-xx-xxxx
Barr, Roger B., xxx-xx-xxxx
Baumgart, John R., xxx-xx-xxxx
Baynes, Larry A., xxx-xx-xxxx
Beach, Allen B., xxx-xx-xxxx
Beck, Carolyn R. T., xxx-xx-xxxx
Beck, William R., xxx-xx-xxxx
Berkshire, Walker E., Jr., xxx-xx-xxxx
Birmingham, Donald D., xxx-xx-xxxx
Bishop, Robert G., III, xxx-xx-xxxx
Bittner, Robert J., xxx-xx-xxxx
Boland, Thomas J., xxx-xx-xxxx
Bonebrake, Galen D., xxx-xx-xxxx
Bonne, Kenneth A., xxx-xx-xxxx
Bornstein, Robert M., xxx-xx-xxxx
Bourne, Carol D., xxx-xx-xxxx
Boyd, David J., xxx-xx-xxxx
Boyle, Allan E., xxx-xx-xxxx
Bretschneider, Roland W. P., xxx-xx-xxxx
Brown, Robert P., xxx-xx-xxxx
Brown, Thomas J., xxx-xx-xxxx
Burk, Larry L., xxx-xx-xxxx
Burns, Ralph S., xxx-xx-xxxx
Butkovich, Albert N., xxx-xx-xxxx
Callaway, Michael R., xxx-xx-xxxx
Capparossa, Benjamin, xxx-xx-xxxx
Carpenter, Margaret J., xxx-xx-xxxx
Carter, Percy M., xxx-xx-xxxx
Castello, Dale A., xxx-xx-xxxx
Castine, Michael L., xxx-xx-xxxx
Castle, Ronald C., xxx-xx-xxxx
Christiansen, Lynn A., xxx-xx-xxxx
Clay, Sherwood A., xxx-xx-xxxx
Cleveland, Grover, Jr., xxx-xx-xxxx
Cleyrat, Daniel A., xxx-xx-xxxx
Coburn, Dick E., xxx-xx-xxxx
Cochoy, Robert E., xxx-xx-xxxx
Cochran, Robert W., xxx-xx-xxxx
Cogswell, Brent E., xxx-xx-xxxx
Coleman, John W., xxx-xx-xxxx
Cork, Thomas R., xxx-xx-xxxx
Corwin, Arthur J., xxx-xx-xxxx
Cowan, Jay G., xxx-xx-xxxx
Craig, Robert G., xxx-xx-xxxx
Craig, William B., xxx-xx-xxxx
Csuy, Trennace G., xxx-xx-xxxx
Cundiff, Robert D., Jr., xxx-xx-xxxx
Curtis, William C., xxx-xx-xxxx
Davis, Francis J., Jr., xxx-xx-xxxx
DeCarlo, Juan J., xxx-xx-xxxx
DeLagarza, Carlos A., xxx-xx-xxxx
Devine, Jon P., xxx-xx-xxxx
Dietzel, Ronald K., xxx-xx-xxxx
Dionne, Ronald R., xxx-xx-xxxx
Dodge, Frederick J., xxx-xx-xxxx
Doyle, Thomas A., xxx-xx-xxxx
Duelfer, Rudolph F., III, xxx-xx-xxxx
Duncan, John C., Jr., xxx-xx-xxxx
Dunn, Robert W., xxx-xx-xxxx
Durant, Earl, xxx-xx-xxxx
Durham, Richard, xxx-xx-xxxx
Dye, Scott M., xxx-xx-xxxx
Eagan, Dennis F., xxx-xx-xxxx
Eager, Richard A., xxx-xx-xxxx
Eberts, Randy D., xxx-xx-xxxx
Edenfield, John N., Jr., xxx-xx-xxxx
Edge, James F., xxx-xx-xxxx
Egelston, Thomas G., xxx-xx-xxxx
Ellis, Richard R., xxx-xx-xxxx
Erwin, James S., xxx-xx-xxxx
Fergus, John H., Jr., xxx-xx-xxxx
Fernandez, Juan D., xxx-xx-xxxx
Fiene, Bruce, xxx-xx-xxxx
Fisher, John C., xxx-xx-xxxx
Fjeld, Gary J., xxx-xx-xxxx
Fletcher, George J., Jr., xxx-xx-xxxx
Forbes, Robert E., xxx-xx-xxxx
Foss, Thomas P., xxx-xx-xxxx
Fowler, James D., xxx-xx-xxxx
Fox, Daniel B., xxx-xx-xxxx
Fravel, Ralph P., xxx-xx-xxxx
Freiburger, Robert J., xxx-xx-xxxx
Fries, Robert G., xxx-xx-xxxx
