SENATE—*Thursday, September 14, 1972*

(Legislative day of Tuesday, September 12, 1972)

The Senate met at 8:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

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

We come to Thee, O Lord, at the beginning of this day, with the high hope that Thou wilt show us the course we should take which befits a people who know Thee and desire to serve Thee. Grant to Thy servants here, through toilsome hours and tense times, the constant illumination of Thy spirit, that their minds may be sharp, their judgment sound and their vision clear. Save them from impatience and anxiety, from wasting time or forfeiting timely opportunities for progress. Through their dedicated labors create the program which enhances the Nation's welfare and advances Thy kingdom on earth.

In Thy holy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, September 13, 1972, be approved.

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

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, so that it will be in the RECORD, I wish to announce that the Democratic Policy Committee—and I understand that the Republican conference also, at lunch on Tuesday last—considered and unanimously agreed that, except for a matter of extraordinary importance, no legislative measure reported by a standing committee after September 15 will be scheduled for Senate action during this session, other than those items that can be disposed of by unanimous consent.

I want to emphasize that if there is legislation of extraordinary importance, that fact will be taken into consideration by the joint leadership. I also want to point out that private bills and other noncontroversial matters will be reported out and acted on by the Senate on a Consent Calendar basis.

This is to serve notice of the joint action of the two parties on Tuesday last in this respect. This was a Republican initiative in which the Democratic Policy Committee joined.

Mr. GURNEY. Mr. President, if the distinguished majority leader would yield, I was at the conference and I heard the Republican leader make that announcement at that time.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

PROTOCOL AMENDING THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate Executive Calendar No. 31, Executive J, 92d Congress, second session.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive J, 92d Congress, second session, the Protocol Amending the Single Convention on Narcotic Drugs, 1961, which was read the second time as follows:

PROTOCOL AMENDING THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

PREAMBLE

The Parties to the present Protocol,

Considering the provisions of the Single Convention on Narcotic Drugs, 1961, done at New York on 30 March 1961 (hereinafter called the Single Convention),

Desiring to amend the Single Convention,

Have agreed as follows:

Article 1

Amendments to article 2, paragraphs 4, 6 and 7 of the Single Convention

Article 2, paragraphs 4, 6 and 7, of the Single Convention shall be amended to read as follows:

"4. Preparations in Schedule III are subject to the same measures of control as preparations containing drugs in Schedule II except that article 31, paragraphs 1(b) and 3 to 15 *and, as regards their acquisition and retail distribution, article 34, paragraph* (b), need not apply, and that for the purpose of estimates (article 19) and statistics (article 20) the information required shall be restricted to the quantities of drugs used in the manufacture of such preparations.

6. In addition to the measures of control applicable to all drugs in Schedule I, opium is subject to the provisions of *article 19, paragraph 1, sub-paragraph (f), and of articles 21 bis,* 23 and 24, the coca leaf to those of articles 26 and 27 and cannabis to those of article 28.

7. The opium poppy, the coca bush, the cannabis plant, poppy straw and cannabis leaves are subject to the control measures prescribed in *article 19, paragraph 1, sub-paragraph (e), article 20, paragraph 1, sub-paragraph (g), article 21 bis* and in articles 22 to 24; 22, 26 and 27; 22 and 28; 25; and 28, respectively."

Article 2

Amendments to the title of article 9 of the Single Convention and its paragraph 1 and insertion of new paragraphs 4 and 5

The title of article 9 of the Single Convention shall be amended to read as follows:

"Composition and Functions of the Board"

Article 9, paragraph 1, of the Single Convention shall be amended to read as follows:

"1. The Board shall consist of *thirteen* members to be elected by the Council as follows:

(a) Three members with medical, pharmacological or pharmaceutical experience from a list of at least five persons nominated by the World Health Organization; and

(b) *Ten* members from a list of persons nominated by the Members of the United Nations and by Parties which are not Members of the United Nations."

The following new paragraphs shall be inserted after paragraph 3 of article 9 of the Single Convention:

"4. The Board, in co-operation with Governments, and subject to the terms of this Convention, shall endeavour to limit the cultivation, production, manufacture and use of drugs to an adequate amount required for medical and scientific purposes, to ensure their availability for such purposes and to prevent illicit cultivation, production and manufacture of, and illicit trafficking in and use of, drugs.

5. All measures taken by the Board under this Convention shall be those most consistent with the intent to further the co-operation of Governments with the Board and to provide the mechanism for a continuing dialogue between Governments and the Board which will lend assistance to and facilitate effective national action to attain the aims of this Convention."

Article 3

Amendments to article 10, paragraphs 1 and 4, of the Single Convention

Article 10, paragraphs 1 and 4, of the Single Convention shall be amended to read as follows:

"1. The members of the Board shall serve for a period of *five* years, and *may be re-elected.*

4. The Council, on the recommendation of the Board, may dismiss a member of the Board who has ceased to fulfill the conditions required for membership by paragraph 2 of article 9. Such recommendation shall be made by an affirmative vote of *nine* members of the Board."

Article 4

Amendment to article 11, paragraph 3, of the Single Convention

Article 11, paragraph 3, of the Single Convention shall be amended to read as follows:

"3. The quorum necessary at meetings of the Board shall consist of *eight* members."

Article 5

Amendment to article 12, paragraph 5, of the Single Convention

Article 12, paragraph 5, of the Single Convention shall be amended to read as follows:

"5. The Board, *with a view to limiting the use and distribution of drugs to an adequate amount required for medical and scientific purposes and to ensuring their availability for such purposes,* shall as expeditiously as possible confirm the estimates, including supplementary estimates, or, with the consent of the Government concerned, may amend such estimates. *In case of a disagreement between the Government and the Board, the latter shall have the right to establish, communicate and publish its own estimates, including supplementary estimates."*

Article 6

Amendments to article 14, paragraphs 1 and 2, of the Single Convention

Article 14, paragraphs 1 and 2, of the Single Convention shall be amended to read as follows:

"1.(a) If, on the basis of its examination of information submitted by Governments to the Board under the provisions of this Convention, or of information communicated by United Nations organs *or by specialized agencies or, provided that they are approved by the Commission on the Board's recommendation, by either other intergovernmental organizations or international non-governmental organizations which have direct competence in the subject matter and which are in consultative status with the Economic and Social Council under Article 71 of the Charter of the United Nations or which enjoy a similar status by special agreement with the Council,* the Board has *objective reasons* to believe that the aims of this Convention are being seriously endangered by reason of the failure of any *Party,* country, or territory to carry out the provisions of this Convention, the Board shall have the right to *propose to the Government concerned the opening of consultations or to request it to furnish explanations. If, without any failure in implementing the provisions of the Convention, a Party or a country or territory has become, or if there exists evidence of a serious risk that it may become, an important centre of illicit cultivation, production or manufacture of, or traffic in or consumption of drugs the Board has the right to propose to the Government concerned the opening of consultations.* Subject to the right of the Board to call the attention of the Parties, the Council and the Commission to the matter referred to in sub-paragraph (*d*) below, *the Board* shall treat as confidential a request for information *and* an explanation by a Government *or a proposal for consultations and the consultations held with a Government* under this sub-paragraph.

(b) After taking action under sub-paragraph (a) above, the Board, if satisfied that it is necessary to do so, may call upon the Government concerned to adopt such remedial measures as shall seem under the circumstances to be necessary for the execution of the provisions of this Convention.

(c) *The Board may, if it thinks such action necessary for the purpose of assessing a matter referred to in sub-paragraph (a) of this paragraph, propose to the Government concerned that a study of the matter be carried out in its territory by such means as the Government deems appropriate. If the Government concerned decides to undertake this study, it may request the Board to make available the expertise and the services of one or more persons with the requisite competence to assist the officials of the Government in the proposed study. The person or persons whom the Board intends to make available shall be subject to the approval of the Government. The modalities of this study and the time-limit within which the study has to be completed shall be determined by consultation between the Government and the Board. The Government shall communicate to the Board the results of the study and shall indicate the remedial measures that it considers necessary to take.*

(*d*) If the Board finds that the Government concerned has failed to give satisfactory explanations when called upon to do so under subparagraph (a) above, or has failed to adopt any remedial measures which it has been called upon to take under sub-paragraph (b) above, *or that there is a serious situation that needs co-operative action at the international level with a view to remedying it,* it may call the attention of the Parties, the Council and the Commission to the matter. *The Board shall so act if the aims of this Convention are being seriously endangered and it has not been possible to resolve the matter satisfactorily in any other way. It shall also so act if it finds that there is a serious situation that needs co-operative action at the international level with a view to remedying it and that bringing such a situation to the notice of the Parties, the Council and the Commission is the most appropriate method of facilitating such co-operative action; after considering the reports of the Board, and of the Commission if available on the matter, the Council may draw the attention of the General Assembly to the matter.*

2. The Board, when calling the attention of the Parties, the Council and the Commission to a matter in accordance with paragraph 1 (*d*) above, may, if it is satisfied that such a course is necessary, recommend to Parties that they stop the import of drugs, the export of drugs, or both, from or to the country or territory concerned, either for a designated period or until the Board shall be satisfied as to the situation in that country or territory. The State concerned may bring the matter before the Council."

Article 7

New article 14 bis

The following new article shall be inserted after article 14 of the Single Convention:

"Article 14 bis

Technical and Financial Assistance

In cases which it considers appropriate and either in addition or as an alternative to measures set forth in article 14, paragraphs 1 and 2, the Board, with the agreement of the Government concerned, may recommend to the competent United Nations organs and to the specialized agencies that technical or financial assistance, or both, be provided to the Government in support of its efforts to carry out its obligation under this Convention, including those set out or referred to in articles 2, 35, 38 and 38 bis."

Article 8

Amendment to article 16 of the Single Convention

Article 16 of the Single Convention shall be amended to read as follows:

"The secretariat services of the Commission and the Board shall be furnished by the Secretary-General. *In particular, the Secretary of the Board shall be appointed by the Secretary-General in consultation with the Board."*

Article 9

Amendments to article 19, paragraphs 1, 2, and 5, of the Single Convention

Article 19, paragraphs 1, 2, and 5, of the Single Convention shall be amended to read as follows:

"1. The Parties shall furnish to the Board each year for each of their territories, in the manner and form prescribed by the Board, estimates on forms supplied by it in respect of the following matters:

(a) Quantities of drugs to be consumed for medical and scientific purposes;

(b) Quantities of drugs to be utilized for the manufacture of other drugs, of preparations in Schedule III, and of substances not covered by this Convention;

(c) Stocks of drugs to be held as at 31 December of the year to which the estimates relate;

(d) Quantities of drugs necessary for addition to special stocks;

(*e*) *The area (in hectares) and the geographical location of land to be used for the cultivation of the opium poppy;*

(f) Approximate quantity of opium to be produced;

(g) The number of industrial establishments which will manufacture synthetic drugs; and

(h) The quantities of synthetic drugs to be manufactured by each of the establishments referred to in the preceding sub-paragraph.

2. (a) Subject to the deductions referred to in paragraph 3 of article 21, the total of the estimates for each territory and each drug *except opium and synthetic drugs* shall consist of the sum of the amounts specified under sub-paragraphs (a), (b) and (d) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (c) of paragraph 1.

(b) Subject to the deductions referred to in paragraph 3 of article 21 regarding imports and in paragraph 2 of article 21 bis, the total of the estimates for opium for each territory shall consist either of the sum of the amounts specified under sub-paragraphs (a), (b) and (d) of paragraph 1 of this article; with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (c) of paragraph 1, or of the amount specified under sub-paragraph (f) of paragraph 1 of this article, whichever is higher.

(c) Subject to the deductions referred to in paragraph 3 of article 21, the total of the estimates for each territory for each synthetic drug shall consist either of the sum of the amounts specified under sub-paragraphs (a), (b) and (d) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (c) of paragraph 1, or of the sum of the amounts specified under sub-paragraph (h) of paragraph 1 of this article, whichever is higher.

(d) The estimates furnished under the preceding sub-paragraphs of this paragraph shall be appropriately modified to take into account any quantity seized and thereafter released for licit use as well as any quantity taken from special stocks for the requirements of the civilian population.

5. Subject to the deductions referred to in paragraph 3 of article 21, *and account being taken where appropriate of the provisions of article 21 bis,* the estimates shall not be exceeded.

Article 10

Amendments to article 20 of the Single Convention

Article 20 of the Single Convention shall be amended to read as follows:

"1. The Parties shall furnish to the Board for each of their territories, in the manner and form prescribed by the Board, statistical returns on forms supplied by it in respect of the following matters:

(a) Production or manufacture of drugs;

(b) Utilization of drugs for the manufacture of other drugs, of preparations in Schedule III and of substances not covered by this Convention, and utilization of poppy straw for the manufacture of drugs;

(c) Consumption of drugs;

(d) Imports and exports of drugs and poppy straw;

(e) Seizures of drugs and disposal thereof;

(f) Stocks of drugs as at 31 December of the year to which the returns relate; *and*

(g) Ascertainable area of cultivation of the opium poppy.

2. (a) The statistical returns in respect of the matters referred to in paragraph 1, except sub-paragraph (d), shall be prepared annually and shall be furnished to the Board not later than 30 June following the year to which they relate.

(b) The statistical returns in respect to

the matters referred to in sub-paragraph (d) of paragraph 1 shall be prepared quarterly and shall be furnished to the Board within one month after the end of the quarter to which they relate.

3. The Parties are not required to furnish statistical returns respecting special stocks, but shall furnish separately returns respecting drugs imported into or procured within the country or territory for special purposes, as well as quantities of drugs withdrawn from special stocks to meet the requirements of the civilian population."

Article 11

New article 21 bis

The following new article shall be inserted after article 21 of the Single Convention:

"Article 21 bis

Limitation of Production of Opium

1. The production of opium by any country or territory shall be organized and controlled in such manner as to ensure that, as far as possible, the quantity produced in any one year shall not exceed the estimate of opium to be produced as established under paragraph 1(f) of article 19.

2. If the Board finds on the basis of information at its disposal in accordance with the provisions of this Convention that a Party which has submitted an estimate under paragraph 1(f) of article 19 has not limited opium produced within its borders to licit purposes in accordance with relevant estimates and that a signficant amount of opium produced, whether licitly or illicitly, within the borders of such a Party, has been introduced into the illicit traffic, it may, after studying the explanations of the Party concerned, which shall be submitted to it within one month after notification of the finding in question, decide to deduct all, or a portion, of such an amount from the quantity to be produced and from the total of the estimates as defined in paragraph 2(b) of article 19 for the next year in which such a deduction can be technically accomplished, taking into account the season of the year and contractual commitments to export opium. This decision shall take effect ninety days after the Party concerned is notified thereof.

3. After notifying the Party concerned of the decision it has taken under paragraph 2 above with regard to a deduction, the Board shall consult with that Party in order to resolve the situation satisfactorily.

4. If the situation is not satisfactorily resolved, the Board may utilize the provisions of article 14 where appropriate.

5. In taking its decision with regard to a deduction under paragraph 2 above, the Board shall take into account not only all relevant circumstances including those giving rise to the illicit traffic problem referred to in paragraph 2 above, but also any relevant new control measures which may have been adopted by the Party."

Article 12

Amendment to article 22 of the Single Convention

Article 22 of the Single Convention shall be amended to read as follows:

"1. Whenever the prevailing conditions in the country or a territory of a Party render the prohibition of the cultivation of the opium poppy, the coca bush or the cannabis plant the most suitable measure, in its opinion, for protecting the public health and welfare and preventing the diversion of drugs into the illicit traffic, the Party concerned shall prohibit cultivation.

2. A Party prohibiting cultivation of the opium poppy or the cannabis plant shall take appropriate measures to seize any plants illicitly cultivated and to destroy them, except for small quantities required by the Party for scientific or research purposes."

Article 13

Amendment to article 35 of the Single Convention

Article 35 of the Single Convention shall be amended to read as follows:

"Having due regard to their constitutional, legal and administrative systems, the Parties shall:

(a) Make arrangements at the national level for co-ordination of preventive and repressive action against the illicit traffic; to this end they may usefully designate an appropriate agency responsible for such co-ordination;

(b) Assist each other in the campaign against the illicit traffic in narcotic drugs;

(c) Co-operate closely with each other and with the competent international organizations of which they are members with a view to maintaining a co-ordinated campaign against the illicit traffic;

(d) Ensure that international co-operation between the appropriate agencies be conducted in an expeditious manner;

(e) Ensure that where legal papers are transmitted internationally for the purposes of a prosecution, the transmittal be effected in an expeditious manner to the bodies designated by the Parties; this requirement shall be without prejudice to the right of a Party to require that legal papers be sent to it through the diplomatic channel;

(f) Furnish, if they deem it appropriate, to the Board and the Commission through the Secretary-General, in addition to information required by article 18, information relating to illicit drug activity within their borders, including information on illicit cultivation, production, manufacture and use of, and on illicit trafficking in, drugs; and

(g) Furnish the information referred to in the preceding paragraph as far as possible in such manner and by such dates as the Board may request; if requested by a Party the Board may offer its advice to it in furnishing the information and in endeavoring to reduce the illicit drug activity within the borders of that Party."