Galanos, Chris S., xxx-xx-xxxx
Garbin, David A., xxx-xx-xxxx
Geith, James W., xxx-xx-xxxx
George, William M., xxx-xx-xxxx
Giedras, Peter W., xxx-xx-xxxx
Gilbert, John A., xxx-xx-xxxx
Glover, William L., xxx-xx-xxxx
Goeller, Craig J., xxx-xx-xxxx
Gookins, Carl E., xxx-xx-xxxx
Griffin, Merrill D., xxx-xx-xxxx
Grzymajlo, Richard J., xxx-xx-xxxx
Guirreri, Joseph A., xxx-xx-xxxx
Hackleman, Ferris J., xxx-xx-xxxx
Hadley, Tee R., III, xxx-xx-xxxx
Haines, Dennis G., xxx-xx-xxxx
Hales, William D., Jr., xxx-xx-xxxx
Hall, Charles F., xxx-xx-xxxx
Hammond, Glenn B., xxx-xx-xxxx
Hanlon, Robert C., xxx-xx-xxxx
Hannigan, Joseph C., Jr., xxx-xx-xxxx
Hansen, Wayne N., xxx-xx-xxxx
Harrelson, Rick, xxx-xx-xxxx
Harsha, Truman, III, xxx-xx-xxxx
Hart, Carl D., Jr., xxx-xx-xxxx
Hart, John F., xxx-xx-xxxx
Haslam, Robert T., III, xxx-xx-xxxx
Haynes, Kenneth W., xxx-xx-xxxx
Hearn, Vern C., xxx-xx-xxxx
Heefner, Barton L., xxx-xx-xxxx
Heiman, Virgil G., Jr., xxx-xx-xxxx
Henning, Elaine H., xxx-xx-xxxx
Henry, Gary G., xxx-xx-xxxx
Herron, Jack C., Jr., xxx-xx-xxxx
Highley, James R., xxx-xx-xxxx
Hogan, Patrick M., xxx-xx-xxxx
Holmes, Burton K., xxx-xx-xxxx
Hood, Dennis, xxx-xx-xxxx
Hudkins, John W., xxx-xx-xxxx
Huey, Joel L., xxx-xx-xxxx
Hughes, Benjamin C., xxx-xx-xxxx
Hutchison, Keith D., xxx-xx-xxxx
Jacobs, Robert H., xxx-xx-xxxx
James, John B., II, xxx-xx-xxxx
Janssen, Don W., xxx-xx-xxxx
Jenkins, Charles G., Jr., xxx-xx-xxxx
Johnson, Larry R., xxx-xx-xxxx
Johnson, Robert A., xxx-xx-xxxx
Johnson, Robert M. L., xxx-xx-xxxx
Johnson, Russell H., xxx-xx-xxxx
Johnson, William R., II, xxx-xx-xxxx
Jones, Charlie E., xxx-xx-xxxx
Jones, Eric L., xxx-xx-xxxx
Jordan, James P., xxx-xx-xxxx
Junck, Rodger N., xxx-xx-xxxx
Kalinowski, Leonard E., Jr., xxx-xx-xxxx
Keady, Joseph F., Jr., xxx-xx-xxxx
Kehres, John W., xxx-xx-xxxx
Kelkenberg, Kelvin J., xxx-xx-xxxx
Key, Fred W., xxx-xx-xxxx
Klovstad, Donald W., xxx-xx-xxxx
Koehler, James W., xxx-xx-xxxx
Koenig, George G., xxx-xx-xxxx
Krejci, Robert H., xxx-xx-xxxx
Krulic, James J., xxx-xx-xxxx
Kueper, Vincent J., xxx-xx-xxxx
Kunkle, Robert J., xxx-xx-xxxx
Kuratko, Louis G., Jr., xxx-xx-xxxx
Lafferty, James W., xxx-xx-xxxx
Laird, Michael J., xxx-xx-xxxx
Landis, Dale L., xxx-xx-xxxx
Lanier, Laurie T., xxx-xx-xxxx
Laughlin, William T., xxx-xx-xxxx
Launey, Allison J. P., xxx-xx-xxxx
Lenz, John O., xxx-xx-xxxx
Leveille, Brent B., xxx-xx-xxxx
Lindstrom, Jon C., xxx-xx-xxxx
Linhard, Robert E., xxx-xx-xxxx
Lockie, Douglas G., xxx-xx-xxxx
Long, James P., xxx-xx-xxxx
Lord, Lance W., xxx-xx-xxxx
Lowe, Robert N., xxx-xx-xxxx
Lucas, Ben A., xxx-xx-xxxx

Lukasik, Stephen M., xxx-xx-xxxx
Lustrea, John L., xxx-xx-xxxx
Lynch, Franklin E., xxx-xx-xxxx
Mansell, John A., xxx-xx-xxxx
Marks, Jacky R., xxx-xx-xxxx
Marquis, Calvin F., xxx-xx-xxxx
Marshall, Bruce E., xxx-xx-xxxx
Mason, Willard L., xxx-xx-xxxx
Mathias, Darryll A., xxx-xx-xxxx
Matthews, Thomas W., xxx-xx-xxxx
Mayeux, Robert P., xxx-xx-xxxx
Mayfield, James R., xxx-xx-xxxx
McBride, Richard W., xxx-xx-xxxx
McCanless, William V., xxx-xx-xxxx
McCardle, Darrell W., xxx-xx-xxxx
McCommon, Leonard V., Jr., xxx-xx-xxxx
McDonald, John D., xxx-xx-xxxx
McInnis, Helene L., xxx-xx-xxxx
McKee, Thomas B., xxx-xx-xxxx
McLaughlin, Kenneth B., xxx-xx-xxxx
McSwain, Thomas C., Jr., xxx-xx-xxxx
McWhorter, Ted A., xxx-xx-xxxx
Midtbo, Richard D., xxx-xx-xxxx
Miller, Craig S., xxx-xx-xxxx
Miller, John R., Jr., xxx-xx-xxxx
Mitchell, Ocie L., Jr., xxx-xx-xxxx
Morris, John L., xxx-xx-xxxx
Moss, Howard R., xxx-xx-xxxx
Motley, Alvin, xxx-xx-xxxx
Mozingo, Lloyd M., xxx-xx-xxxx
Muniz, Edelmiro, xxx-xx-xxxx
Newcom, Darwin K., xxx-xx-xxxx
Nicastri, Edward D., xxx-xx-xxxx
Nozaki, Kenneth Y., xxx-xx-xxxx
Palmer, William A., xxx-xx-xxxx
Palmetier, Charles M., xxx-xx-xxxx
Pelak, Andrew J., Jr., xxx-xx-xxxx
Perigo, Gary C., xxx-xx-xxxx
Perkins, William W., xxx-xx-xxxx
Perry, Philip R., xxx-xx-xxxx
Peterson, Kenneth A., xxx-xx-xxxx
Peterson, North A., xxx-xx-xxxx
Pineda, Pete P., xxx-xx-xxxx
Poindexter, Jeffry A., xxx-xx-xxxx
Porubski, John S., Jr., xxx-xx-xxxx
Prismon, Carol E., xxx-xx-xxxx
Radzykewycz, Dan T., xxx-xx-xxxx
Rainey, Hal L., xxx-xx-xxxx
Ramfia, Jeffrey A., xxx-xx-xxxx
Rasch, Ronald H., xxx-xx-xxxx
Rathgeber, William A., xxx-xx-xxxx
Reaves, Charles R., xxx-xx-xxxx
Revere, Michael F., xxx-xx-xxxx
Rice, Robert L., xxx-xx-xxxx
Richards, David F., xxx-xx-xxxx
Riley, Daniel R., xxx-xx-xxxx
Robinson, Carl C., xxx-xx-xxxx
Robinson, Richard L., xxx-xx-xxxx
Rogers, Douglas G., xxx-xx-xxxx
Rogge, Thomas K., xxx-xx-xxxx
Rosengren, Paul L., Jr., xxx-xx-xxxx
Rouell, Ira E., xxx-xx-xxxx
Saltzman, Arnold L., xxx-xx-xxxx
Sampson, James G., xxx-xx-xxxx
Sanders, Joseph E., Jr., xxx-xx-xxxx
Saracco, Don, xxx-xx-xxxx
Savage, Sallie A., xxx-xx-xxxx
Scanlan, Thomas J., Jr., xxx-xx-xxxx
Schaefer, Daniel A., xxx-xx-xxxx
Schaff, Jonathan E., xxx-xx-xxxx
Schonenberg, Paul M., xxx-xx-xxxx
Schubert, Charles W., Jr., xxx-xx-xxxx
Schulmeister, Glenn, xxx-xx-xxxx
Schwebach, Gerhard H., xxx-xx-xxxx
Schwingendorf, Charles O., xxx-xx-xxxx
Scott, James H., xxx-xx-xxxx
Searles, Donald G., xxx-xx-xxxx
Seeley, Edgar G., III, xxx-xx-xxxx
Shelton, Barry A., xxx-xx-xxxx
Sipka, Milan D., xxx-xx-xxxx
Slagle, Christine F., xxx-xx-xxxx
Slivka, John A., xxx-xx-xxxx
Small, Lester L., xxx-xx-xxxx
Smith, Stephen A., xxx-xx-xxxx
Standage, William N., xxx-xx-xxxx
Stanton, John R., xxx-xx-xxxx
Stelling, Jimmie D., xxx-xx-xxxx
Stonge, John V., Jr., xxx-xx-xxxx
Stovall, Thomas B., Jr., xxx-xx-xxxx
Stowell, Philip G., xxx-xx-xxxx
Sutter, Joseph E., xxx-xx-xxxx
Sutton, Bret J., xxx-xx-xxxx
Swaim, Samuel J., Jr., xxx-xx-xxxx
Swain, Paul A., xxx-xx-xxxx
Swanick, David R., Jr., xxx-xx-xxxx
Synchak Roman, xxx-xx-xxxx
Szczepanski, Kenneth N., xxx-xx-xxxx
Tatus, Ronald P., xxx-xx-xxxx
Thomas, Charles B., xxx-xx-xxxx
Thomas, Jackie R., xxx-xx-xxxx
Thompson, Jack R., Jr., xxx-xx-xxxx
Thompson, John A., xxx-xx-xxxx
Thompson, Robert W., xxx-xx-xxxx
Townsend, William G., xxx-xx-xxxx
Trask, David C., xxx-xx-xxxx
Troutman, Acel B., xxx-xx-xxxx
Turner, Douglas R., xxx-xx-xxxx
Twedt, Gordon H., xxx-xx-xxxx
Valaika, John R., xxx-xx-xxxx
Vandenbosch, Gerald L., xxx-xx-xxxx
Vanornum, Joel V., xxx-xx-xxxx
Vanroyenvisee, Jean A., xxx-xx-xxxx
Villarina, Ricardo, Jr., xxx-xx-xxxx
Vicek, Joseph G., xxx-xx-xxxx
Waddle, David E., xxx-xx-xxxx
Wagner, Thomas G., xxx-xx-xxxx
Waldrop, James H., xxx-xx-xxxx
Walker, John M., xxx-xx-xxxx
Ward, Herbert M., xxx-xx-xxxx
Ward, Jack D., xxx-xx-xxxx
Watanabe, Harry H., xxx-xx-xxxx
Watkinson, Warren B., xxx-xx-xxxx
Westover, Frederick, xxx-xx-xxxx
Wheeler, Gilmer B., xxx-xx-xxxx
Whitsett, James W., xxx-xx-xxxx
Wilhelm, Daniel L., xxx-xx-xxxx
Williams, Everett D., Jr., xxx-xx-xxxx
Williams, Wallace E., xxx-xx-xxxx
Winkelmann, Robert W., xxx-xx-xxxx
Wohlfeld, Stephen L., xxx-xx-xxxx
Woodbury, Roger M., Jr., xxx-xx-xxxx
Woodworth, Richard C., xxx-xx-xxxx
Worrell, Gary D., xxx-xx-xxxx
Wozniak, Michael R., xxx-xx-xxxx
Yama, Rodney N., xxx-xx-xxxx
Yelmgren, Kevin E., xxx-xx-xxxx