Article 14

Amendments to article 36, paragraphs 1 and 2, of the Single Convention

Article 36, paragraphs 1 and 2, of the Single Convention shall be amended to read as follows:

"1. *(a)* Subject to its constitutional limitations, each Party shall adopt such measures as will ensure that cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation and exportation of drugs contrary to the provisions of this Convention, and any other action which in the opinion of such Party may be contrary to the provisions of this Convention, shall be punishable offences when committed intentionally, and that serious offences shall be liable to adequate punishment particularly by imprisonment or other penalties of deprivation of liberty.

(b) Notwithstanding the preceding sup-paragraph, when abusers of drugs have committed such offences, the Parties may provide, either as an alternative to conviction or punishment or in addition to conviction or punishment, that such abusers shall undergo measures of treatment, education, after care, rehabilitation and social reintegration in conformity with paragraph 1 of article 38.

2. Subject to the constitutional limitations of a Party, its legal system and domestic law,

(a) (i) Each of the offences enumerated in paragraph 1, if committed in different countries, shall be considered as a distinct offence;

(ii) International participation in, conspiracy to commit and attempts to commit, any of such offences, and preparatory acts and financial operations in connexion with the offences referred to in this article, shall be punishable offences as provided in paragraph 1;

(iii) Foreign convictions for such offences shall be taken into account for the purposes of establishing recidivism; and

(iv) Serious offences heretofore referred to committed either by nationals or by foreigners shall be prosecuted by the Party in whose territory the offence was committed, or by the Party in whose territory the offender is found if extradition is not acceptable in conformity with the law of the Party to which application is made, and if such offender has not already been prosecuted and judgment given.

(b) (i) Each of the offences enumerated in paragraphs 1 and 2(a) (ii) of this article shall be deemed to be included as an extraditable offence in any extradition treaty existing between Parties. Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

(ii) If a Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offences enumerated in paragraphs 1 and 2 (a) (ii) of this article. Extradition shall be subject to the other conditions provided by the law of the requested Party.

(iii) Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences enumerated in paragraphs 1 and 2(a) (ii) of this article as extraditable offences between themselves, subject to the conditions provided by the law of the requested Party.

(iv) Extradition shall be granted in conformity with the law of the Party to which application is made, and, *notwithstanding sub-paragraphs (b) (i), (ii) and (iii) of this paragraph,* the Party shall have the right to refuse to grant the extradition in cases where the competent authorities consider that the offence is not sufficiently serious."

Article 15

Amendments to article 38 of the Single Convention and its title

Article 38 of the Single Convention and its title shall be amended to read as follows:

"Measures against the Abuse of Drugs

1. The Parties shall give special attention to *and take all practicable measures for the prevention of abuse of drugs and for the early identification, treatment, education, after-care, rehabilitation and social reintegration of the persons involved and shall coordinate their efforts to these ends.*

2. The Parties shall as far as possible promote the training of personnel in the treatment, after-care, rehabilitation and social reintegration of abusers of drugs.

3. The Parties shall take all practicable measures to assist persons whose work so requires to gain an understanding of the problems of abuse of drugs and of its prevention, and shall also promote such understanding among the general public if there is a risk that abuse of drugs will become widespread."

Article 16

New article 38 bis

The following new article shall be inserted after article 38 of the Single Convention:

"Article 38 bis

Agreements on Regional Centres

If a Party considers it desirable as part of its action against the illicit traffic in drugs,

having due regard to its constitutional, legal and administrative systems, and, if it so desires, with the technical advice of the Board or the specialized agencies, it shall promote the establishment, in consultation with other interested Parties in the region, of agreements which contemplate the development of regional centres for scientific research and education to combat the problems resulting from the illicit use of and traffic in drugs."

Article 17

Languages of the Protocol and procedure for signature, ratification and accession

1. This Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be open for signature until 31 December 1972 on behalf of any Party or signatory to the Single Convention.

2. This Protocol is subject to ratification by States which have signed it and have ratified or acceded to the Single Convention. The instruments of ratification shall be deposited with the Secretary-General.

3. This Protocol shall be open after 31 December 1972 for accession by any Party to the Single Convention which has not signed this Protocol. The instruments of accession shall be deposited with the Secretary-General.

Article 18

Entry into force

1. This Protocol, together with the amendments which it contains, shall come into force on the thirtieth day following the date on which the fortieth instrument of ratification or accession is deposited in accordance with article 17.

2. In respect of any other State depositing an instrument of ratification or accession after the date of deposit of the said fortieth instrument, this Protocol shall come into force on the thirtieth day after the deposit by that State o fits instrument of ratification of accession.

Article 19

Effect of entry into force

Any State which becomes a Party to the Single Convention after the entry into force of this Protocol pursuant to paragraph 1 of article 18 above shall, failing an expression of a different intention by that State:

(a) be considered as a Party to the Single Convention as amended; and

(b) be considered as a Party to the unamended Single Convention in relation to any Party to that Convention not bound by this Protocol.

Article 20

Transitional provisions

1. The functions of the International Narcotics Control Board provided for in the amendments contained in this Protocol shall, as from the date of the coming into force of this Protocol pursuant to paragraph 1 of article 18 above, be performed by the Board as constituted by the unamended Single Convention.

2. The Economic and Social Council shall fix the date on which the Board as constituted under the amendments contained in this Protocol shall enter upon its duties. As from that date the Board as so constituted shall, with respect to those Parties to the unamended Single Convention and to those Parties to the treaties enumerated in article 44 thereof which are not Parties to this Protocol, undertake the functions of the Board as constituted under the unamended Single Convention.

3. Of the members elected at the first election after the increase in the membership of the Board from eleven to thirteen members the terms of six members shall expire at the end of three years and the terms of the other seven members shall expire at the end of five years.

4. The members of the Board whose terms are to expire at the end of the abovementioned initial period of three years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.

Article 21

Reservations

1. Any State may, at the time of signature or ratification of or accession to this Protocol, make a reservation in respect of any amendment contained herein other than the amendments to article 2, paragraphs 6 and 7 (article 1 of this Protocol), article 9, paragraphs 1, 4 and 5 (article 2 of this Protocol), article 10, paragraphs 1 and 4 (article 3 of this Protocol), article 11 (article 4 of this Protocol), article 14 *bis* (article 7 of this Protocol), article 16 (article 8 of this Protocol), article 22 (article 12 of this Protocol), article 35 (article 13 of this Protocol), article 36, paragraph 1(b) (article 14 of this Protocol), article 38 (article 15 of this Protocol) and article 38 *bis* (article 16 of this Protocol).

2. A State which has made reservations may at any time by notification in writing withdraw all or part of its reservations.

Article 22

The Secretary-General shall transmit certified true copies of this Protocol to all the Parties and signatories to the Single Convention. When this Protocol has entered into force pursuant to paragraph 1 of article 18 above, the Secretary-General shall prepare a text of the Single Convention as amended by this Protocol, and shall transmit certified true copies of it to all States Parties or entitled to become Parties to the Convention as amended.

DONE at Geneva, this twenty-fifth day of March one thousand nine hundred and seventy-two, in a single copy, which shall be deposited in the archives of the United Nations.

In witness whereof the undersigned, duly authorized, have signed this Protocol on behalf of their respective Governments:

I hereby certify that the foregoing text is a true copy of the Protocol amending the Single Convention on Narcotic Drugs, 1961, done at Geneva on 25 March 1972, in the English, Spanish, French and Russian languages, the original of which is deposited with the Secretary-General of the United Nations.

For the Secretary-General
The Legal Counsel:
C. A. STAVROPOULOS
United Nations, New York
11 April 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the distinguished Senator from Virginia (Mr. SPONG), who will speak on the subject pertaining to this protocol has concluded his remarks, the protocol be taken to its final reading, but that there be no further votes on it today.

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

Under the previous order, the Senator from Virginia (Mr. SPONG) is recognized for not to exceed 15 minutes.

Mr. SPONG. Mr. President, I rise to support Senate advice and consent to ratification of the protocol amending the Single Convention on Narcotic Drugs.

Drug abuse is an insidious menace which threatens to blight half a generation of our youth and undermine many of our efforts to reduce crime in urban areas.

In many areas, drug abuse is approaching epidemic proportions. It is estimated that well over half a million Americans—many of them in their younger years—are addicted to hard drugs, such as heroin and cocaine. Many more are experimenting with such drugs or are tempted to do so—often unaware of the depth of tragedy and suffering which surrounds drug abuse.

Furthermore, drug abuse is contributing to increases in the crime rate in our Nation, particularly in our cities. In fact, a report issued earlier this year by the Virginia State Crime Commission named drug abuse as the No. 1 law enforcement problem in the State. A drug habit is an expensive habit—running as much as $50 to $100 a day at times. Either a person must be quite wealthy—or he must find other means of supporting his habit. All too often those other means are robbery and theft. Once the addict was thought to be docile, but, more and more, violent crimes are being found to be drug related.

An ironic component of the problem is that no poppies which are the source of heroin are grown in this Nation. Although much of the market is here, the source is not.

All of this suggests that drug abuse is a complex problem, with many interrelated elements. As such, it requires a multipronged attack: Additional research into the causes, cures and means of preventing drug abuse; education and information regarding the dangers of drug abuse; treatment and rehabilitation programs for those unfortunate enough to be addicted; stiff penalties for pushers and traffickers who make drugs available thereby contributing to their use, and increased efforts on the international level to combat the illegal narcotics trade.

The Protocol to the Single Convention on Narcotics and Dangerous Drugs which the Senate will vote upon soon represents an effort to combat the illegal drug traffic on the international level. It is a watermark in international cooperation to restrict the illegal drug trade. It is, hopefully, a foundation upon which to build new walls against the flow of narcotics from nation to nation.

I do not believe this is the panacea for all our drug problems—that it is the ultimate solution to drug abuse, but it provides a means for making inroads into one of the situations with which we must deal in our overall battle against drug abuse.

The Single Convention is the basic multilateral treaty governing international control of narcotic drugs, including opium, heroin, and cocaine. It was adopted in New York in 1961 to consolidate a number of earlier treaties governing narcotics, and entered into force for adhering nations in 1964. In 1967, after the Senate had given advice and consent to American accession, the United States became a party to this Convention; and to date, more than 90 other countries have also become parties.

During March of this year, at the instigation of the United States, a United Nations Conference was held in Geneva to consider amending the Single Convention in light of current international needs. In all, there were 97 participants at that conference, and the protocol now before us is the result of their work. The series of amendments contained in the

protocol was approved by 71 of the conferees, with no dissenting votes, and will enter into force when the protocol has been ratified by 40 of the parties to the Single Convention. Already the protocol has been signed, subject to ratification, by more than 40 countries, including the United States.

The main purpose of the protocol is to strengthen the International Narcotics Control Board, a body of independent technical experts which was created by the original Convention. During the time since the Convention entered into force, the Board's authority has been generally limited to monitoring the licit production of narcotic drugs and trying to deter leakage from such production into illegal channels.

Now, under the terms of the new protocol, the Board will be explicitly directed to join the fight against the production and trafficking of illicit narcotics. Toward this end, the Board will be reorganized and enlarged, given access to a wider range of information sources, and endowed with additional powers. Among these new powers, the Board will now have a mandate to require a reduction of opium production in countries shown to be sources of illicit traffic. In so doing, the Board will be authorized to make formal recommendations to competent U.N. organs and specialized agencies that technical and financial assistance be provided to cooperating governments in support of their efforts to carry out their obligations under the Single Convention.

If the Board has reason to believe that the aims of the Single Convention are seriously endangered by the inability or failure of a country to carry out its obligations, the Board will act to assist that country in developing remedial measures. If a country fails to adopt remedial measures when requested to do so, the Board may call this to the attention of the parties to the Single Convention and also bring the matter before various organs and agencies of the United Nations, including the United Nations General Assembly.

In addition to strengthening the International Narcotics Control Board, the protocol also strengthens the extradition machinery for drug offenders in a manner similar to that employed with respect to airplane hijacking. In other words, narcotics offenses shall be deemed to be included in any extradition treaty existing between the parties to the Single Convention, and in cases where no extradition treaty exists, the parties may, at their option, consider the Single Convention as a legal basis for extradition.

Mr. President, I urge that the Senate consent to ratification of this protocol.

The PRESIDENT pro tempore. Without objection, Executive J., 92d Congress, second session, will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will read for the information of the Senate.

The assistant 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 Protocol Amending the Single Convention on Narcotic Drugs, 1961, signed for the United States at Geneva on March 25, 1972 (Ex. J, 92–2).

(In accordance with the previous order, action on the protocol will be taken at a later time.)

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

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

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

AUTHORITY TO ORDER YEAS AND NAYS ON EXECUTIVE J, 92D CONGRESS, SECOND SESSION; S. 750; S. 33; H.R. 15883 AND H.R. 8389

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order at any time, even though these measures are not then before the Senate, to order the yeas and nays on the convention, Executive J, 92d Congress, second session, as in executive session; and on S. 750; S. 33; H.R. 15883 and H.R. 8389, en bloc, as in legislative session, and with one show of hands.

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

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate return to the consideration of legislative business.

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

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Indiana (Mr. BAYH) is recognized for 15 minutes.

The Senator from Indiana.

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

The PRESIDENT pro tempore. On whose time?

Mr. BAYH. On my time.

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

The second assistant legislative clerk proceeded to call the roll.

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

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

SOVIET UNION POLICY WITH REGARD TO EMIGRATION OF ITS JEWISH CITIZENS

Mr. BAYH. Mr. President, as my colleagues know, I have been among those in this body who have encouraged and welcomed improved relations with the Soviet Union. The easing of tensions between our two countries is a positive step in the direction of world peace. The SALT talks and the treaty signed by the President during his historic visit to Moscow are but the highlights of a series of agreements which have signaled a growing detente between the United States and the U.S.S.R.

My support for the steady normalization of our relations with the Soviet Union is based on the belief that as Russia is drawn further into the community of nations, its role in world affairs will reflect the moderating influences of international cooperation.

Unfortunately, we have had an alarming indication recently that the Soviet Union is tightening, rather than relaxing, certain domestic policies. This is last month's decision to impose exorbitant fees for exit visas for those Soviet citizens who wish to emigrate from Russia.

The ostensible purpose of these fees is to have those leaving the Soviet Union reimburse the state for the cost of their education. The fees are determined in a sliding scale based on the degree of education. The scale begins at the equivalent of $5,000 and runs—for one with a doctorate—to more than $25,000.

While the visa fees apply to all who want to emigrate from the Soviet Union, the obvious reality of this situation is that the group most directly affected are Soviet Jews seeking to emigrate to Israel. This group, after all, constitutes the largest bloc of potential emigres, and with good reason. The Soviet Government's unfair treatment of its Jewish citizens, and the attempt to eradicate the last vestiges of Judaism in Russia are as much the source of this desire to emigrate as is the lure of the Jewish homeland.

Mr. President, despite all the rhetoric in which the Soviet officials have sought to cloak this new exit visa fee schedule, it really is a very simple program, it is a sliding scale of ransom of Soviet Jews who, faced with religious persecution in their homeland, want desperately to emigrate to Israel.

It is, Mr. President, a remarkably overt form of international blackmail by which the Soviet Union has placed a price tag on the freedom of thousands of its citizens. It is a reprehensible form of bondage, an affront to international standards of human decency, and a sad reminder that the Soviet Union has never wavered from a national policy of denying religious freedom to its citizens.

The unreasonable emigration fees are not the result of a sudden change in Soviet policy, but represent a carefully constructed plan. For it forces Soviet Jews to take one of several unpleasant alternatives.

They can enlist the assistance of freedom-loving people around the world to pay the exit fees. This guarantees the Russians substantial foreign exchange since many well educated Soviet Jews are among those seeking to leave the U.S.S.R. In fact, it must be noted that among those at the forefront of the emigration movement are many outstanding Jewish scientists who feel they can no longer properly use their talents in the Soviet Union.

If the Soviet Jews are unable or unwilling to raise the extremely high exit fees, they may discourage their children from pursuing their education so that this next generation will not be confronted with the higher exit fees that accompany advanced education.

Should Soviet Jews reject the first two alternatives seeking outside help in raising emigration fees and limiting their education they are left with the choice of remaining in the Soviet Union with the depressing knowledge that they will be the victims of persecution if they attempt to pursue their religious traditions.

The fact that none of the three alternatives are acceptable to the world community, is glaring evidence of the abhorrent nature of this new Soviet policy. Those of us in the United States, with our two centuries of individual and religious freedom, cannot stand idly aside as the Soviets turn the screws of oppression on their Jewish population.

This is a particularly relevant time for all Americans to express their sense of moral outrage, Mr. President, for two reasons.

The first is that the official Soviet affirmation of this reprehensible new policy is scheduled to come within the week.

The second is that the U.S. Congress will soon be asked to vote for improved trade conditions for Soviet and Eastern European Nations. I am cosponsor of the legislation to provide those more favorable trading conditions because of my belief, expressed earlier, that we should seek more normal relations with the Soviet Union. In view of the recent Russian decision to further restrict the movement of Soviet Jews, however, I have grave doubts about approving eased trading conditions. Certainly, Mr. President, we would not want to take any action that might be viewed in Moscow as license for more religious persecution or for any more assaults on human dignity.

There have been many eloquent pleas from Soviet Jews and from distinguished members of the world community, including Jews and non-Jews, for a loud international outcry against the exorbitant emigration fees. I am proud to join that outcry and to note that several other Senators have already done so. Silence at a time when the international community is being blackmailed and Soviet Jews are being held for ransom is tantamount to concession. Certainly the forces for good in the world cannot allow that to happen.

Finally, Mr. President, it should be noted that the President's National Security Adviser, Henry Kissinger, is currently in Moscow. I hope and trust that Dr. Kissinger is using this visit to impress on the Soviet leadership the gravity with which the American people look upon the persecution of Soviet Jews and the exorbitant emigration fees. For if Dr. Kissinger fails to make this a subject of his talks with the Soviet leadership, it might well be seen in Moscow as evidence that this issue is not important to the United States. And, let the Kremlin make no mistake about it, the mistreatment of Soviet Jews is important to all Americans with our fundamental commitment to individual liberty and religious freedom.

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

Mr. BAYH. I am glad to yield to the majority leader.

Mr. MANSFIELD. Mr. President, the Senator has pinpointed a difficult situation which confronts this Nation today. May I say that I am in favor of a most favored nation treaty for all countries with which we maintain relations and some with which we do not have regular relations, such as the Peoples Republic of China. On the other hand, I do not and cannot condone the fact that a price is placed on the head of an individual who desires to emigrate to another country, in this case from the Soviet Union to Israel.

But I do think that the two matters are not related, and I would hope that they would not get mixed up in a discussion which has to do with the legitimate aspirations of the people who emigrate and who should be allowed that privilege without having to pay a price for it, and relations between governments which might bring about the establishment of a better trade relationship, which in turn might bring about a better possibility for more stable peace in the world and greater freedom of movement for all people. I make these remarks only to indicate that I am aware of both problems, but I recognize, at least I think I do, a difference between the two.

Mr. BAYH. I appreciate the majority leader's remarks. As I said earlier, the Senator from Indiana has been one of those who has consistently voted——

Mr. MANSFIELD. The Senator is correct.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAYH. Mr. President, I understand there is a special order for the Senator from Oklahoma. Since he is not here, could I ask unanimous consent to continue?

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Oklahoma, I yield 1 minute of his time to the Senator from Indiana.

Mr. BAYH. Is the Senator from Oklahoma present?

Mr. ROBERT C. BYRD. He is on his way.

The PRESIDING OFFICER. Without objection, the Senator from Oklahoma is recognized under the previous order, and 1 minute of his time is transferred to the Senator from Indiana.

Mr. BAYH. I shall yield the floor immediately upon his arrival. I just want to pursue this colloquy for a moment until he does arrive, to point out, as I did earlier, that the Senator from Indiana has supported every effort to lower the barriers. I have traveled to the Soviet Union on a number of occasions myself. I have been impressed with what I have seen, and feel there is an opportunity for better relations.

I feel, although I can see the argument for the consideration of these policies separately that the United States is very limited in its ability, and should be limited, really, in its ability to exert any influence on the domestic affairs of any other nation. And it is not so much this concern over our inability to exert influence on the domestic affairs of other nations, because I do not think that we want to, but I am concerned that we not, by what we do at this present moment in regard to improved trade relations, give added license to this deplorable policy of exit fees. Perhaps if enough Senators stand up and express their concern, the Soviet leaders will understand just what ramifications this policy could lead to in terms of U.S. cooperation.

I appreciate the majority leader's remarks and reiterate both my concern and outrage over the restrictions imposed on Soviet Jews.

Mr. MANSFIELD. Mr. President, if the Senator will yield, may I say it is a matter of real and deep concern, and I do hope something will be done to alleviate the situation of these people who have to pay a price to emigrate, which I think is most unfair, is certainly not called for, and does create a situation which causes a certain amount of disturbance in the minds of some Senators.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Oklahoma may proceed.

(The remarks that Mr. BELLMON made when he submitted Senate Resolution 363 are printed in the RECORD in the morning business section of the RECORD under the appropriate heading.)

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The PRESIDING OFFICER (Mr. BURDICK). Under the previous unanimous-consent agreement, and the hour of 9 a.m. having arrived, the Chair lays before the Senate the unfinished business which the clerk will state.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

The Senate resumed the consideration of the joint resolution.

The PRESIDING OFFICER. Under the previous order, the 1 hour of debate under rule XXII on the pending cloture motion will be equally divided and controlled by the distinguished Senator from Washington (Mr. JACKSON) and the distinguished Senator from Arkansas (Mr. FULBRIGHT).

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may proceed for 2 minutes and that the time be equally charged to both sides.

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

Mr. ROBERT C. BYRD. I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1052, 1053, 1054, and 1055. These have been cleared with the other side.

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

USE OF REAL PROPERTY FOR WILDLIFE CONSERVATION

The bill (H.R. 13025) to amend the act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes was considered, ordered to a third reading, read the third time, and passed.

INTERGOVERNMENTAL COOPERATION ACT OF 1972

The Senate proceeded to consider the bill (S. 3140) to improve the financial management of Federal assistance programs to facilitate the consolidation of such programs; to provide temporary authority to expedite the processing of project applications drawing upon more than one Federal assistance program; to strengthen further congressional review of Federal grants-in-aid; and to extend and amend the law relating to intergovernmental cooperation which had been reported from the Committee on Government Operations with amendments on page 2, line 1, after the word "AND", strike out "REPORTING OF" and insert "OTHER ADMINISTRATIVE REQUIREMENTS RELATED TO";

In line 8, after the word "AND", strike out "REPORTING OF" and insert "OTHER ADMINISTRATIVE REQUIREMENTS RELATED TO";

In line 14, after the word "financial", strike out "reporting" and insert "and other administrative";

In line 22, after the word "UNIFORM", strike out "FINANCIAL REPORTING" and insert "REQUIREMENTS";

On page 3, line 3, after the word "financial", strike out "reporting required" and insert "and other administrative requirements imposed by";

In line 4, after the word "agencies", strike out "of" and insert "on";

After line 6, strike out:

"SEC. 703. (a) The Office of Management and Budget or such other agency as the President may designate, in cooperation with the Comptroller General, is hereby authorized to develop and issue principles and standards of auditing for the guidance of Federal executive agencies and State and local governments, as well as independent public accountants, engaged in the review and audit of Federal assistance programs. Such principles and standards shall serve the purpose of providing technical guidance to the various audit organizations but shall not be construed as relieving such audit organizations of their responsibility for the effective administration of their audit programs.

"(b) The Comptroller General shall include in his audits of Federal assistance programs reviews of the extent of utilization made by the Federal departments and agencies of audits performed by State and local government auditors or outside auditors and of the implementation of the principles and standards issued pursuant to subsection (a) of this section. He shall include in his reports on such audits information on the extent of such utilization and implementation.

And, in lieu thereof, insert:

"SEC. 703. (a) The Comptroller General of the United States, in consultation with the Director of the Office of Management and Budget, shall develop, issue, maintain, and interpret standards of auditing for the guidance of Federal agencies, State and local governments, and independent public accountants, engaged in the review and audit of Federal assistance programs. Such standards shall serve the purpose of providing guidance to the Federal Government and State and local governments but shall not be construed as relieving such governments of the responsibility for the effective administration of their audit programs.

"(b) The Comptroller General shall, in the course of carrying out his audit responsibilities, consider and report to the Congress on the utilization made by Federal agencies of the audits performed by State and local governments, or independent public accountants, and on the implementation of the standards issued pursuant to subsection (a) of his section.

On page 7, line 16, after the word "this", strike out "section." and insert "section including coordination in the field.";

In line 24, after "Sec. 201.", insert "(a)";

On page 8, line 13, after the word "improve", strike out "coordination;" and insert "coordination;";

On page 9, line 4, after the word "an", strike out "executive" and insert "Executive";

At the beginning of line 7, strike out "branch."; and insert "branch;";

In line 14, after the word "the", strike out "Federal";

In the same line, after the word "Government", insert "of the United States";

On page 10, line 17, after the word "single", strike out "Federal";

On page 11, line 2, after the word "being", strike out "consolidated." and insert "consolidated;";

After line 3, insert:

"(3) shall specify the date of expiration of the consolidation plan and all the Federal assistance programs which have been included, except that in selecting the expiration date the President shall not specify a date which is earlier than the earliest or later than the latest expiration date of any of the Federal assistance programs being consolidated and in no case shall the expiration date of the consolidation plan be any longer than 5 years from the date the consolidation plan becomes effective;

At the beginning of line 13, strike out "(3)" and insert "(4)";

In line 20, after "(c)", strike out "the" and insert "The";

On page 12, line 1, after the word "within", strike out "thirty" and insert "30";

In line 5, after the word "of,", strike out "(1) continuing any Federal assistance program or part thereof beyond the period authorized by law for its existence or beyond the time when it would have terminated if the consolidation plan did not take effect, (2)"; and insert "(1)";

In line 10, after the word "area,", strike out "(3)" and insert "(2)";

In line 14, after the word "plan,", strike out "(4)" and insert "(3)";

In line 17, after the word "or", strike out "(5)" and insert "(4)";

On page 13, at the beginning of line 3, strike out "April 4, 1973.", and insert "October 31, 1974.";

In line 9, after the word "this", strike out "section", and insert "section,";

In the same line, after the word "effective", strike out "at the end of" and insert "on the first day of the first month commencing after the expiration of";

In line 11, after the word "of", where it appears the second time, strike out "sixty" and insert "60";

In line 14, after the word "the", where it appears the third time, strike out "sixty day" and insert "60-day";

In line 19, after the word "sine", strike out "die, and" and insert "die; and";

In line 21, after the word "than", strike out "three" and insert "3";

In line 23, after the word "the", strike out "sixty-day" and insert "60-day";

On page 16, at the beginning of line 9, strike out "in the case of" and insert "with respect to consolidation plan";

In the same line, after the word "resolutions", insert "referred to";

In line 10, after "(b)", insert "of this section";

In the same line, after the word "and", strike out "its" and insert "it";

In line 18, after the word "sections", strike out "910 through 913" and insert "910–913";

On page 17, line 7, after "19", strike out "the.", and insert "The";

At the beginning of line 10, strike out "filed.'" and insert "filed.";

After line 10, insert

(b) The table of chapters of part I of title 5, United States Code, immediately preceding chapter 1, is amended by adding at the end thereof the following new item:

On page 18, line 16, after the word "Federal", strike out "department and";

In line 20, after the word "his", strike out "department or";

In line 21, after the word "necessary", strike out "department or" and insert "Federal";

In line 23, after the word "such", strike out "department or":

On page 19, line 1, after the word "his", strike out "department or";

In line 5, after "(2)", strike out "develop and";

In line 11, after the word "his", strike out "department or";

In line 16, after "(4)", strike out "establish" and insert "apply";

In line 18, after the word "his", strike out "department or";

On page 20, line 1, after "(6)", strike out "develop" and insert "promulgate";

In line 5, after the word "his", strike out "department or";

In line 9, after the word "Federal", strike out "department and";

In line 19, after the word "conflicting", strike out "departmental or";

In line 23, after the word "conflicting", strike out "departmental or";

On page 21, line 3, after the word "conflicting", strike out "departmental or";

In line 9, after the word "conflicting", strike out "departmental or";

In line 14, after the word "conflicting", strike out "departmental or";

In line 19, after the word "Federal", strike out "department and";

In line 22, after the word "his", strike out "department or";

On page 22, line 16, after the word "may", strike out "prescribe" and insert "promulgate";

On page 23, line 17, after the word "Federal", strike out "department or";

In line 20, after the word "his", strike out "department or";

On page 24, line 23, after the word "Federal", strike out "department or";

On page 25, line 3, after the word "section,"; strike out "the President shall have authority to exercise, with reference to interdepartmental demonstration joint projects, the same", and insert "those";

In line 6, after the word "Federal", strike out "departments and";

In line 8, after the word "section", strike out "802." and insert "802 shall be exercised by the President in the case of interdepartmental demonstration joint projects.";

In line 15, after the word "Federal", strike out "departments and";

At the beginning of line 16, strike out "departments and";

In line 17, after the word "of", strike out "programs" and insert "projects";

At the beginning of line 18, strike out "programs" and insert "projects";

In line 21, after the word "Federal", strike out "departments and";

In line 24, after the word "other", strike out "departments or";

On page 26, line 1, after the word "to", strike out "programs" and insert "projects";

At the beginning of line 2, strike out "programs" and insert "projects";

In line 11, after the word "Federal", strike out "department or";

At the beginning of line 15, strike out "departments and";

In line 17, after the word "those", strike out "departments and";

At the beginning of line 20, strike out "department or" ;

On page 27, line 4, after the word "Federal", strike out departments and";

After line 14, strike out:

"(f) This section shall expire three years after it becomes effective, but its expiration shall not affect the administration of joint projects previously approved.

On page 28, line 19, after the word "the", strike out "Federal" and insert "United States";

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Intergovernmental Cooperation Act of 1972".

TITLE I—ACCOUNTING, AUDITING, AND OTHER ADMINISTRATIVE REQUIREMENTS RELATED TO FEDERAL ASSISTANCE FUNDS

SEC. 101. The Intergovernmental Cooperation Act of 1968 (82 Stat. 1098; 42 U.S.C. 4201) is amended by adding at the end thereof the following new title:

"TITLE VII—ACCOUNTING, AUDITING, AND OTHER ADMINISTRATION REQUIREMENTS RELATED TO FEDERAL ASSISTANCE FUNDS

"STATEMENT OF PURPOSE

"SEC. 701. It is the purpose of this title to encourage simplification and standardization and financial and other administrative requirements of Federal assistance programs, to promote among Federal agencies administering such programs, accounting and auditing policies that rely on State and local financial management control systems meeting certain standards, and to authorizing the issuance of principles and standards governing the auditing of Federal assistance programs.

"MORE UNIFORM REQUIREMENTS

"SEC. 702. Notwithstanding any other provision of law, the President shall, to the extent feasible, promulgate rules and regulations simplifying and making more uniform the financial and other administrative requirements imposed by Federal agencies on recipients under Federal assistance programs.

"STANDARDS OF AUDITING TO BE DEVELOPED

"SEC. 703. (a) The Comptroller General of the United States, in consultation with the Director of the Office of Management and Budget, shall develop, issue, maintain, and interpret standards of auditing for the guidance of Federal agencies, State and local governments, and independent public accountants, engaged in the review and audit of Federal assistance programs. Such standards shall serve the purpose of providing guidance to the Federal Government and State and local governments but shall not be construed as relieving such governments of the responsibility for the effective administration of their audit programs.

"(b) The Comptroller General shall, in the course of carrying out his audit responsibilities, consider and report to the Congress on the utilization made by Federal agencies of the audits performed by State and local governments, or independent public accountants, and on the implementation of the standards issued pursuant to subsection (a) of this section.

"(c) The Comptroller General shall from time to time make such recommendations to the Federal agencies administering Federal assistance programs as he determines desirable to assist such agencies in complying with the provisions of this title and any regulations or principles and standards of auditing prescribed pursuant thereto.

"FEDERAL AGENCIES' RELIANCE ON THE FINANCIAL MANAGEMENT CONTROL SYSTEMS OF STATES AND THEIR POLITICAL SUBDIVISIONS

"SEC. 704. (a) Federal agencies administering Federal assistance programs shall adopt accounting and auditing policies that, to the maximum extent feasible, rely on evaluation of internal or independent accounting and audits of such programs performed by or for States and units of local government without performing a duplicate audit unless deemed necessary.

"(b) Heads of such agencies shall determine the adequacy of the internal financial management control systems employed by recipient jurisdictions, including but not restricted to a determination of (1) whether reports are prepared in accordance with applicable requirements and are supported by accounting and other records; (2) whether audits are carried out with adequate coverage and in accordance with the auditing principles and standards issued pursuant to section 703(a); and (3) whether the auditing function is performed on a timely basis by a qualified staff which is sufficiently independent of program operations to permit a comprehensive and objective auditing performance.