To be second lieutenant

Abbott, Ira R., III, xxx-xx-xxxx
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Zimmerman, Alan L., xxx-xx-xxxx
Zorn, James F., xxx-xx-xxxx
Zuckerman, Meyer D., xxx-xx-xxxx
Zwick, Kent W., xxx-xx-xxxx

Lois C. Parks, xxx-xx-xxxx for appointment in the Reserve of the Air Force, in the grade of lieutenant colonel, under the provisions of sections 593 and 1211, title 10, United States Code and Public Law 92–129.

Roland L. Langley, xxx-xx-xxxx for appointment as a temporary officer in the U.S. Air Force (medical corps). In the grade of lieutenant colonel, under the provisions of section 8444, title 10, United States Code and Public Law 92–129, with a view to designation as a medical officer under the provisions of section 8067, title 10, United States Code.

The following persons for appointment in the Reserve of the Air Force, in the grade of lieutenant colonel, under the provisions of section 593, title 10, United States Code and Public Law 92–129.

Barney, Robert I., xxx-xx-xxxx.
Wuennemann, Bernard H., xxx-xx-xxxx.

The following officers for promotion in the Air Force Reserve, under the provisions of section 8376, title 10, United States Code and Public Law 92–129.

Major to lieutenant colonel

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Albers, Frank C., xxx-xx-xxxx.
Arthur, Jay C., xxx-xx-xxxx.
Birdsall, Robert A., Jr., xxx-xx-xxxx.
Black, John W., xxx-xx-xxxx.
Bomkamp, Raymond W., xxx-xx-xxxx.
Bonde, Bernard E., xxx-xx-xxxx.
Bowthrope, Benjamin W., xxx-xx-xxxx.
Brands, Paul C., xxx-xx-xxxx.
Brighenti, James M., xxx-xx-xxxx.
Callari, Joseph A., xxx-xx-xxxx.
Carruthers, Buell, xxx-xx-xxxx.
Cozzi, Martin A., xxx-xx-xxxx.
Crites, Howard G., xxx-xx-xxxx.
Daniel, Thomas N., xxx-xx-xxxx.
Davidson, Ricard E., xxx-xx-xxxx.
Duffy, John E., xxx-xx-xxxx.
Dye, Everett C., xxx-xx-xxxx.
Ehrlingspiel, Richard J., xxx-xx-xxxx.
Fagg, James W., xxx-xx-xxxx.
Graves, John W., xxx-xx-xxxx.
Grove, Lynn S., xxx-xx-xxxx.
Heist, Harry E., II, xxx-xx-xxxx.
Highsmith, William S., III, xxx-xx-xxxx.
Horner, Karl F., xxx-xx-xxxx.
Huntley, Dean E., xxx-xx-xxxx.
Hurley, Michael J., xxx-xx-xxxx.
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Jewell, Gerald W., xxx-xx-xxxx.
Johnson, Don, xxx-xx-xxxx.
Jones, Glenn E., xxx-xx-xxxx.
Kaufman, John F., xxx-xx-xxxx.
Kester, William E., xxx-xx-xxxx.
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Kozak, Gerald M., xxx-xx-xxxx.
Lattin, Gary G., xxx-xx-xxxx.
Lawrence, John K., xxx-xx-xxxx.
Lindsay, Herbert N., xxx-xx-xxxx.
Lisenby, Harvey G., xxx-xx-xxxx.
Marse, Hugh E., xxx-xx-xxxx.
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Nuccitelli, Vincent V., xxx-xx-xxxx.
Olson, Donald C., xxx-xx-xxxx.
Ostrem, James A., xxx-xx-xxxx.
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Schupp, Roger W., xxx-xx-xxxx.
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Snoreck, Harry P., xxx-xx-xxxx.
Vurbeff, Theodore C., xxx-xx-xxxx.
Walker, Donald R., xxx-xx-xxxx.
Wasson, William H., xxx-xx-xxxx.
White, Marshall N., Jr., xxx-xx-xxxx.
Williams, Donald R., xxx-xx-xxxx.
Wright, Henry J., Jr., xxx-xx-xxxx.

IN THE ARMY

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, section 3294:

To be captain

McDonald, Paul T., xxx-xx-xxxx.
Pardi, Livo F., xxx-xx-xxxx.
Zurlo, Joseph A., xxx-xx-xxxx.

To be first lieutenant

Albus, Robert A., xxx-xx-xxxx.
Cole, Gary B., xxx-xx-xxxx.
Herman, Claude P., xxx-xx-xxxx.
Karl, Robert D., Jr., xxx-xx-xxxx.
Peake, James B., xxx-xx-xxxx.
Read, John A., II, xxx-xx-xxxx.
Smith, Steven R., xxx-xx-xxxx.
Stanfield, Bernard M., II, xxx-xx-xxxx.
Taylor, Harvey G., Jr., xxx-xx-xxxx.
Wehunt, William D., xxx-xx-xxxx.
Winkel, Craig A., xxx-xx-xxxx.

IN THE NAVY

Richard B. Porterfield (midshipman Naval Academy) to be a permanent ensign in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officer's training corps candidates) to be permanent Ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law:

Robert A. Dussman
Sammy L. Foursha
Steven R. Goad
Roger E. Krogstad
Alfred W. Mitchell

Charles R. Hamlin, U. S. Navy officer, to be a permanent commander and a temporary captain in the Medical Corps of the Reserve of the Navy, subject to the qualification therefor as provided by law.

The following-named U. S. Navy officers to be temporary commanders in the Medical Corps in the Reserve of the U. S. Navy, subject to the qualification therefor as provided by law.

Jon G. Beidler
Joseph H. Bowlds
Frank M. Crittenden, Jr.
William W. Johnson
Carl P. Kessler
Robert J. Mollerus
John F. Russo
Ralph G. Sablan

The following-named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Jonathan L. Gray
Stephen W. Malley
Steve M. Walsh

The following-named (Naval Reserve officers) to be permanent lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Thomas J. Forgeng
Michael B. Griffee
Dennis W. Lauth
Vincent M. Lynch
Keith G. Mason

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary Lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Terry L. Carlberg
Richard T. Darnall III
Russell E. Haag
Edward R. Hintzen
John J. Holton
Dennis L. Nelson
Timothy R. Perkins
Edward A. Rohrbaugh
Jeffrey R. Vinton

Newell J. Cummings, U.S. Navy retired officer, to be reappointed from the temporary disability retired list as a permanent captain in the Supply Corps of the Navy, subject to the qualification therefor as provided by law.

Owen G. Blackwell, II, to be a permanent commander in the Medical Corps in the Reserve of the Navy, subject to the qualification therefor as provided by law.

The following-named chief warrant officers to be lieutenants (junior grade) in the Navy, limited duty, for temporary service in the classification indicated and as a permanent warrant and/or permanent and temporary warrant, subject to the qualification therefor as provided by law.

SUPPLY

Dennis E. Bell
Lonnie D. Holt
Bobby L. Randall
Robert E. Reynolds
Lyle M. Seymour

CIVIL ENGINEER

Harold W. Bryant
George L. Law

DECK

Larry D. Countryman
James T. Easterling
William L. Estes
Terrence M. Gallagher
Donald E. Gavin
David W. Herrington
Kenneth D. Luper
James E. Malloch
Thomas W. Morris
Arthur G. Nolan
Charles R. Scott
Chester B. Smith
Bobby G. Sowers
Herbert A. Stephan
Robert E. Taylor
Robert A. Worley

OPERATIONS

Donald C. Brown
William J. LaPointe
Robert W. Mays
Robert H. Neil, Jr.
Russell W. Salyers
Frank O. Stutler, Jr.
Donald P. Turner
William C. Unangst

ORDNANCE

Robert T. Alexander
William A. Brooks
Loren K. Dixon
Bobby L. Dowty
Larry D. Huffman
Richard W. Manley
LaVonne H. Moore
James P. Oxrider
Hugh K. Redding
Robert R. Riegger
William R. Robertson
Frank L. Rogers
Francis F. Thomas
Lawrence W. Whitaker

EXPLOSIVE ORDNANCE DISPOSAL

John P. Boyden
Henry W. Busseno
Theodore K. McCarley
James S. Wallace

ADMINISTRATION

Harold D. Chambers
Van E. Chisholm
Bo G. Christensen
William P. Clark, Jr.
Michael K. Dote
John F. Hale
Richard T. Hall
Charles R. Hammock
James C. Jensen
Gary M. Johnson
Troy R. Johnson
Thurman J. Julian
Duwaine L. Laib
Frank A. Lukens
Johnny E. Ross
Robert B. Spinner
Donald W. Taylor
Charles W. Tucker
William L. Vassar
Thomas C. Webber

DATA PROCESSING

Duane L. Bertelsen
Jack W. Cowan
Larry A. Hunston
Ronald E. Millard

BANDMASTER

Paul D. Clemens
Philip H. Field
David W. Oliver

ENGINEERING

Gary L. Anglehart
Paul E. Banks
Michael J. Bargelski
Frederick L. Briggs
Gary J. Brown
John C. Burton, Jr.
Paul J. Casey
Alvin E. Crane
Edward A. Crowl
Carl E. Dahlman
Roger W. Dionne
Patrick J. Dougherty
Robert A. Duncan
Timothy W. Foster, Sr.
John E. Gancel
Virgil E. Gann
James T. Gee
Nathaniel Hale
Wayne E. Kirby
Donald G. McNabb
George R. McWilliams
William M. Metzer
David W. Minnehan
John O. Sullivan
Fortunato Pichardo, Jr.
Paul J. Rose
Allen J. Schmidt
Fichard C. Schneider
Robert G. Sinclair
John H. Szucs
Marion E. Thyfault
Lee L. Walz

HULL

Charles E. Allen
John W. Brown
LeRoy A. Brown
Thomas H. Graham
Festus M. Harrington
Fred S. Harvey, Jr.
Gerald A. Haworth
Ronald Lynch
Junior L. Perry
Terrance A. Toomey

ELECTRICIAN

John W. Beckman
John E. Dryfka
Claude Garnett, Jr.
Larry F. Golden
Buford E. Latham
Richard F. Sherman
James P. Staehr
Joseph K. Winsey

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Richard E. Botwright
Chris E. Boughter
Noel W. Bragg
Charles B. Emory
John L. Ferguson
Harry S. Gault
Kenneth D. Hafner
Jesse N. Hawes, Jr.
Joseph C. Mahar
John P. Olsson, Jr.
Norward T. Pittman
Donald C. Richardson
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Michael S. Salka, Jr.
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Errol D. Vanicek
Clarence Walcott

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Kenneth G. Anderson
Robert J. Bellflower
Wilfred B. Duquette
Bernard J. Ferrara
John J. Fowler
Richard F. Golden
Richard Heckhaus
William A. Heidecker
Michael J. Innella
Marvin J. Riggs
Benjamin Truitt