"(c) Where such control systems are found to be acceptable, heads of such agencies shall, in the absence of substantial reasons to the contrary, authorize an evaluation of audits performed under such systems to determine their acceptability in lieu of audits which otherwise would be required to be performed by such agencies. Where the agency determines that audits performed under financial management control systems are acceptable, it will not perform duplicate audits. Where the agency does not accept audits performed under such systems in lieu of its audits, such agency shall make whatever audits are necessary to assure that the Federal funds are expended for the purpose of the Federal assistance program involved.

"(d) Periodic review and testing of the operations under such control systems shall be undertaken by such agencies to verify the continuing acceptability of the systems for the purposes of subsection (c) of this section.

"(e) Each Federal agency administering a Federal assistance program shall encourage greater cooperation with the personnel operating the internal financial management control systems of recipient jurisdictions by maintaining continuous liaison with such personnel, collaborating in accounting systems development and the interchange of audit standards and objectives and collaboration in the development of audit programs.

"(f) Each such agency administering more than one Federal assistance program shall, to the extent feasible and permitted by law, coordinate and make uniform the auditing requirements of individual programs.

"(g) Each Federal agency administering a Federal assistance program shall, to the extent feasible, establish cross-servicing arrangements with other Federal agencies administering Federal assistance programs under which one such agency would conduct the audits for another.

"(h) The Office of Management and Budget, or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this section including coordination in the field.

"NO DIMINITION OF AUTHORITY OF COMPTROLLER GENERAL

"SEC. 705. Nothing in this title shall be construed to diminish the authorities and responsibilities of the Comptroller General of the United States under existing law."

TITLE II—CONSOLIDATION OF FEDERAL ASSISTANCE PROGRAMS

SEC. 201. (a) Title 5, United States Code, is amended by inserting the following immediately after chapter 9 of such title 5:

"Chapter 10—FEDERAL ASSISTANCE PROGRAM CONSOLIDATION

"§ 1001. Purpose.

"(a) The President shall from time to time examine the various Federal assistance programs provided by law and with respect to such programs shall determine what consolidations are necessary or desirable to accomplish one or more of the following purposes:

"(1) to promote better administration and more effective planning;

"(2) to improve coordination;

"(3) to eliminate overlapping and duplication; and

"(4) to promote economy and efficiency to the fullest extent consistent with the achievement of program goals.

"§ 1002. Definitions

"For the purpose of this chapter—

"(1) 'agency' means—

"(A) an Executive agency or part thereof; and

"(B) an office or officer in the executive branch;

"(2) 'officer' is not limited by section 2104 of this title;

"(3) 'Federal assistance' or 'Federal assistance program' means any assistance provided by an agency in the form of grants, loans, loan guarantees, property, contracts (except those for the procurement of goods and services for the Government of the United States), or technical assistance,

whether the recipients are a State or local government, their agencies, including school or other special districts created by or pursuant to State law, or public, quasi-public, or private institutions, associations, corporations, individuals, or other persons; and

"(4) 'consolidation plan' means any Federal assistance consolidation plan proposed under section 1003 of this title.

"§ 1003. Federal assistance program consolidation plans

"(a) When the President, after investigation, finds that a consolidation of Federal assistance programs is necessary or desirable to accomplish one or more of the purposes set forth in section 1001(a) of this title, he shall prepare a Federal assistance consolidation plan for the making of program consolidations, and shall transmit the plan (bearing an identification number) to the Congress, together with a declaration that, with respect to the consolidation included in the plan, he has found that the consolidation is necessary or desirable to accomplish one or more of the purposes set forth in section 1001(a) of this title and a declaration as to how each program included in the plan is functionally related.

"(b) Each such consolidation plan so transmitted—

"(1) shall place responsibility for administration of the consolidated program in a single agency;

"(2) shall specify in detail the terms and conditions under which the Federal assistance programs included in the plan shall be administered, including but not limited to matching, apportionment, and other formulas, interest rates, and planning, eligibility, and other requirements; except that the President shall, in selecting applicable terms and conditions, be limited by the range of terms and conditions already included in the Federal assistance programs being consolidated;

"(3) shall specify the date of expiration of the consolidation plan and all the Federal assistance programs which have been included, except that in selecting the expiration date the President shall not specify a date which is earlier than the earliest or later than the latest expiration date of any of the Federal assistance programs being consolidated and in no case shall the expiration date of the consolidation plan be any longer than 5 years from the date the consolidation plan becomes effective;

"(4) shall set forth the message transmitting the plan to the Congress the difference between the terms and conditions of the individual Federal assistance programs to be consolidated under the plan and those that will be applicable after the plan goes into effect, and shall also set forth the reasons for selecting such terms and conditions.

"(c) The President shall have a consolidation plan delivered to both Houses in the same day and to each House while it is in session, except that no consolidation plan may be delivered within 30 calendar days following the delivery of a previous plan in the same functional area.

"§ 1004. Limitations on powers

"(a) A consolidation plan may not provide for, and may not have the effect of, (1) consolidating any Federal assistance programs which are not in the same functional area, (2) providing any type of Federal assistance included in such a consolidation plan to any recipient who was not eligible for Federal assistance under any of the programs included in the consolidation plan, (3) excluding from eligibility under the consolidation plan any recipient who was eligible for Federal assistance under any of the programs included in the consolidation plan, or (4) transferring responsibility for the administration of the program or programs contained in a consolidation plan in an agency, office, or officer who was not responsible for the administration of one or more such programs prior to the taking effect of the consolidation plan.

"(b) Each consolidation plan shall provide for only one consolidation of two or more Federal assistance programs.

"(c) A provision contained in a consideration plan may take effect only if the plan is transmitted to Congress before October 31, 1973. Section 905(b) of this title shall not limit any consolidation plan prepared under this chapter.

"§ 1005. Effective date and publication of consolidation plans

"(a) Except as otherwise provided in subsection (c) of this section, a consolidation plan shall become effective on the first day of the first month commencing after the expiration of the first period of 60 calendar days of continuous session of the Congress after the date on which the plan is transmitted to it unless, between the date of transmittal and the end of the 60-day period, either House passes a resolution stating in substance that the House does not favor the plan.

"(b) For the purposes of subsection (a) of this section—

"(1) continuity of session is broken only by adjournment of Congress sine die; and

"(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the 60-day period.

"(c) Under provisions contained in a grant consolidation plan, a provision of the plan may become effective at a time later than the date on which such plan otherwise is effective.

"(d) A consolidation plan which becomes effective shall be printed (1) in the Statutes at Large in the same volume as the public laws and (2) in the Federal Register.

"§ 1006. Effect on other laws and regulations

"(a) To the extent that any provision of a consolidation plan which becomes effective under this chapter is inconsistent with any provision of any statute enacted prior to the effective date of the plan, the provision of the consolidation plan shall control, to the extent that such plan specifies the provision of the statute to be superseded.

"(b) Any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, or other action made, prescribed, issued, granted, or performed with respect to any matter affected by a consolidation plan which becomes effective under this chapter shall be deemed to be modified to the extent of any inconsistency thereof with the consolidation plan but shall otherwise continue in effect.

"(c) A suit, action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, does not abate by reason of the taking affect of a consolidation plan under this chapter. On motion or supplemental petition filed at any time within twelve months after the plan takes effect, showing a necessity for a survival of the suit, action, or other proceeding to obtain a settlement of the questions involved, the court may allow the suit, action, or other proceeding to be maintained by or against the successor of the head or officer under the consolidation plan or, if there is no successor, against such agency or officer as the President designates.

"(d) A consolidation plan may provide for transfers of appropriations or other budget authority in such manner that the aggregate amount of appropriations and other budget authority available for carrying out the Federal assistance programs involved in such plan shall be available for any or all such programs; and the aggregate amount of authorizations of appropriations or other budget authority for such programs shall be deemed an authorization of appropriations and other budget authority for any or all of such programs. The appropriations or portions of appropriations unexpended by reason of operation of this chapter may not be used for any purpose, but shall revert to the Treasury.

"§ 1007. Rules of Senate and House of Representatives on consolidation plans

"(a) This section is enacted by the Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followd in the House with respect to consolidation plan resolutions referred to in subsection (b) of this section; and it supersedes other rules to the extent that it is inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(b) The provisions of sections 910–913 of this title shall apply with respect to a consolidation plan and, for such purposes—

"(1) all references in such sections to a 'reorganization plan' shall be treated as referring to a 'Federal assistance program consolidation plan', and

"(2) all reference in such sections to 'resolution' shall be treated as referring to a resolution of either House of the Congress, the matter after the resolving clause which is as follows: 'That the does not favor the Federal assistance program consolidation plan numbered transmitted to the Congress by the President on 19 .' The first blank therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled."

(b) The table of chapters of part I of title 5, United States Code, immediately preceding chapter 1, is amended by adding at the end thereof the following new item:

"10. Federal Assistance Program Consolidation ---------- 1001".

TITLE III—JOINT FUNDING SIMPLIFICATION

SEC. 301. The Intergovernmental Cooperation Act of 1968 (82 Stat. 1098; 42 U.S.C. 4201) is further amended by adding after title VII, as added by section 101 of this Act, the following new title:

"TITLE VIII—JOINT FUNDING SIMPLIFICATION

"STATEMENT OF PURPOSE

"SEC. 801. The purpose of this title is to enable States, local governments, and other public or private organizations to use Federal assistance programs more effectively and efficiently, to adapt such programs more readily to their particular needs through the wider use of joint projects drawing upon resources available from more than one Federal program, appropriation, or agency and to acquire experience which would lead to the development of legislative proposals respecting the consolidation, simplification, and coordination of Federal assistance programs. It is further the purpose of this title to facilitate the development of joint project and joint funding arrangements at the national level by giving primary emphasis to those arrangements involving intradepartmental actions and by placing interdepartmental joint projects and management funds on an experimental and limited demonstration basis.

"INTRADEPARTMENTAL JOINT PROJECTS

"SEC. 802. (a) The head of every Federal agency administering two or more Federal

assistance programs is authorized to approve combined applications for joint projects requiring funding from two or more such programs administered by his agency.

"(b) To develop the necessary Federal agency capability to achieve the purposes of section 801, the head of such agency, among other actions shall—

"(1) identify related programs within his agency likely to be particularly suitable or appropriate for providing combined support for specific kinds of joint projects;

"(2) promulgate guidelines, model or illustrative joint projects, common application forms, and other materials of guidance to assist in the planning and development of joint projects drawing support from different Federal assistance programs;

"(3) review program requirements established administratively within his agency in order to determine which of those requirements may impede combined support of joint projects and the extent to which these may be appropriately modified and make modifications accordingly;

"(4) apply common technical or administrative rules among Federal assistance programs administered by his agency to assist in the support of specific joint projects or classes of joint projects;

"(5) create joint or common application processing and project supervision procedures or mechanisms including procedures for designating a lead office or unit to be responsible for processing of applications and supervising joint projects approved by him; and

"(6) promulgate common accounting, auditing, and financial reporting procedures that will facilitate establishment of fiscal and program accountability with respect to joint projects aided by Federal assistance programs administered by his agency.

"(c) Where appropriate to further the purposes of this title, and subject to the conditions prescribed under subsection (f) of this section, the head of every Federal agency administering two or more Federal assistance programs may adopt uniform provisions respecting—

"(1) inconsistent or conflicting departmental or agency requirements relating to financial administration, including accounting, auditing, and fiscal reporting, but only to the extent consistent with the provisions of clauses (2), (3), (4), and (5) of subsection (d) of this section;

"(2) inconsistent or conflicting agency requirements relating to the timing of Federal payments where a single or combined schedule is to be established for the joint projects as a whole;

"(3) inconsistent or conflicting agency requirements that assistance be extended in the form of a grant rather than a contract, or a contract rather than a grant;

"(4) inconsistent or conflicting agency requirements for merit personnel systems, but only to the extent that the joint project contemplated would cause those requirements to be applied to programs or projects administered by recipient agencies not otherwise subject to such requirements;

"(5) inconsistent or conflicting agency requirements relating to accountability for, or the disposition of, property or structures acquired or constructed with Federal assistance where common rules are to be established for the joint project as a whole; and

"(6) other inconsistent or conflicting agency requirements of an administrative or technical nature as defined in regulations authorized by subsection (f) of this section.

"(d) To further carry out the purposes of this title, the head of every Federal agency administering two or more Federal assistance programs—

"(1) may provide for review of combined applications for joint projects of his agency by a single panel, board, or committee in lieu of review by separate panels, boards, or committees when such review would otherwise be required by law;

"(2) may prescribe rules and regulations for the establishment of joint management funds with respect to joint projects approved by him so that the total amount approved by any such project may be accounted for through a joint management fund as if the funds had been derived from a single Federal assistance program or appropriation; and such rules and regulations shall provide that there will be advanced to the joint management fund from each affected appropriation its proportionate share of amounts needed for payment to the grantee and amounts remaining in the hands of the grantee at the completion of the joint project shall be returned to the joint management fund;

"(3) may promulgate rules and regulations governing the financial reporting of joint projects financed through joint management funds established pursuant to this section; and such reports shall, as a minimum, fully disclose the amount and disposition of Federal assistance received by recipient States and local governments, the total cost of the joint project in connection with which such Federal assistance was given or used, the amount of that portion of the cost of the joint project supplied by other sources, and such other records as will facilitate an effective joint project audit;

"(4) shall have access for the purpose of audit and examination to any books, documents, papers, and records of recipient States and local governments that are pertinent to the moneys received from joint management funds authorized by him; and

"(5) may establish a single non-Federal share for any joint project, authorized by him and covered in a joint management fund, according to the Federal share ratios applicable to the several Federal assistance programs involved and the proportion of funds transferred to the joint project account from each of those programs.

"(e) Subject to such regulations as may be established pursuant to subsection (f) of this section, the head of every Federal agency administering two or more Federal assistance programs may enter into agreements with States or appropriate State agencies to extend the benefits of this title to joint projects involving assistance from his agency and one or more State agencies. These agreements may include arrangements for the processing of requests for, or the administration of, assistance to such projects on a joint basis. They may also include provisions involving the establishment of uniform technical or administrative requirements, as authorized by this section. Such agreements ordinarily will focus on those program areas wherein Federal assistance is normally channeled through the States.

"(f) In order to provide for the more effective administration of funds drawn from more than one Federal assistance program or authorization in support of intradepartmental joint projects authorized under this section and to assure energetic and more uniform departmental and agency administration of the functions authorized by this section, the President may prescribe such rules and regulations as he deems necessary to achieve these purposes.

"INTERDEPARTMENTAL DEMONSTRATION JOINT PROJECTS

"SEC. 803. (a) In order to extend selectively the benefits of joint projects and joint management funding on a governmentwide basis and in recognition of the administrative difficulties involved in this undertaking, the President is authorized to approve on a demonstration basis combined applications for joint projects, requiring funding from two or more Federal assistance programs administered by more than one Federal agency.

"(b) In order to develop the necessary capability within the Executive Office of the President for achieving the purpose of this section, those responsibilities and authorities assigned to heads of Federal agencies with reference to intradepartmental joint projects under subsections (b), (c), (d), and (e) of section 802 shall be exercised by the President in the case of interdepartmental demonstration joint projects.

"(c) To facilitate the expeditious processing of applications for interdepartmental demonstration joint projects or their effective administration, the President is authorized to establish rules and regulations requiring the delegation by heads of Federal agencies to other such agencies of any powers relating to approval, under this section, of projects or classes of projects under an interdepartmental demonstration joint project, if such delegation will promote the purposes of such project. Such rules and regulations may also provide for the delegation to other Federal agencies of powers relating to the supervision of administration of Federal assistance, or stipulate other arrangements for other agencies to perform such activities with respect to projects or classes of projects subject to this section. Delegations authorized by such rules and regulations shall be made only on such conditions as may be appropriate to assure that the powers and functions delegated are exercised in full conformity with applicable statutory provisions or policies.

"(d) To facilitate the establishment of joint management funds on an interdepartmental basis, any account in a joint management fund involving money derived from two or more Federal assistance programs administered by more than one Federal agency shall be subject to such rules and regulations, not inconsistent with other applicable law, as the President may establish with respect to the discharge of the responsibilities of affected agencies. Such rules and regulations shall assure the availability of necessary information, including requisite accounting and auditing information, to those agencies, to the Congress, and to the Executive Office of the President. They shall also provide that the agency administering a joint management fund shall be responsible and accountable for the total amount provided for the purposes of each account established in the fund, and shall adhere to accounting and auditing policies consistent with title VII of this Act. They may include procedures for determining, from time to time, whether amounts in the account are in excess of the amounts required, for returning that excess to participating Federal agencies in accordance with a formula providing an equitable distribution; and for effecting returns accordingly to the applicable appropriations, subject to fiscal year limitations. Excess amounts applicable to expired appropriations will be lapsed from that fund.

"(e) During the seventh month after the end of each fiscal year, starting with the first full fiscal year after the effective date of this section, the President shall submit to the Congress an evaluation of progress in accomplishing the purposes of this title.

"FUNDING AND PERSONNEL AVAILABILITY

"SEC. 804. (a) Appropriations available to any Federal assistance program for technical assistance or the training of personnel may be made available for the provision of technical assistance and training in connection with projects approved for joint or common funding involving that program and any other Federal assistance program.

"(b) Personnel of any Federal agency may be detailed from time to time to other agencies as necessary or appropriate to facilitate the processing of applications under this title or the administration of approved projects.

"AUTHORITY OF THE COMPTROLLER GENERAL OF THE UNITED STATES

"SEC. 805. For the purpose of audit and examination, the Comptroller General of the

United States shall have access to any books, documents, papers, and records of recipients of interdepartmental and intradepartmental joint projects that are pertinent to the moneys received from joint management funds established for such projects.

"DEFINITIONS

"SEC. 806. As used in this title—

"(1) 'Federal assistance' or 'Federal assistance program' means any assistance provided by an agency in the form of grants, loans, loan guarantees, property, contracts (except those for the procurement of goods and services for the United States Government), or technical assistance, whether the recipients are a State or local government, their agencies, including school or other special districts created by or pursuant to State law, or public, quasi-public, or private institutions, associations, corporations, individuals, or other persons; and

"(2) 'joint project' means any undertaking which includes components proposed or approved for aid under more than one Federal assistance program or appropriation or one or more Federal assistance programs or appropriations in combination with one or more State or local programs, if each of those components contributes materially to the accomplishment of a single purpose or closely related purpose."

EFFECTIVE DATE

SEC. 302. Sections 802 and 803 of the Intergovernmental Cooperation Act of 1968, as added by section 301 of this Act, shall become effective one hundred and twenty days after the date of enactment of this Act.

TITLE IV—CONGRESSIONAL AND EXECUTIVE OVERSIGHT OF FEDERAL ASSISTANCE PROGRAMS

SEC. 401. Section 601 of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098; 42 U.S.C. 4201) is amended by adding at the end thereof the following new subsection:

"(c) If any law enacted on or after the date of the enactment of the Intergovernmental Cooperation Act of 1972 authorizes the making of grants-in-aid over a period of three or more years, then during the period beginning not later than the twelve months immediately preceding the date on which such authority is to expire, the committees of the House and Senate to which legislation extending such authority would be referred shall, separately or jointly, conduct studies of the program under which such grants-in-aid are made and advise their respective Houses of the results of their findings with special reference to the considerations cited in clauses (1), (2), (3), and (4) of subsection (a) of this section. Each such committee shall report the results of its investigation and study to its respective House not later than one hundred and twenty days before such authority is due to expire."

SEC. 402. Title VI of such Act is amended—

(1) by redesignating section 604 as section 606; and

(2) by inserting immediately after section 603 the following new sections:

"CONGRESSIONAL REVIEW SPECIALISTS

"SEC. 604. Each standing committee of the Senate and House of Representatives which is responsible for the review and study, on a continuing basis, of the application, operation, administration, and execution of two or more grant-in-aid programs is entitled to employ a review specialist as a member of the professional staff of such committee in addition to the number of such professional staff to which such committee otherwise is entitled. Such specialist shall be selected and appointed by the chairman of such committee, with the prior approval of the ranking minority member, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of the position. Such specialist shall, under the joint direction and supervision of the chairman and the ranking minority member, assist the committee in the performance of its review functions under this title.

"REPORTS BY FEDERAL AGENCIES

"SEC. 605. (a) Heads of Federal agencies administering one or more Federal assistance programs shall make a report to the President and the Congress on the operations of such programs at the end of each fiscal year, beginning with the first full fiscal year following the date of enactment of the Intergovernmental Cooperation Act of 1972. Such reports shall include—

"(1) the overall progress and effectiveness of administrative efforts to carry out each program's statutory goals;

"(2) the consultative procedures employed under each program to afford recipient jurisdictions an opportunity to review and comment on proposed new administrative regulations, and basic program changes;

"(3) intradepartmental and interdepartmental arrangements to assure proper coordination of headquarters and in the field with other related Federal assistance programs;

"(4) efforts and progress in simplifying and making more uniform (A) application forms and procedures, and (B) financial reporting and auditing requirements and procedures;

"(5) efforts and progress in relying on the internal or independent audits performed by or for States and political subdivisions;

"(6) the feasibility of consolidating individual Federal assistance programs with others in the same or closely related functional areas, where they exist;

"(7) the practicability of delegating more administrative discretion, including application approval authority, to field offices;

"(8) whether changes in the purpose, direction, or administration of such Federal assistance programs, or in procedures and requirements applicable thereto, should be made; and

"(9) the extent to which such programs are adequate to meet the growing and changing needs for which they were designed.

"(b) The President shall transmit to the Congress, no later than January 31 of each year, a summary report on Federal assistance activities of the preceding fiscal year. The first such report shall be transmitted not later than January 31 following the first full fiscal year following the date of enactment of the Intergovernmental Cooperation Act of 1972. Each report shall (1) summarize and analyze the findings of the department and agency reports provided in subsection (a) of this section; (2) set forth such recommendations as he may deem appropriate to convert the existing system of Federal assistance programs into a more effective vehicle for intergovernmental cooperation; and (3) such other matters that are considered pertinent."

TITLE V—MISCELLANEOUS

SEC. 501. Section 202 of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098; 42 U.S.C. 4201) is amended to read as follows:

"SEC. 202. No grants-in-aid to a State or a political subdivision shall be required by Federal law or administrative regulation to be deposited in a separate bank account apart from other funds administered by the State or political subdivision. All Federal grant-in-aid funds made available to the States or to political subdivisions shall be properly accounted for as Federal funds in the accounts of the State or of the political subdivisions. In each case the agency of the State or of the political subdivisions concerned shall render regular authenticated reports to the appropriate Federal agency covering the status and the application of the funds, the liabilities and obligations on hand, and such other facts as may be required by said Federal agency. The head of the Federal agency 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, papers, and records that are pertinent to the grant-in-aid received by the States or by the political subdivisions."

SEC. 502. Section 203 of such Act is amended to read as follows:

"SEC. 203. Heads of Federal departments and agencies responsible for administering grant-in-aid programs shall schedule the transfer of grant-in-aid funds consistent with program purposes and applicable Treasury regulations, so as to minimize the time elapsing between the date of transfer of such funds from the United States Treasury and the date of disbursement thereof by a State or by a political subdivision; or between the date of disbursement by a State or by a political subdivision and the date of transfer by the United States Treasury. States and the political subdivisions shall not be held accountable for interest earned on grant-in-aid funds, pending their disbursement for program purposes."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1109), explaining the purposes of the measure.

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

PURPOSE

S. 3140, the Intergovernmental Cooperation Act of 1972, is aimed at strengthening the management of our categorical grant-in-aid system. Since the early 1960's, categorical grants-in-aid have grown markedly in number, size, and complexity, and attendant administrative problems have also grown. S. 3140 provides the means to eliminate some of those problems.

The bill provides a necessary supplement to the Intergovernmental Cooperation Act of 1968 (Public Law 90–577), which was the first major piece of legislation to improve administrative relationships between the Federal, State, and local levels of Government. This new measure would provide additional tools to those at the national level who are grappling with the difficult assignment of achieving more effective delivery of Federal assistance programs to recipients at the State and local levels.

S. 3140 is an omnibus bill. It contains four principal titles which deal with the following four problems which hamper grant-in-aid administration: (I) the complex and time-consuming auditing, accounting, fiscal reporting activities and other administrative requirements of grants-in-aid; (II) the difficult problem of excessive fragmentation of Federal resources into too many grant programs; (III) the difficulties which grant applicants have in developing a coherent and manageable project when faced by several separate and separately funded programs; and (IV) the need for more effective executive and legislative oversight with respect to these programs.

The four principal titles of the bill meet these problems as follows:

Title I authorizes the President to promulgate rules to simplify and unify financial reporting requirements—and other administrative requirements—of Federal assistance programs. It allows increased reliance on State and local audits which meet Federal criteria.

Title II provides for an expeditious method—using the Executive Reorganization Act approach—for congressional approval of grant consolidation. Grants must be closely related and in the same functional area. Neither the substance nor the recipients of

the grants will be fundamentally altered by consolidation.

Title III provides authorization for simplifying the administrative and technical requirements of Federal assistance programs to permit joint management and joint funding of these programs on a departmental and, to a lesser extent, on an inter-departmental basis.

Title IV establishes a more comprehensive policy of congressional and executive review of the operation of grant programs. It provides for grant review specialists on substantive committees in the Congress.

BACKGROUND

S. 3140 builds on the foundation established by the Intergovernmental Cooperation Act of 1968 (Public Law 90–577) which was itself the product of studies begun in 1962 by the Subcommittee on Intergovernmental Relations at the direction of its chairman, Senator Edmund S. Muskie.

S. 3140, like the Intergovernmental Cooperation Act of 1968 and earlier related legislative proposals, is genuinely intergovernmental in its origin and development as shown by the board participation of individuals, agencies and organizations, both Federal and non-Federal.

Since it began to take shape, S. 3140 has been as bipartisan in spirit as its present sponsorship suggests. It was introduced on February 8, 1972, by Senator Muskie with Senator Gurney, the subcommittee's ranking minority member, as principal co-sponsor. The other co-sponsors of the legislation are Senators Humphrey, Javits, Mathias, Metcalf, Percy, and Roth.

The first three titles of the bill—which deal with simplification of administrative and financial reporting procedures, grant consolidation, and joint funding—were treated in a 1967 report by the Advisory Commission on Intergovernmental Relations titled, "Fiscal Balance and the American Federal System." Congressional oversight in the grant-in-aid area had been the subject of an earlier ACIR study.

In June 1969, Senator Muskie introduced a bill which addressed itself to these four subjects, S. 2479, the Intergovernmental Cooperation Act of 1969. This measure was considered by the subcommittee along with related legislation, notably S. 2035, a bill on grant consolidation introduced by Senator Mundt for the Administration. Senator Mundt's bill was based largely on experience in the Bureau of the Budget under Presidents Kennedy and Johnson as well as Nixon.

Hearings were held on S. 2479 and S. 2035 on September 9, 10, 12 and 17, 1969. Testimony was also heard on S. 60, a bill to "Create a Catalogue of Federal Assistance Programs," which had been introduced in the House by then Congressman Roth and introduced in the Senate by Senator Boggs.

The major change in S. 2479 in subcommittee was the substitution of the administration's bill on grant consolidation—S. 2035, introduced by Senator Mundt—for the grant consolidation title of S. 2479. The result of this substitution was that the Executive's power to consolidate programs was tailored more closely to the specific operational needs of OMB. This power was limited somewhat, however, by the addition in subcommittee of several new provisions. Most other changes in subcommittee in S. 2479 were minor and primarily technical.

S. 2479 was reported out of the subcommittee in the fall of 1969. Due to the press of other urgent business, the bill was never taken up by the full committee.

In the 92d Congress, on February 8, 1972, Senator Muskie reintroduced the measure in virtually the same form as it had been reported out of the subcommittee in 1969. The only changes were in title II on grant consolidation and these did not affect the bill's basic concepts. The changes consisted of the use of slightly more specific language in the introductory parts of the title—to more clearly define the boundaries of the power authorized for the Executive—and the addition of two new provisions which controlled to some degree the introduction of consolidation plans. One new clause specified that not more than one consolidation plan in a given functional area could be introduced per 30 days. The other specified that a consolidation plan could not provide for more than one consolidation of one or more programs. This ruled out proposals for multistage consolidations.

These changes were made because surrounding circumstances had been altered since the 1969 bill by President Nixon's proposal for "Special Revenue Sharing" slightly over a year earlier.

In January 1971, President Nixon called for "Special Revenue Sharing" legislation at the same time he proposed a General Revenue Sharing bill. Special Revenue Sharing, an entirely different concept from General Revenue Sharing, is a proposal for broad-gauge, bloc grant legislation. It would group together Federal assistance program funds into six general categories. These funds would be offered to State and local governments with some guidelines but without most of the traditional requirements of categorical grants and with minimal ongoing Federal-State or Federal-local interaction. There would be no requirement for matching funds, for example. Thus, the President's "Special Revenue Sharing" proposals offered the possibility to Congress of a clear philosophical departure from the categorical grant system which had grown up since the early 60s. Congress choice between these two alternatives has yet to be made.

Grant consolidation, as described by title II of S. 3140, is clearly different from the Special Revenue Sharing proposals. Grant consolidation would not change conceptually the categorical grant-in-aid system or fundamentally alter the substance of individual grants. Instead, it is intended to strengthen the grant-in-aid system by giving the President the means to reduce overlapping, duplication of effort, inefficiency and other problems which have arisen. The following excerpt from Senator Muskie's introductory remarks describes the intent behind the drafting and introduction of the legislation.

"* * * portion of this bill, particularly the grant consolidation title, touch on a fundamental question: How should responsibility be divided between the Federal Government on the one hand and State and local governments on the other?

"There are many areas with which State and local governments are best qualified to deal; there are others where it is necessary for the Federal Government to share responsibility. The National Government is best placed to have a broad view of national interest, to identify national priorities and to see that they are met. There are critical problems, national in scope, which must be attacked by the Federal Government because States and localities are unable to deal with them alone. It is to meet this national responsibility that the Federal Government distributes and administers funds in the form of categorical grant programs.

"Many of these grant programs created by the Congress to deal with specific problems during the past decade should be listed among the most significant legislation ever passed. Programs like model cities, the anti-poverty program, title I of the Elementary and Secondary Education Act and the air and water pollution control program have made vital and significant contributions to the betterment of our Nation. They have provided opportunities for millions of our citizens who previously have had no chance to become productive members of society.

"During the past decade, however, these programs have multiplied. Between 1960 and 1970, the amount of Federal assistance allocated through categorical grant programs increased from $7 billion annually to $30 billion—20 percent of the total revenue of State and local governments. The number of Federal grant programs has risen as well—from 160 in 1962 to more than 530 by the end of the last Congress.

"It is understandable, with this rapid expansion of categorical grant programs that some overlapping, duplication of effort and lack of coordination has occurred. This bill is intended to remedy this situation. Inefficiency squanders resources which should go toward solving the problems for which the grants were authorized by Congress; confusion makes it hard for the Executive to administer programs to the maximum benefit of the intended recipients.

"It is the purpose of this bill, therefore, not to blunt or destroy the thrust of categorical grant programs, but to sharpen that thrust by eliminating overlapping and duplication, improving coordination and pronoting better administration, planning, economy, and efficiency.

"This bill differs fundamentally from the proposals for special revenue sharing under which the President would have the power to lump funds of a large number of categorical grants together and transfer these funds to State governments with only skeletal controls and no provision for Federal-State administrative cooperation.

"I want to underline that the legislation which I am introducing today is not intended to undercut either the concept of categorical grants-in-aid or individual grants. It is intended to strengthen grant-in-aid assistance by giving the President the means to make grants more effective and efficient."

HEARINGS

The Subcommittee on Intergovernmental Relations conducted hearings on S. 3140 on March 7 and April 17, 1972.

This brought to a total of 6 the number of days held on the substance of this measure, as extensive hearings had been held on a predecessor bill, S. 2479, on September 9, 10, 12 and 17, 1969. These earlier hearings showed a uniformity of support for the principles and major provisions of the 1969 bill and the same provisions have been incorporated virtually without change, into S. 3140.

The extensive testimony and agency reports on this 1969 bill highlighted several fundamental issues. Witnesses were invited for testimony on S. 3140 on the basis of the authority and expertise with which they could speak to these issues as well as to the technical aspects of the legislation.

Witnesses at these hearings unanimously urged passage of this measure as did written submissions by Federal agencies and other interested parties. Differences of opinion in testimony and written submissions were limited almost entirely to minor or technical points and not to the basic thrust or major legislative concepts of the measure.

Witnesses included the following: At the March 7th hearing: Dwight Ink, Assistant Director of Organization and Management, Office of Management and Budget; James L. Martin, Assistant Director, National Governors' Conference; Ralph L. Tabor, Director of Federal Affairs, accompanied by Legislative Aide Larry Naaka, National Association of Counties; and for the National League of Cities/U.S. Conference of Mayors, Frank Burke, Mayor of Louisville, Ky., Chairman of National League of Cities Intergovernmental Relations Committee and Richard Glaman, President of the Municipal Intergovernmental Coordinators of the National League of Cities/U.S. Conference of Mayors.

The witnesses at the April 17 hearing were: Elmer B. Staats, Comptroller General of the United States, accompanied by Donald Scan-

tlebury, John Moore and Gregory Ahart; Ernest M. Allen, Deputy Assistant Secretary for Grant Administration, Department of Health, Education and Welfare, accompanied by Edward W. Stepnick, Director, Audit Agency, and David V. Dukes, Director, Division of Operations Analysis; and Robert E. Merriam, Chairman, Advisory Commission on Intergovernmental Relations accompanied by David B. Walker, Assistant Director, Governmental Structure and Functions.