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James M. Bookwalter
John E. Butz
Charles R. Donahue
Michael B. Driscoll
Dale W. Faltisek
Thomas J. Gailes, Jr.
Ralph W. Gibbs
Larry D. Gilliland
Joseph F. Giunta
Frank L. Herrington
Carl R. Isaacks
Gary H. Jennings
Ernest V. McCoy
David J. Netterfield
Robert E. Nunan
Gregory G. Romas
James R. Stomboli
Charles M. Thames
Phillip M. Wade

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Michael E. Bowers
Al E. Fox
James N. Helton
Michael Mahoney
Robert E. Parsons
Thomas P. Smith
Billy W. Teems

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Carl E. Doan
Henry Hanno
George O. Hussey

AIR INTELLIGENCE

James R. Braddy
Leo N. Fine

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Franklin A. Blackstone
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James A. Brooks
Joseph H. Burns
Ronald K. Curry
Marvin G. Davis
Peter J. Dickinson
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David E. Lavigne
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Leslie W. Malin
Donald G. Masson
Michael P. McManus
James F. Moreau
Delbert Oakes, Jr.
Frank V. Perritti, Jr.
Franklin B. Pinder, Jr.
John A. Rhodes
James F. Rowe
Jerry A. Rowe
Carroll G. Schick
Richard Schweitzer
Jerry C. Smith
Robert Solomon
Terry W. Timms
Jimmy W. Willard
Albert W. Wood
Harry J. Worwetz

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Robert G. Anderson
Ray L. Barrows
Edward K. Baylor
James A. Bellflower
Harvey B. Burkett
Robert E. Cameron
Lee D. Carter
Andrew Cozzolino
Roy H. Dubose
Roger A. Dudley
Mark E. Duffy
Norman G. Eiben
Donald N. Emerick
Robert H. Flaugher
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Kenneth G. Hall
Doyle E. Holmes
Daniel F. Jackson
Robert L. Kennedy
Ronald E. Kirkland
Marvin L. Larson
John W. Leach
Joseph Mayers
George R. McKinney
Robert W. Metcalf
Charles W. Mills
John R. Njaa
Carl M. Olivieri
Kenneth R. Piercy
John T. Rooks
Robert L. Schmehl
Larry R. Sharpe
Homer E. Snow
Lloyd P. Weaver
Richart F. Yount

AVIATION ANTISUBMARINE WARFARE

Roger A. Conner
John S. Petersen

AVIATION MAINTENANCE

Robert K. Anderson
Loyd N. Barker
Alberto L. Betancourt
Richard A. Bullis
Donald L. Campbell
Kenneth A. Caspary
John M. Cranmer
Richard B. Cronin
Jerrie W. Davis
Thomas F. Day
Harold M. Devries
Dickie D. Dunn
Kenneth P. Edwards
Robert H. Engelman
David L. Farley
Pablo J. Flores
Roy G. Formby
Leo E. Garrett
Louis P. Genin
Edward R. Gilley
Larry D. Gorans
Charles R. Graves
Allen E. Hall
Clinton J. Haugen
Larry Hawkins
Arthur D. Haynes
Richard A. Horne
Jack M. Johnson
Edward S. Locke
William J. Loss
James B. McGlothen
Rodger T. Moloney
Jerry D. Mooney
William D. Murner
Patrick J. Murphy Jr.
Ernest R. O'Rourke
Allen B. Perry
Marion A. Petty
John F. Pfuhl
David L. Potter
Joel B. Pridgen
Melville E. Prior, Jr.
Charles F. Ragghianti
James W. Remer
Thomas A. Robertson
Ronnie L. Rodeffer
Leo C. Rosenberg
Chuck N. Ruston
Lance D. Sirmans
Chester P. Szydlowski
Clarence E. Thompson
James S. Turner Jr.
Chester H. Walters
Wayne L. Weller
John E. Wilson
Millard L. Wilson
Neal R. Young
Ralph K. Zimmerman

George C. Bingham (Naval Reserve officer) to be a permanent commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Lawrence H. Fink (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Martin S. Barber
Charles M. Belisle
Robert E. Cruetz
Michael J. Dainer
George J. Everidge
Gerald R. Fabry
Donald E. Harmon
Robert D. Harper
Robert J. Hartman
Anthony B. Junkin
Jon B. Lowe
Thomas G. Lutz
Richard M. Manjerovic
Peter P. Menghini
George D. Miller
John R. Nisbet
Russell C. Packard
Wayne E. Pasanen
Randall W. Powell
David S. Richmond
William B. Ross
Michael W. Schuetz
Henry H. Street
Henry Travers
David K. Wagoner
John R. Wilcox

David J. Reilly (Navy enlisted scientific education program candidate) to be a permanent lieutenant (junior grade) in the Line or Staff Corps of the Navy, in lieu of ensign, as previously nominated and confirmed.

Frederick A. Cravens (civilian college graduate) to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

John L. Verkleeren (Naval Reserve officer) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Lieutenant Ralph J. Gemelli, U.S. Navy, to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Jon D. Rahman
Miguel Saldana

The following-named midshipmen (Naval Academy) to be permanent ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law:

Patrick A. Fayle
Steven J. Konota
Brad S. Smith

IN THE MARINE CORPS

The following-named commissioned warrant officers/warrant officers for temporary appointment to the grade of first lieutenant in the Marine Corps, for limited duty, subject to the qualifications therefor as provided by law:

Adams, Charles W.
Aldrich, David S.
Alexander, Frank A.
Anderson, Joseph N.
Ash, James B.
Asselin, Raymond F.
Bacon, Welles D.
Bahr, Wayne D.
Baldwin, Claude R., Jr.
Balius, Ronald A.
Bass, Bonnie H.
Bennett, Charles S.
Bennett, Michael B.
Boggess, Gary M.
Boudreaux, Clyde P.
Bowen, Robert L.
Braun, Donald B.
Brinkham, Lawrence C.
Britton, Albert K.
Brown, William C., Jr.
Browning, Victor E., Jr.
Bruce, Charles J.
Bullock, James R., Jr.
Campbell, Billy R.
Campbell, Everett J.
Caulfield, Robert J. Jr.
Caulfield, Robert J., Jr.
Click, Tilden U.
Clifton, Rayborn S.
Cole, John H., Jr.
Conti, Frank J.
Dankmyer, Charles A., Jr.
Danley, Douglas J.
Deguise, Joseph L.
Dodson, Eldon L.
Dulaney, Terrell L.
Ethington, Riley S.
Ferguson, Harold D.
Floe, Jerry D.
Floyd, Joe M.
Flynn, Jack W.
Franklin, Eugene T.
Gale, Earl G., III
Gillberg, Emil A., Jr.
Haferkamp, Johann
Hanson, Donald L.
Hart, Frank R.
Haugley, Lorell J.
Hicks, Herbert O., Jr.
Hug, Raymond L.
Humphrey, Edward W.
Hutchinson, Holland C.
Immings, Barton E.
King, Carl E.
King, Thomas F., Jr.
Kuykendall, William A.
Lainhart, Michael S.
Lane, Albert, Jr.
Lee, Bernard L.
Lee, Juan M.
Leslie, Philip D.
Lewis, Kenneth D.
Macey, Wayne W.
Main, Raymond J.
Marsh, Barry E.
McDonald, Howard
McGill, Bryan M.
McNutt, Benjamin H.
Miller, Edward R.
Miller, George A.
Mongoven, Patrick J.
Parry, Fred R.
Phillips, Lloyd G.
Pullin, Jesse P.
Renau, Thomas T.
Ribeiro, Joseph
Robinson, Dorsey, Jr.
Rosser, William H.
Salamack, Stephen C.
Sanchez, Efrain F.
Sawin, Peter B.
Seman, Stephen G.
Shanklin, Michael L.
Shidal, William F., Jr.
Slavens, Charles R.
Sorley, James A.
Stafford, Herbert B.
Stevens, Patrick L.
Steward, John A., Jr.
Strickroth, George B.
Vincent, Robert L.
Wahlers, Larry F.
Walker, Bennie R.
Weaver, Napoleon K.
White, Ford D.
Whitley, John, Jr.
Wildgrube, Wayne D.
Wine, Larry L.
Winter, Warren W.
Woinoski, Stanley G.
Yoerk, Richard L.

The following-named staff noncommissioned officers for temporary appointment to the grade of second lieutenant in the Marine Corps, for limited duty, subject to the qualifications therefor as provided by law:

Akioka, Harry E.
Andelin, Marvin R.
Anderson, Robert C.
Baier, Charles G.

Baird, Dale L.
Barineau, Richard L.
Barron, Bonie P.
Baseley, Jacque A.
Belville, Arthur J., Jr.
Bergeron, Joseph W., Sr.
Birren, James M.
Bolles, Elmer S.
Brakowiecki, Laurence R.
Brewington, Robert E.
Broughton, Frankie D.
Bryant, Edward L.
Carr, Jay S., II
Carr, William W.
Carter, Wallace M.
Cheely, Benjamin L.
Collins, Melvin
Condrey, Jimmy W.
Corbett, Edward F.
Critzer, Roger A.
Cuddy, Raymond S., Jr.
Curry, Carl R.
Day, Lawrence M.
Dolphin, John J.
Donelow, Robert L.
Dowell, Frederick L.
Dunbar, George H.
Eckman, George M.
Egbert, Carroll F., Jr.
Eldredge, Frederick R., Jr.
Estey, Howard E.
Faircloth, Jeris L.
Farr, Roland C.
Fitzgerald, Joseph T., Jr.
Flowers, Percy
Ford, Billy J.
Geer, Robert W.
Giger, John R.
Griffin, Charles L.
Gwinn, Robert P.
Halburnt, James C.
Haley, Dale A.
Hallbick, Larry J.
Harkless, James J.
Harpe, Charles W.
Hashagen, Donald J.
Hastings, Sidney T.
Heatley, George
Hicks, Robert
Hinchliffe, Herbert C.
Hinman, Rex L.
Howard, Sylvester
Hunnicutt, Thomas
Hurst, Charles E.
Jackson, Albert P.
Jenkins, Robert
Jiminez, Francis
Johnson, John W.
Johnson, Robert B.
Jordan, Robert T.
Justis, Forest W.
Kidd, Arthur J.
Kiker, Meek C.
Kingry, Thomas E.
Kistler, Ernest J.
Kolek, David L.
Ledford, William H.
Liebl, Luitpold J.
Lile, Brian K.
Loy, Lloyd L.
Luchansky, George J.
Lundberg, Frank C.
Lynch, John F.
Machado, Louis E.
Mannix, James W.
Mattox, Chester C.
McDuffie, Don C.
Meagher, Gregory F., Jr.
Mouton, Joseph
Newman, Billy R.
Palmquist, Charles J.
Parrish, John W.
Payne, Walter A., Sr.
Scroggy, Gene A.
Seagroves, Ronald G.
Sellers, Walter S.
Sherry, Guy R.
Smiley, Perry
Snodgrass, Nathaniel L.
Spangler, Tommy L.
Surles, Charles T.
Thompson, Leon R.
Vaughn, James
Vessey, Arnold F.
Webster, Lawrence E.
Whipple, William L.
White, Llewellyn S.
Whitehead, Otis J.
Widenhouse, Robert W.
Williams, Robert G.
Wilson, Eugene S.
Witham, Merton T.
Wolf, Donald E.
Young, Paul M., Jr.