EXPLANATION OF BILL

Title I allows greater reliance on State auditing procedures and encourages simpler financial reporting and other administrative requirements. It accomplishes this by authorizing the President to simplify and make uniform the financial reporting requirements—as well as other administrative requirements—of Federal assistance programs. It allows reliance on State and local audits when these meet Federal criteria.

The title calls for the development of auditing standards for State and local auditors. Responsibility for the development of these standards is given to the General Accounting Office. The committee judged GAO to be the organization which could most satisfactorily fill this role. Evidence indicates that auditing standards will have to be developed over a period of time, through experience. These standards may have to be rewritten several times, at least during an initial period. In the committee's view, GAO is best equipped among Federal organizations to maintain the constant contact with State and local auditing agencies which will be necessary in the process. (See correspondence in hearing record on this point.)

Title II gives the President the power to propose consolidation of categorical grant programs which are in the same "functional area." Congress must approve the President's consolidation plan under the 60-day Executive Reorganization Act procedure.

The title is intended to strengthen our categorical grant-in-aid assistance program by giving the President the means to make grants more efficient and effective. This intent is underscored by a number of limitations on the President's power which ensure that the substance of existing categorical grants will be preserved.

The basic limitation is the 60-day review by Congress required under the Reorganization Act practice which gives Congress sufficient time to decide whether a proposed consolidation plan meets the intent of Congress.

There are also a number of specific limitations in the title. For example, section 1003 (b) (2) requires that the President, in directing applicable terms and conditions for a consolidation plan, shall be limited by the "range of terms and conditions" of the Federal assistance programs being consolidated. Section 1004(a) states that (1) programs to be consolidated must be in the same functional area; (2) the consolidation plan cannot extend assistance to any recipient not eligible under one of the programs included in the consolidation; (3) the plan cannot exclude from eligibility any recipient under any program included in the consolidation; (4) responsibility for the administration of the plan cannot be transferred to any agency which was not responsible for at least one of the consolidated programs.

Among other limitations on the Executive are sections 1003(c) and 1004(b) of the title. Section 1003(c) states that only one consolidation plan in a given functional area may be delivered to Congress each 30 days. Section 1004(b) states that each consolidation plan shall provide for only one consolidation of two or more Federal assistance programs. This section bars proposals for multi-stage consolidations spread over a period of time.

The termination of consolidated programs is controlled by section 1003(b)(3) which requires that the President choose the expiration date for the consolidated package from the range of expiration dates of the original, individual programs. A 5-year limitation is imposed, that is, the President may not choose an expiration date for the consolidation plan which is any more than 5 years from the date of introduction. When the bill was introduced, the provision controlling the termination dates of the consolidation plan stated that consolidation was "not to have the effect of continuing any assistance program beyond the period originally authorized." The new language was adopted after recommendation by the Advisory Commission on Inter-governmental Relations and others.

Title III deals with "Joint Funding Simplification." It allows the Executive to approve "combined" applications for "joint grant-in-aid projects" which require funding from two or more programs. Agency heads are given the authority to approve intradepartmental projects; the President must approve interdepartmental projects.

This title will simplify procedures considerably for grant applicants.

Interdepartmental joint projects are authorized specifically on a "demonstration basis," and the committee expects that the Executive will move slowly in this area. Consideration was given in committee to limiting the duration of the section authorizing interdepartmental joint projects (in the bill as introduced, this section expired in 3 years). GAO and others had stressed in testimony that projects involving two or more departments could bring unforeseen complications. The committee decided not to put an expiration date for several reasons. If the action expired, or if its continued life were uncertain which would almost certainly be the case, the benefits to grant applicants would be reduced. Moreover, the executive branch has in recent years built up a certain amount of experience in joint projects of a pilot or experimental nature (principally through OMB's FAR program), and the Office of Management and Budget expresses confidence that it can move into the area of interdepartmental joint project (in the bill basis. Consequently, the committee judged that an expiration date for the section was not necessary. However, the committee underscores its intent that joint projects involving more than one department be of a "demonstration" nature and notes its expectation that the executive branch will exercise prudence in this area.

The subcommittee addressed itself to the question of whether the authority given the Executive under title III might permit alteration of the substance of existing categorical grants-in-aid. The subcommittee concluded that this title is not susceptible to being used to materially affect the substance of grant programs. (See OMB's written opinion to this effect in hearing record.)

Title IV establishes a new procedure for congressional oversight of grant programs.

Reports by the responsible substantive committees of Congress are required—either separately or jointly—in the case of grant programs with a duration of three or more years. These reports must be made during the last year of each program's life, not later than 120 days before its expiration date. To meet this responsibility, the title authorizes establishing a review specialist position on each standing committee of the House or Senate responsible for review, study, or oversight of two or more assistance programs. This additional staff member will be selected and appointed by the chairman of the standing committee with prior approval of the ranking minority member.

Title IV also requires heads of Federal agencies to make annual reports on their Federal assistance programs to the President and to Congress. Heads of Federal agencies are required to submit responses to nine specific questions. In the interest of keeping needless paper to a minimum, the committee stresses that it is not its intention that the annual reports be either a litany of achievements or a self-justification, but an intelligent, concise assessment. Accordingly, they should be brief and specific.

Title V remedies an oversight in the Intergovernmental Cooperation Act of 1968, by extending to local governments two provisions of the 1968 act which at present cover only States. One new provision relieves local governments from any requirement to deposit grant-in-aid funds in a separate bank account. (In the present act only States are relieved.) The other relieves local governments from accountability for any interest earned on grant-in-aid funds. (The present act mentions only States.)

EXPLANATION OF AMENDMENTS

The committee adopted a number of amendments to the bill. Some were technical and clarifying; others were substantive. The substantive amendments are as follows:

1. The committee amended sections 701 and 702 to give the President the power to simplify and make more uniform not only financial reporting requirements of Federal assistance programs, but also other administrative requirements of those programs. This amendment was suggested by the Office of Management and Budget and supported by the General Accounting Office and the Advisory Commission on Intergovernmental Relations.

2. The committee amended section 703 to substitute the General Accounting Office for the Office of Management and Budget as the organization responsible for developing auditing standards for State and local auditors. The committee made this amendment on the recommendation of the GAO that it is the proper agency to draw up auditing standards called for in title I of S. 3140. The committee believes the General Accounting Office has made a convincing case that the auditing standards will have to be developed through experience. These standards, therefore, may have to be rewritten several times, at least for an initial period. GAO argued convincingly that it is better equipped than the OMB to maintain the constant contact with State and local auditing agencies which will be necessary in this process. The amendment also requires the Comptroller General to report to the Congress on implementation of the section.

3. The committee amended section 704(h) to allow the OMB or any other Federal agency designated by the President to prescribe such rules and regulations as are necessary for effective administration of section 704 of this bill, including coordination in the field. This amendment was suggested by the OMB and GAO.

4. The committee amended section 1003(b) by adding subsection (3) requiring that each grant consolidation plan transmitted to the Congress shall specify the date of expiration of the consolidation plan and all Federal assistance programs included in that plan provided that, in selecting the expiration date, the President shall not specify a date earlier than the earliest or later than the latest expiration date of any of the programs being consolidated and provided further that the expiration date of the plan be no longer than 5 years from the date the plan becomes effective. That amendment was adopted on the suggestion by the Advisory Commission on Intergovernmental Relations to set precisely the boundaries of the President's power to control categorical grant programs. It replaces section 1004(a)(1) of S. 3140, as introduced, which prohibited a consolidation plan from continuing any Federal assistance program or part thereof beyond the period authorized by law for its existence or beyond

the time when it would have terminated if the consolidation plan did not take effect.

5. The committee extended the expiration date for the grant consolidation title in section 1004(c) from April 1, 1973, to October 31, 1974.

6. The committee amended section 803 by deleting subsection (f), which makes the section of the bill controlling interdepartmental (as contrasted with intradepartmental) joint projects indefinite in duration. As introduced, S. 3140 provided that that section of the bill expired 3 years after enactment.

7. The committee changed the title of the bill to more closely reflect its contents.

ESTIMATED COST OF LEGISLATION

The legislation will involve no cost except for possible staff increases, and the committee does not anticipate that these will be numerous.

The amendments were agreed to.

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

The title was amended, so as to read: "A bill to improve the financial management of Federal assistance programs to facilitate the consolidation of such programs; to provide authority to expedite the processing of project applications drawing upon more than one Federal assistance program; to strengthen further congressional review of Federal grants-in-aid; and to extend and amend the law relating to intergovernmental cooperation."

Mr. GURNEY. Mr. President, I would like to comment on the Intergovernmental Cooperation Act of 1972 (S. 3140) which the Senate just passed this morning, and focus on this much needed bill the attention of our colleagues in the House of Representatives.

This is a rather technical bill with little glamour and press appeal—but it is one of great importance to State and local governments. It should not be neglected. It would greatly improve the management of the categorical grant-in-aid system and provide for increased efficiency and economy in the administration of those programs.

This legislation deals with the problems of: First, duplicative and unnecessary auditing, accounting and fiscal reporting activities; second, difficulties involved in "packaging" related grant applications for simpler application procedures; third, excessive fragmentation and over-specialization of specific grant programs; and fourth, increasing difficulties in carrying out the responsibilities of executive and legislative oversight of grant programs.

I urge our colleagues in the House of Representatives to give this bill their careful consideration and act quickly to alleviate the present tangle of redtape and bureaucracy which bogs down so many grant-in-aid programs. Without objection, I would like to insert in the RECORD at this point a summary of the bill which was prepared by the staff of the Senate Subcommittee on Intergovernmental Relations.

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

S. 3140: INTERGOVERNMENTAL COOPERATION ACT OF 1972

BRIEF EXPLANATION BY TITLE

Title I allows greater reliance on State auditing procedures and encourages simpler financial reporting and other administrative requirements. It accomplishes this by authorizing the President to simplify and make uniform the financial reporting requirements—as well as other administrative requirements—of Federal assistance programs. It allows reliance on State and local audits when these meet Federal criteria.

The Title calls for the development of auditing standards for State and local auditors. Responsibility for the development of these standards which both OMB and GAO want, is given to GAO. The Subcommittee staff believes GAO is the organization which can most satisfactorily fill this role.

Title II gives the President the power to propose consolidation of categorical grant programs which are in the same "functional area." Congress must approve the President's consolidation plan under the 60-day Executive Reorganization Act procedure.

The Title is intended to strengthen our categorical grant-in-aid assistance program by giving the President the means to make grants more efficient and effective. This intent is underscored by a number of limitations on the President's power which ensure that the substance of existing categorical grants will be preserved.

The basic limitation is the 60-day review by Congress required under the Reorganization Act practice which should give Congress sufficient time to decide whether a proposed consolidation plan meets the intent of Congress.

There are also a number of specific limitations in the Title. Section 1003(b)(2) requires that the President, in directing applicable terms and conditions for a consolidation plan, shall be limited by the "range of terms and conditions" of the Federal assistance programs being consolidated. Section 1004(a) states that (1) programs to be consolidated must be in the same functional area; (2) the consolidation plan cannot extend assistance to any recipient not eligible under one of the programs included in the consolidation; (3) the plan cannot exclude from eligibility any recipient under any program included in the consolidation; (4) responsibility for the administration of the plan cannot be transferred to any agency which was not responsible for at least one of the consolidated programs.

Other limitations: Section 1003(c) which states that only one consolidation plan in a given functional area may be delivered to Congress each thirty days; Section 1004(b) which states that each consolidation plan shall provide for only one consolidation of two or more Federal assistance programs. This section bars proposals for multi-stage consolidations spread over a period of time.

Termination of consolidated programs is controlled by Section 1003(b)(3) which requires that the President choose the expiration date for the consolidated package from the range of expiration date of the original, individual programs. A five-year limitation is imposed, i.e., the President may not choose an expiration date for the consolidation plan which is any more than five years from the date of introduction. When the bill was introduced, the provision controlling the termination dates of the consolidation plan stated that consolidation was "not to have the effect of continuing any assistance program beyond the period originally authorized." The new language was adopted after recommendation by the Advisory Commission on Intergovernmental Relations and others.

Title III deals with "Joint Funding Simplification." It allows the Executive to approve "combined" applications for "joint grant-in-aid projects" which require funding from two or more programs. Agency heads are given the authority to approve intradepartmental projects; the President must approve inter-departmental projects. This Title will simplify procedures considerably for grant applicants.

Inter-departmental joint projects are authorized specifically on a "demonstration basis," and the draft Committee report states that the Executive should move slowly in this area. Consideration was given in Subcommittee to limiting the duration of the Section authorizing inter-departmental joint projects since projects involving two or more departments could bring unforeseen complications (in the bill as introduced, this Section expired in three years). The expiration date was omitted because benefits to grant applicants would be reduced if the Act expired—or if its continued life were uncertain. The Executive Branch has in recent years built up a certain amount of experience in joint projects of a pilot nature (principally through OMB's FAR Program), and the Office of Management and Budget expresses confidence that it can move competently into the area of inter-departmental joint projects on a limited basis.

The Subcommittee staff examined the question of whether the authority given the Executive under Title III might permit the substance of existing categorical grants-in-aid to be changed and concluded that it does not. (There is an opinion to this effect by OMB in hearing record.)

Title IV establishes a new procedure for Congressional oversight of grant programs.

Reports by the responsible substantive committees of Congress are required—either separately or jointly—in the case of grant programs with a duration of three or more years. These reports must be made during the last year of each program's life, not later than 120 days before its expiration date. To meet this responsibility, the Title authorizes establishing a review specialist position on each Standing Committee of the House or Senate responsible for review, study or oversight of two or more assistance programs. This additional staff member will be selected and appointed by the Chairman of the Standing Committee with prior approval of the ranking minority member.

Title IV also requires heads of Federal agencies to make annual reports on their Federal assistance programs to the President and to Congress. Heads of Federal agencies are required to submit responses to nine specific questions. In the interest of keeping needless paper to a minimum, the Committee stresses in the draft report the annual reports should be brief and specific.

Tlitle V remedies an oversight in the Intergovernmental Cooperation Act of 1968, by extending to local governments two provisions of the 1968 Act which at present cover only States. One new provision relieves local governments from any requirement to deposit grant-in-aid funds in a separate bank account. (In the present Act, only States are relieved.) The other relieves local governments from accountability for any interest earned on grant-in-aid funds. (The present Act mentions only States.)

LONGER TERM LEASES OF INDIAN LANDS, NEW MEXICO

The bill (H.R. 7701) to amend the act of August 9, 1955, to authorize longer term leases of Indian lands located outside the boundaries of Indian reservations in New Mexico was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1110), explaining the purposes of the measure.

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

PURPOSE OF BILL

The purpose of H.R. 7701 is to grant 99-year lease authority for trust or restricted

Indian land in New Mexico that is located outside the boundaries of reservations.

EXPLANATION

The act of August 9, 1955 (69 Stat. 539), authorizes the Indian owners of trust or restricted land to lease the land, with the approval of the Secretary of the Interior. The term of the lease normally may not exceed 25 years, with one option to renew for 25 years.

In the case of specified reservations, leases may be for as long as 99 years. This long-term lease authority has been granted by Congress on a selective basis after a need for the authority has been demonstrated, because a lease for 99 years effectively alienates the land during the lifetime of present owners.

The Navajo Reservation is one of the reservations where long-term lease authority has been granted. There are, however, about 4,000 Navajo allotments outside the reservation, mostly in New Mexico, and these allotments may not be leased for long term without the enactment of this bill. The bill will also apply to some Navajo tribal land located outside the reservation, and to some allotments to Indians who are not Navajos.

The long-term lease authority is needed to permit the full economic development of the lands.

COST

Enactment of H.R. 7701 will result in no expenditure of Federal funds.

COMMITTEE RECOMMENDATION

A majority of the members of the Committee who were present at the executive session on September 6, 1972, recommended that H.R. 7701 be ordered favorably reported to the Senate with Senator Allott requesting to be recorded as voting "No".

FORT BELKNAP INDIAN COMMUNITY

The bill (H.R. 10702) to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1111), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of H.R. 10702 is to convey to the Fort Belknap Indian Community in Montana the beneficial interest in 5 acres of federally owned land. The conveyance will be without consideration, but the value of the land is to be considered by the Indian Claims Commission for set-off purposes in any claims award made by the Commission.

EXPLANATION

The land consists of two tracts that were purchased by the United States in 1934 as the site for two Indian schools. The purchase price of both tracts was $50. They have a present value of $200. Although the land has some potential value for coal, oil, and gas, the Department of the Interior reports that this potential value is slight.

The Indian schools were closed in 1937 and the children were sent to other schools. The land is excess to the needs of the Department of the Interior, but is desired by the Fort Belknap Indian Community for use in conjunction with other tribal lands and for exchange purposes.

COSTS

Enactment of H.R. 10702 will require no Federal expenditure.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommended in executive session on September 6, 1972, that H.R. 10702 be enacted.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. 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.

COMMITTEE MEETINGS DURING THE SESSION OF THE SENATE TODAY

Mr. ROBERT C. BYRD. Mr. President, I yield myself 1 minute and I ask that the time be charged equally against both sides.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce; the Committee on Interior and Insular Affairs; the Committee on Labor and Public Welfare; the Subcommittee on Internal Security of the Committee on the Judiciary; the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary; the Subcommittee on Flood Control, Rivers, and Harbors of the Committee on Public Works; the Subcommittee on Labor of the Committee on Labor and Public Welfare; the Subcommittee on Minerals, Materials, and Fuels of the Committee on Interior and Insular Affairs; and the Committee on Public Works may be authorized to meet during the session of the Senate today.

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

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally charged against each side.

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

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. 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.

Mr. MANSFIELD. Mr. President, will the Senator from Arkansas yield me half a minute?

Mr. FULBRIGHT. I yield.

COMMITTEE ON ARMED SERVICES MEETING DURING SENATE SESSION TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Armed Services may be authorized to meet during the session of the Senate today.

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

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

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

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate resumed the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. FULBRIGHT. Mr. President, I yield myself 2 minutes.

I ask unanimous consent that any amendment by any Senator previously submitted, to be offered to the amendment of the Senator from Washington (Mr. JACKSON), be in order if cloture is invoked, even though it may have to be changed to be in proper form as an amendment to the Jackson amendment with regard to pagenation and lineation.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FULBRIGHT. By way of explanation, there have been some revised amendments, revised only as to the place of insertion and pagenation, and so on. This is to take care of that. It is not intended that there be any sustantial or important substantive changes made in the amendments.

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

Mr. FULBRIGHT. I yield.

Mr. JACKSON. As I understand the purpose of the unanimous-consent request, it is to cover the amendments previously offered to my amendment, which I changed, not substantively, but simply to comply with the change that occurred in the bill as a result of the adoption of the Mansfield amendment. This unanimous consent, therefore, will not in any way alter the previous amendments that were presented to the bill itself, so that they could be offered as amendments to my amendment. Is that correct?

Mr. FULBRIGHT. That is correct. That is my understanding.

Mr. JACKSON. Yes.

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

Mr. JACKSON. Mr. President, will the Senator withhold that?

Mr. FULBRIGHT. I withdraw the suggestion.

Mr. JACKSON. Mr. President, I yield 10 minutes to the Senator from Alabama.

The PRESIDING OFFICER. Is the Senator from Washington yielding all of his 10 minutes?

Mr. JACKSON. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. JACKSON. I yield 9 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I rise at this time to explain my position on the upcoming cloture vote. I had hoped that an agreement could be reached between the advocates of the divergent views with respect to the interim agreement, so that a vote could be had on the Jackson amendment and on the interim agreement, but I do not favor the choking off of debate by the cloture motion.

It is my understanding that the distinguished Senator from Washington (Mr. JACKSON) was among the 19 Senators who signed the cloture motion. That being the case, I anticipate that cloture will be invoked, and that we will proceed to a vote on the various amendments and on the resolution (S.J. Res. 241) itself. But the U.S. Senate is the only legislative body where free and unlimited debate is still permitted, and I would hate to see the Senate cut off debate, as a matter of principle, especially since I believe the Senators were on the verge of reaching an agreement at the time of the filing of the cloture motion.

The Senator from Alabama will vote against invoking cloture, as he has done each time the issue has come before the Senate. I support and, in fact, I am a cosponsor on the Jackson amendment, and I hope and believe the U.S. Senate will agree to the Jackson amendment. In supporting the amendment, however, I do not imply support of the interim agreement which freezes the United States into a position of nuclear inferiority with respect to that of the Union of Soviet Socialist Republics—U.S.S.R.

I oppose the agreement for the additional reasons that I find it morally repugnant, erroneously premised, technically deficient, unrealistic, flawed with vague, unenforceable, and contradictory provisions which are detrimental to the best interests of the United States.

Mr. President, let me briefly elaborate.

The justification of the interim agreement is derived from the treaty which limits development and deployment of nuclear defenses against nuclear attack. The effect is that the integrity of the deterrent of both the United States and the Soviet Union depends upon leaving civilian populations unprotected against nuclear attack and not on the number or on the sophistication of nuclear weapons which is the subject of the interim agreement. The idea of holding civilian populations hostage under threat of nuclear annihilation is as repugnant to me as it would be to threaten civilian populations with destruction by methods of germ warfare as a deterrent. It is said that both sides already have a sufficiency of offensive weapons to achieve maximum assured destruction. If this is true, the agreement is redundant.

In my judgment, both the treaty and the interim agreement are technically flawed in that both instruments are signed by President Nixon on behalf of our Nation, and by Leonid I. Brezhnev, in his capacity as General Secretary of the Central Committee of the Communist Party of the Soviet Union, on behalf of the Union of Soviet Socialist Republics. In other words, it is significant that the instruments are not signed by corresponding heads of state.

It can be pointed out, and accurately, that the Government of the U.S.S.R. is not an autonomous political entity. Instead, the Government of the U.S.S.R. is merely an instrument to carry out the will and policies established by the Communist Party of the Soviet Union. Accordingly it can be argued that since the Communist Party of the Soviet Union—CPSU—controls the Government of the U.S.S.R., that the Secretary of the Central Committee of the Party is the proper official to bind the government by treaties and agreements.

The point is that the Communist Party of the Soviet Union, is not equivalent to the Government of the U.S.S.R. Consequently, it is not surprising that innumerable studies over the years have indicated that agreements made with the Communist Party of the Soviet Union are not worth the paper they are written on. In 1958, the American Bar Association published a study conducted by its Special Committee on Communist Tactics, Strategy and Objectives which summarizes the record of Communist promises up to 1958. The following is an excerpt from that study:

> During the past 25 years, the United States has had 3,400 meetings with the Communists, including Teheran, Yalta, Potsdam, Panmunjom and Geneva. The negotiators spoke 106 million words (700 volumes). All this talk led to 52 major agreements, and Soviet Russia has broken 50 of them. The Communists have followed Lenin's dictum about treaties and agreements: "Promises are like pie crusts—made to be broken."

In this connection, it is worthy of note that shortly before the present SALT Accords were completed, the Senate Judiciary Committee released a report which updated the Soviet record on honoring summit agreements: 24 out of 25 additional summit agreements had been violated as of that date.

As I have previously pointed out, this record of broken agreements leads to the inescapable conclusion that as long as the United States continues to enter into unenforceable agreements with the Communist Party of the Soviet Union or the Government of the U.S.S.R. which is controlled by the CPSU, such agreements will be broken whenever it serves the interests of the Communist Party to break them.

In this connection, the leadership of the Central Committee of the Communist Party of the Soviet Union is highly volatile. The present General Secretary and existing power clique may be here today and gone tomorrow. Treaties and agreements entered into with one regime may go down the drain with the next.

Mr. President, it is obvious that with our populations left vulnerable to nuclear attack, the only thing that stands between us and nuclear blackmail is the faith in the promises of the Central Committee of the Communist Party of the Soviet Union. We have been promised by the CPSU that the Government of the U.S.S.R. will not deploy defensive systems against nuclear attack or stockpile offensive weapons which would destroy the credibility of our supposed deterrent. If that promise is broken, the United States and its allies will be at the mercy of its opponent.

Under such circumstances, it would seem to me that nothing would be more important than agreeing in ironclad procedures to guarantee foolproof methods of verification.

So, let us see what the agreement offers in the way of verification procedures. The agreement contains no provision for any type of verification that is not already available to gather military intelligence even without an agreement. These existing methods of intelligence gathering are referred to as "national technical means of verification." But are these means adequate? Are there deficiencies in the available technical means of verification? I suppose argument on this point could go on indefinitely were it not for the fact that the treaty and agreement seem to admit that existing methods of verification are inadequate. Otherwise, why is there provision in the agreement which calls on the United States and the U.S.S.R. "not to use deliberate concealment measures which impede verification by national technical means"? This clause is used both in article XII of the treaty and article V of the interim agreement. The obvious effect of these deficiencies in means of verification is to vest the security of the United States on the frail reed of a promise from the Communist Party of the Soviet Union not to conceal deployment of missile defense systems or offensive missile stockpiling.

Mr. President, I am not going to catalog the literally hundreds of ways in which the United States or the U.S.S.R. could conceal components of missile defense systems or offensive nuclear missiles. In my judgment, it is incredibly naive to think that concealment is not possible, and even more naive to think that the Government of the U.S.S.R. will not follow precisely the dictates of the Communist Party of the Soviet Union when it decides that it is in the best interest of the CPSU to violate the treaty and the interim agreement.

I would like to say with regard to the Jackson amendment that the effect of that amendment is to say that in subsequent talks on the limitation of nuclear offensive weapons, the United States should seek to achieve equality with the Soviet Union, and we do not have that now, because a position of inferiority is built in for the United States by the agreement which is sought to be approved in Senate Joint Resolution 241.

So the Jackson amendment should be adopted, because it calls on the United States to work for a position of equality

with the Soviet Union on nuclear offensive weapons.

I shall vote against bringing this debate to a halt. In the event cloture is invoked, as I believe it will be, I shall vote for the Jackson amendment. Whether it is adopted or not, I will vote against Senate Joint Resolution 241.

The PRESIDING OFFICER. All time of the Senator has expired.

Who yields time?

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

The PRESIDING OFFICER. There is not sufficient time remaining.

Mr. ALLEN. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, with the time charged to the advocates of cloture.

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. 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.

CALL OF THE ROLL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. It will be a live quorum. I ask unanimous consent that the call fulfill the requirements for the establishment of a quorum under the rule.

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

The clerk will call the roll.

The second assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 426 Leg.]

Aiken	Cotton	Mansfield
Allen	Cranston	Metcalf
Allott	Eagleton	Moss
Anderson	Eastland	Muskie
Baker	Edwards	Packwood
Beall	Ervin	Pell
Bennett	Fulbright	Ribicoff
Bible	Gurney	Roth
Brock	Harris	Saxbe
Buckley	Hruska	Scott
Burdick	Hughes	Talmadge
Byrd, Harry F., Jr.	Inouye	Thurmond
Byrd, Robert C.	Jackson	Tunney
Case	Jordan, Idaho	Williams
	Magnuson	

The PRESIDENT pro tempore. A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Bayh	Church	Gambrell
Bellmon	Cook	Goldwater
Bentsen	Cooper	Hansen
Boggs	Dole	Hart
Brooke	Dominick	Hartke
Cannon	Fannin	Hollings
Chiles	Fong	Humphrey
Javits	Pastore	Stennis
Jordan, N.C.	Pearson	Stevens
Long	Percy	Stevenson
Mathias	Proxmire	Symington
McClellan	Randolph	Taft
McGee	Schweiker	Tower
Miller	Smith	Weicker
Mondale	Sparkman	Young
Montoya	Spong	
Nelson	Stafford	

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), and the Senator from New Hampshire (Mr. McINTYRE) are necessarily absent.

Mr. SCOTT. I announce that the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDENT pro tempore. A quorum is present.

CLOTURE MOTION

The PRESIDENT pro tempore. The clerk will read the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the pending joint resolution, S.J. Res. 241, the authorization of the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

1. Mike Mansfield
2. Hugh Scott
3. John O. Pastore
4. Robert C. Byrd
5. Norris Cotton
6. Philip A. Hart
7. Frank E. Moss
8. Lee Metcalf
9. Wallace Bennett
10. Robert Dole
11. Jennings Randolph
12. Clifford P. Case
13. Thomas F. Eagleton
14. Daniel Inouye
15. William Proxmire
16. Joseph M. Montoya
17. John Tower
18. Henry M. Jackson
19. Clinton Anderson
20. Robert P. Griffin
21. Marlow W. Cook

VOTE

The PRESIDENT pro tempore. The question before the Senate is: Is it the sense of the Senate that debate on the joint resolution (S.J. Res. 241), authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics, shall be brought to a close. On this question the yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. GOLDWATER (when his name was called). Mr. President, on this vote I have a pair with the Senator from Nebraska (Mr. CURTIS) and the Senator from Michigan (Mr. GRIFFIN). If they were present and voting, they would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), and the Senator from New Hampshire (Mr. McINTYRE) are necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. McINTYRE), would vote "yea."

Mr. SCOTT. I announce that the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Oregon (Mr. HATFIELD), are necessarily absent.

I also announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The pair of the Senator from Nebraska (Mr. CURTIS) and that of the Senator from Michigan (Mr. GRIFFIN) has been previously announced.

The yeas and nays resulted—yeas 76, nays 15, as follows:

[No. 427 Leg.]

YEAS—76

Aiken	Eastland	Packwood
Allott	Edwards	Pastore
Anderson	Fannin	Pearson
Baker	Fong	Pell
Bayh	Gurney	Percy
Beall	Hansen	Proxmire
Bellmon	Hart	Randolph
Bennett	Hartke	Ribicoff
Bentsen	Hollings	Roth
Boggs	Hruska	Saxbe
Brock	Humphrey	Schweiker
Brooke	Inouye	Scott
Buckley	Jackson	Smith
Burdick	Javits	Spong
Byrd, Harry F., Jr.	Jordan, Idaho	Stafford
Byrd, Robert C.	Long	Stevens
Case	Magnuson	Stevenson
Chiles	Mansfield	Taft
Cook	Mathias	Talmadge
Cooper	McGee	Thurmond
Cotton	Metcalf	Tower
Cranston	Miller	Tunney
Dole	Mondale	Weicker
Dominick	Montoya	Williams
Eagleton	Moss	Young
	Muskie	

NAYS—15

Allen	Fulbright	McClellan
Bible	Gambrell	Nelson
Cannon	Harris	Sparkman
Church	Hughes	Stennis
Ervin	Jordan, N.C.	Symington

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Goldwater, against.

NOT VOTING—8

Curtis	Hatfield	McIntyre
Gravel	Kennedy	Mundt
Griffin	McGovern	

The PRESIDENT pro tempore. On this vote, there are 76 yeas and 15 nays. Two-thirds of the Senators present and voting having voted in the affirmative, the cloture motion is agreed to.

Under rule XXII, each Senator is now entitled to 1 hour of debate in all—that is, those Senators who wish to be recognized.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. JACKSON. Does the time taken for the reading of an amendment come out of a Senator's time?

The PRESIDENT pro tempore. No. That is not debate. A Senator is entitled to 1 hour of debate.

AMENDMENT NO. 1516

Mr. JACKSON. Mr. President, I call up my amendment which is at the desk, amendment No. 1516, and ask that it be read.

The PRESIDENT pro tempore. The clerk will read the amendment.

The assistant legislative clerk read as follows:

At the end of S.J. Res. 241 insert a new section as follows:

SEC. . The Government and the people of the United States ardently desire a stable international strategic balance that maintains peace and deters aggression. The Congress supports the stated policy of the United States that, were a more complete strategic offensive arms agreement not achieved within the five years of the interim agreement, and were the survivability of the strategic deterrent forces of the United States to be threatened as a result of such failure, this could jeopardize the supreme national interests of the United States; the Congress recognizes the difficulty of maintaining a stable strategic balance in a period of rapidly developing technology; the Congress recognizes the principle of United States-Soviet Union equality reflected in the antiballistic missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union; and the Congress considers that the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon the maintenance of a vigorous research and development and modernization program leading to a prudent strategic posture.

Mr. FULBRIGHT. Mr. President, I offer as a substitute to the amendment just offered, amendment No. 1526, and ask that it be read.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

In lieu of the language proposed, substitute the following:

"The Congress supports continued negotiations to achieve further limitations on offensive nuclear weapons systems with the Union of Soviet Socialist Republics on the basis of overall equality, parity, and sufficiency, taking into account all relevant qualitative and quantitative factors pertaining to the strategic nuclear weapons systems of the Union of Soviet Socialist Republics and the United States of America."

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

The PRESIDENT pro tempore. The Senator is recognized for 5 minutes.

Mr. FULBRIGHT. Mr. President, this amendment which I have offered in the nature of a substitute to the Jackson amendment will lead to a vote, I hope in the very near future, on the main question before us—whether the concept of sufficiency or superiority will guide our negotators in the future. This will be, I think, the critical vote on this whole matter.

This treaty and agreement signed in Moscow by the President recognized the doctrine of strategic sufficiency. President Nixon had set forth that doctrine as official U.S. policy on a number of occasions earlier. The President told Congress earlier this year that sufficiency means, in its narrow military sense, "enough force to inflict a level of damage on a potential aggressor sufficient to deter him from attacking."

That, I think, is the core of the difference between the substitute which I offered, with some nine cosponsors, and the amendment offered by the Senator from Washington.