INTERNATIONAL MONETARY FUND; INTERNATIONAL BANK FOR RECONSTRUCTION & DEVELOPMENT; INTERAMERICAN DEVELOPMENT BANK; AND ASIAN DEVELOPMENT BANK

George P. Shultz, of Illinois, for appointment to the offices indicated:

U.S. Governor of the International Monetary Fund for a term of 5 years and U.S. Governor of the International Bank for Reconstruction and Development for a term of 5 years.

A Governor of the Inter-American Development Bank for a term of 5 years; and

U.S. Governor of the Asian Development Bank.

DEPARTMENT OF AGRICULTURE

Carroll G. Brunthaver, of Ohio, to be an Assistant Secretary of Agriculture, vice Clarence D. Palmby, resigned.

Carroll G. Brunthaver, of Ohio, to be a Member of the Board of Directors of the Commodity Credit Corporation, vice Clarence D. Palmby, resigned.

BOARD OF PAROLE

Maurice H. Sigler, of Nebraska, to be Member of the Board of Parole for the term expiring September 30, 1978. Mr. Sigler is now serving in this position under an appointment which expires September 30, 1972.

EXTENSIONS OF REMARKS

A STUDY OF THE RUSSIAN NAVY

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Wednesday, June 7, 1972

Mr. GRAVEL. Mr. President, I should like to place in the RECORD a study on the Russian Navy by Michael MccGwire, a former commander in the British Navy and naval attaché in Moscow. The title of this study is "Soviet Naval Capabilities and Intentions."

I would like to summarize some of the main points of this report. First, Mr. MccGwire says the West has given the Russians propaganda advantages by overstating the threat in the Mediterranean. The author speculates that this may have been done to create myths similar to the bomber and missile gaps for the purpose of expediting funds through Congress. Mr. MccGwire states that—

By ignoring the "most likely course of enemy action," and by concentrating our attention solely on some hypothetical "worst case," based on a rather flattering estimate of Soviet naval capabilities and an implied absence of Western reaction, we undermine our own maritime credibility while encouraging the Soviet Union to develop a taste for sea power, and to fulfill our most gloomy prophesies.

The basic strategy of the Soviet Naval forces is the "Young School" concept adopted in the early thirties of only defending their maritime frontiers and not ruling the waves. The first two tasks of the Soviet Navy are:

1. Countering the Polaris submarine.
2. To neutralize the strike attack aircraft carriers prior to aircraft launch.

The main defense areas are the Baltic and Black Seas. It was from these areas that the Western Powers intervened by sea in an attempt to crush the revolution. Then in 1957 the United States introduced the A3D aircraft on our aircraft carriers in the Eastern Mediterranean. Since these planes could reach Russia's industrial areas the Russians felt they had to counter our carriers in the Mediterranean for defensive purposes. When we later put Polaris submarines in the Mediterranean this gave them another reason to be there. Mr. MccGwire illustrates this by saying:

The greatly increased range of sea-borne strategic weapons has meant that the eastern basin of the Mediterranean is now in many ways of greater defensive concern to the Soviet Union than her northern seas. Moscow is equidistant between the two, but whereas population and industry thin out to the north of the capital, to its south and east lies the greater part of Russia's industrial strength. It seems probable that the 1963 announcement that Polaris submarines were taking up station in the Mediterranean, caused the Soviet Navy to advance its plans to project a naval presence in the area.

This is a classical case of the spiraling arms race.

Concerning the value of our huge carriers, Mr. MccGwire says:

As sufficient nuclear submarines armed with horizon-range missiles become available for the task, it seems likely that Western strike carriers will be marked wherever they may be.

It is the belief of many naval experts that the aircraft carrier is now obsolete due to the cruise missile. The new Russian C class cruise missile system would be very dangerous against carriers, because of its submerged launch, supersonic speed, and surface-skimming trajectory.

But once out of the Russian frontier area, Mr. MccGwire feels Soviet capabilities fall off:

The Soviet Navy does not have the capacity to sustain general naval operations in a hostile maritime environment at a distance from Russia's shores. The Soviet Union currently lacks a worldwide maritime capability.

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

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

SOVIET NAVAL CAPABILITIES AND INTENTIONS

(By Michael MccGwire)

Most qualified opinion is in fact agreed on the essentially defensive requirements which caused the Soviet Union to develop its present naval capability, although there is a wider range of opinion as to where this may lead them in the future. All are also agreed that, irrespective of its genesis, growing Soviet naval strength presents a potential threat to Western interests, which must be countered. But starting from these points of agreement, opinion then divides into two broad groups. There are those who see the greatest danger to the West, in a democracy's reluctance to provide adequate resources to long-term defence in peacetime, and who therefore tend to formulate the threat in extreme terms, both of military capability and aggressive intentions, in order to frighten the politicians into releasing adequate funds to naval defence. And there are others who consider that more certain damage to Western interests has been, and will be caused by alarmist assessments (however worthy their motives) which exaggerate Russian maritime capabilities and ignore the considerable constraints which limit the flexible employment of Soviet naval forces.

I hold unreservedly to this latter opinion, and it is not because I under-rate the very real threat to Western interests which is implicit in Soviet naval strength nor because I am persuaded of their friendly intentions. My reasons are twofold. Firstly, experience as a long-range planner has shown me the dangers of 'fiddling the factors' in order to produce some predetermined conclusion, and how in the long run it always rebounds to one's disadvantage; in formulating a threat which will persuade the politicians, we run the risk of obscuring our own perception of the real danger to Western maritime interests, and at the same time we are likely to distort our wider foreign