Politically, the President said:

Sufficiency means the maintenance of forces adequate to prevent us and our allies from being coerced.

The shift from outdated concepts of "superiority" and "assured destruction" is an extremely important evolutionary step, and the Senate can usefully urge that limitations should be sought on the basis of sufficiency.

I am not going to repeat all of the arguments about the relative number of weapons we have. We have discussed that at great length. I think the critical question in this whole matter is the atmosphere, the attitude, which will prevail in the next round of the SALT talks. The first series of SALT, was quite useful and satisfactory, leading to a treaty and the interim agreement. The committee voted unanimously and without amendments or reservations to report both the interim agreement and the treaty. I understand that whatever comes out of SALT II will be submitted to the Senate for its approval as a treaty. The next agreement, if not in the form of a treaty, certainly will be similar to the one before us now. In either case, the Senate or Congress will have an opportunity to vote on it.

What I object to particularly in the Senator from Washington's amendment is that it undermines the atmosphere or attitude under which these negotiations would be conducted. The amendment raises the question whether or not we are trying in good faith to reach an agreement with the Russians for curtailment of the arms race.

Even this morning, reports in the newspapers about Mr. Kissinger's latest mission to Moscow include, very optimistic statements about the possibility of enlarging trade and other agreements with the Russians and of settling the lend-lease account, which goes back to World War II.

I believe that the relations have been moving in the right direction. I think it would be a great mistake to do anything which would raise serious doubts about our intentions of proceeding to fruitful future negotiations with Russia.

I think this is an extremely important matter. Nobody knows, and I certainly cannot guarantee, that the Russians will proceed, but all signs indicate that they have recognized the futility of the endless upward spiraling of the arms race and its enormous expense. Certainly, we recognize that. We need only take a look at our budget and the difficulty of obtaining moneys for all kinds of domestic programs.

I believe the atmosphere is very hopeful now for a fruitful second round of SALT, and I fear the real danger of the Senator from Washington's amendment is that it undermines that atmosphere. It means that we are to try to catch up with the Soviets in all areas in which we are now not numerically equal. The ICBM's are the critical issue here. It is true they have more ICBM's than we have, but we have, overall, more strategic weapons than they have. All the testimony indicates that, as of the present time, we have a greater deliverable destructive capacity than the Russians.

All my amendment says is simply that any new agreement should be on the basis of "overall equality, parity, and sufficiency, taking into account all relative qualitative and quantitative factors." We are saying that our policy is to seek in the future what we already have—an overall equality, or parity, or, as the President says, sufficiency. That is all my amendment says. I believe that is consistent with the attitude of the Russians and our own negotiators, and I recommend that the Senate adopt this substitute.

The PRESIDING OFFICER. The time of the Senator has expired.

The PRESIDENT pro tempore. How much time does the Senator yield himself?

Mr. JACKSON. I yield myself 5 minutes.

Mr. President, our amendment, sponsored by 44 Senators, has as its central provision a request to the President to seek a future SALT treaty that would involve equal limits on the intercontinental strategic forces of the United States and the Soviet Union.

The amendment is clear in its meaning of "equality," which is defined by reference to the already approved treaty on the ABM. The ABM treaty, at Soviet insistence, limited both countries to an equal number of sites, an equal number of interceptors, and an equal number of radars of equal size.

The amendment rejects the notion that we should accept numerical inferiority in a long-term treaty because we now, before the follow-on negotiations have even begun, have technological superiority. The amendment rejects the shortsighted notion that our temporary advantage in numbers of MIRV warheads can compensate in a SALT II treaty for permanent Soviet superiority in numbers and throw weight. We must not base our security on an ephemeral advantage, while the Soviets base theirs on permanent ones.

The Jackson-Scott amendment supports the integrity of the NATO alliance by insisting that U.S. forces dedicated to the defense of our European allies and our friends in the Middle East not be limited in a bilateral treaty in which our allies are not full participants.

The amendment could be a golden opportunity for the Soviets to stop their buildup at levels equal to our own. This would mean Moscow's stopping now in modern nuclear submarines and not building up to the 62 permitted under the agreement—we are allowed 44. It would also mean some dismantling of Soviet ICBM's—they have 1,618 to our 1,054—

but many of these are obsolete—and we have dismantled or discontinued our Safeguard sites in two locations and not exercised our rights under the treaty at a third.

The Fulbright amendment has the effect of nullifying the Jackson-Scott amendment. Its language is deceptively similar, but in fact it is quite opposite to my amendment. It relies for its effect on the use of vague terms whose often conflicting definitions lie hidden in the legislative history of the last several weeks debate on my amendment.

By calling for negotiations on the basis of "equality, partity and sufficiency," which, as the legislative history reveals, are defined by Mr. FULBRIGHT to include enormous disparities on the Soviet side, the Fulbright amendment would nullify the Jackson language calling for equality in a SALT II treaty.

The terms "equality, parity and sufficiency" are vague and ill-defined. In contrast, the Jackson language refers to the simple principle of numerical equality on which the already ratified ABM treaty is based.

The Fulbright amendment would undermine the current negotiating position of the U.S. Government by justifying on a permanent basis the numerical disparities in the Soviet Union's favor that the President has accepted only on an interim basis.

The Fulbright language refers to "overall" equality and deletes the word "intercontinental" from the Jackson amendment. The legislative history makes it clear that the term "overall," has been used here to mean the inclusion of our aircraft carriers and European air forces in a bilateral SALT agreement. These forces are vital to our conventional, nonnuclear defense capability in Europe and the Middle East. Moreover, adoption of this language would justify very substantial Soviet advantage in numbers of strategic weapons on the grounds that we are ahead in MIRV warheads. This is Senator FULBRIGHT's view of the matter. The administration has resisted this position in the SALT talks because the Soviets, under the interim agreement, retain the right to press ahead with MIRV warheads of their own. Thus Mr. FULBRIGHT would freeze the Soviet numerical advantage—numbers of strategic launchers—while inviting the Soviets to catch up and surpass us in the area in which we have a temporary advantage—MIRV warheads.

The reference to "qualitative" factors, and their inclusion in the agreement, would put the Senate on record in favor of negotiating for limits that we have no means of verifying. We have no way of knowing, for example, how many warheads are carried by a Soviet missile or how accurate or reliable a Soviet missile may be. Mutual limits in this area are not now possible. Moreover, always in the past we have found that the Soviets are capable of matching our technology when they choose to do so.

The use of the word "relevant" to describe the qualitative factors Mr. FULBRIGHT has in mind does not help. It is too vague to determine what would or would not be included.

The Jackson amendment calls for a treaty on the basis of equality. The Fulbright amendment, by contrast, merely refers to "equality" as a basis for negotiations. Even if the basis proposed by Mr. FULBRIGHT were adequate—and it is not—there is much to be said for the Senate advising the President as to its preferred outcome, a treaty, rather than addressing merely the "basis of continued negotiations."

If I may summarize, the Fulbright amendment would in effect nullify the Jackson-Scott amendment and would undermine the negotiating position of the United States in several respects. With respect to our allies, it has the same effect as the Symington amendment: it would compromise the forces dedicated to their defense as well as our own conventional defense capability by conceding the Soviet position on the inclusion of these forces in a bilateral treaty on strategic weapons. It employs terms that are vague and contradictory: "equality," "parity," and "sufficiency" are hardly synonymous yet all three are introduced as the criteria for the negotiating basis for SALT II. It would call for covering in SALT II such factors as missile accuracy which cannot be verified.

In short and in conclusion, Mr. President, the central issue here is whether or not, as we go forward starting next month or the month thereafter to negotiate a permanent treaty, we are going to seek equality in intercontinental strategic forces. I do not believe we should simply say "OK" to an interim agreement which provides inequality.

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

Mr. JACKSON. I yield myself 1 additional minute.

We say that the Senate is exercising its constitutional authority to give advice and consent to the President of the United States by affirming that we want, in SALT II, in numbers of intercontinental strategic forces taking account of size or throw-weight.

It will be a tragedy if we do not move in that direction. The administration understood this, and has endorsed and supported the amendment.

I reserve the remainder of my time.

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

I would not rise in this debate were it not for one thing which is being omitted in the discussion, which I would like to call to the attention of the Senate, and that is the individual Member's commitment to the future. These are matters of the highest importance to the world and to our own survival, and it seems to me that one must examine Senator Jackson's amendment in terms of the personal commitment which the individual makes as a Senator. I shall be here at least until the end of 1974, and I am very hopeful that we will have a definitive sort of agreement at least within that time. I think we have the right to expect it.

So the question of adopting the Jackson amendment has never been a question related to the executive agreement we are called on to approve. It does not make or unmake it. But it does commit the individual to a policy for the United States, and this is quite in addition to what we are advising the President. I am not going to advise the President to do something I do not believe in, which is what I would be doing if I supported the amendment of the Senator from Washington, because he commits us to equality in a given weapon without any regard to even the march of technology, let alone the existing situation.

I am known here on the Senate floor to be very active in the affairs of Europe, and I believe, therefore, that they count very heavily, not only upon the American nuclear umbrella, but upon the measured response concept, and that everything does not just mean intercontinental ballistic missiles. As the Senator from Arkansas (Mr. FULBRIGHT) has pointed out, any other treaty that is proposed we will have to approve, but I do not want to be committed in my judgment, as I would be if I voted for this amendment. I do not wish to vote even for the doctrine of parity in respect to that particular weapon, the intercontinental ballistic missile. Rather, Mr. President, I want to, as Senator FULBRIGHT's substitute amendment provides, be sure of our sufficiency, equality, and parity, call it what you will, in any way that it seems to us in this country we have it. They have interior lines; we have exterior lines. We have seas; they have land. We have a naval tradition; they have a rail line and naval tradition. We have manned bombers highly sophisticated beyond any vessel. They are highly deficient in that respect.

It all depends on the game you are playing, Mr. President. I am a tennis player, and I know it is sure death if you play the other guy's game. But that is what is sought to do here, with reference to one particular weapons system.

I believe every Senator is free, and he should not limit himself. This has nothing to do with the agreement. We would simply be limiting ourselves, as well as the President.

One other point, which I hope will appeal even to Senator JACKSON as the author of the amendment.

I really find it very difficult to see why in lines 20 and 21, if I may have the Senator's attention, they continue to carry these words:

Limited to a prudent strategic posture.

Do we not have that now? Is this an indictment? I must say for the life of me I have never been able to understand how the President, whom Senator JACKSON represents—and that has been borne out; I cannot quarrel with it—would support that statement. I hope very much, should the amendment be agreed to, that that will be changed, because it is not only invidious to him, it is even bad notice to Russians.

I just call this detail to the attention of the Senator from Washington now, because I shall be moving to it later if we get to that stage. But in substance and in conclusion, Mr. President, this is not only advice to the President, it is a commitment by each of us. And for me as one Senator from a great State with about 10 percent of the Nation's population, I cannot commit myself now that my pol-

icy for the next 5 years is going to be to seek parity in intercontinental strategic forces as to one particular weapon. I may wish to seek it in a lot of things. I may decide the Russian posture is such that I want superiority next year, that I am not satisfied with parity and I am not satisfied with sufficiency. I do not want to lock myself in by this declaration of policy.

Therefore, I believe it is prudent not to agree to this amendment.

Mr. MUSKIE. I yield myself 10 minutes.

Mr. President, as is apparent from the remarks that have been made this morning during the course of this debate on the interim agreement, much attention has been focused on the problem of measuring the balance of nuclear power between ourselves and the Soviet Union. Every Senator believes that any treaty should assure us equality or parity with the Soviets. But there are clear differences of opinion with regard to what constitutes equality or parity.

The operative clause of the Jackson amendment to the interim agreement—Senate Joint Resolution 241—reads as follows:

> The Congress recognizes the principle of United States-Soviet equality reflected in the antiballistic missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union.

As Senator JACKSON has explained, "levels of intercontinental strategic forces" refers to numbers of ICBM's, SLBM's, and intercontinental bombers, taking into account total missile throw-weight. While these are most certainly vital elements of the overall strategic balance, they are by no means the only factors that must be taken into account in measuring the relative strength of the United States and the Soviet Union.

There are many other vital factors, such as numbers of warheads, accuracy, megatonnage, survivability, penetrability, deployment, technical reliability, quality of command and control systems, geographic factors, and the overall quality of weapons systems, that must be considered in any measure of the nuclear balance of power.

While Senator JACKSON would acknowledge the existence of these other factors, he has made it clear that equality in ICBM's, SLBM's, intercontinental bombers, and missile throw-weight is a minimal condition of overall equality. He has specifically ruled out our forward base systems as a legitimate element in measuring the strategic balance. He dismisses many other factors as merely technological, arguing that technology always evens out in the long run. He has stated that:

> The present U.S. advantage in strategic weapons technology, which now offsets Soviet numerical superiority, cannot be assured in a long term treaty. What may be a tolerable basis for an interim agreement, therefore, would be intolerable as the basis for a treaty.

Senator JACKSON'S restrictive definition of "intercontinental strategic forces" has provoked an interesting response from erstwhile supporters. The administration, whose motives in supporting the Jackson amendment remain unclear, has specifically withdrawn its endorsement of Senator JACKSON'S own interpretation. White House Press Secretary, Ronald Ziegler, stated on August 9:

> Senator Jackson said that his amendment excludes a consideration of European nuclear forces in future SALT negotiations for achieving equality in intercontinental strategic systems. . . . The United States does not endorse that elaboration. . . . Any elaboration of the type I just referred to, we feel, is something that should be properly discussed and determined at the negotiating table as we proceed to SALT 2.

The distinguished chairman of the Armed Services Committee, Senator STENNIS, a cosponsor of the Jackson amendment, has also gone considerably beyond Senator JACKSON'S restrictive definition. Speaking in the Senate on August 15, Senator STENNIS said:

> A permanent treaty . . . must . . . balance the level of strategic forces on both sides by considering the numbers of launchers, numbers of warheads, destructive power of weapons, and potential growth within the terms of the treaty. This, as I understand it, is the main aim of the second portion of the Jackson amendment.

But this understanding does not coincide with Senator JACKSON'S own interpretation.

All this is to point out that the Jackson amendment, by focusing only on a fraction of the strategic balance, could possibly prevent the negotiation of a follow-on treaty based on overall strategic equality. The administration blundered by not determining at the outset what was meant by "intercontinental strategic forces." Many Senators have been confused by the administration's premature endorsement of the Jackson amendment.

Mr. President, I strongly believe that the objective of our policy in future arms control negotiations must be to stabilize the arms race on the basis of equality in the deterrent capabilities of the United States and the Soviet Union. It is only on such a basis that both powers will feel sufficiently secure to refrain from further strategic arms buildups. I cannot imagine a more important goal of U.S. policy than the achievement of this kind of equilibrium that preserves our security, guarantees the sufficiency of our defense, and frees us from the dangers and debilitating expense of a spiraling arms race.

If we are to advise the President on strategic arms negotiations, therefore, I believe we should advise him on the objective of such negotiations—the objective of stabilizing the arms race on the basis of overall equality and the preservation of U.S. sufficiency in strategic defense. I do not think it is wise for us to prejudge the negotiations and set minimal conditions with regard to reaching that objective. To believe in a congressional voice in foreign policy does not mean that the Senate should prescribe an exact technical form for a follow-on treaty. Strategic arms negotiations are extraordinarily complex, and agreements are reached only after numerous proposals and packages are put forth by both sides and their implications fully analyzed by technical experts. For us to deny our negotiators that flexibility will not further the prospects of a follow-on agreement.

Therefore, I urge the Senate to revise the Jackson amendment to stress the need to assure in a future treaty overall equality in United States-Soviet strategic nuclear strength rather than numerical equality in intercontinental strategic weapons systems alone. In supporting such a change, I do not wish to prejudge Senator JACKSON'S own view that overall equality may at some future date require rough equality in ICBM's, SLBM's, intercontinental bombers, and missile throw-weight. My purpose is not to exclude the Jackson formula from consideration at SALT 2, but rather to broaden Senate advice to allow consideration of alternative proposals as well—proposals that would insure an overall equality and U.S. defense sufficiency. The strategic balance is not so sensitive as to require mathematical precision in any single component or set of components. Insistence on such precision means that the negotiations will fail, or that both sides will build to parity across the whole spectrum of nuclear weapons. The Jackson formula, as it now stands, is a prescription for an accelerated arms race.

Mr. President, I do not have a particular design in mind for a follow-on SALT treaty. As chairman of the Arms Control Subcommittee of the Foreign Relations Committee, I was privileged to be briefed by representatives of the administration several times during the past 2 years on progress at SALT 1. I am impressed by the complexity of the strategic issues, and how imaginative and resourceful our negotiators must be in identifying the best means of stabilizing the arms race. I do not have any binding recommendations to make to our negotiators with regard to the weight that should be given, for example, to our forward base systems, to geographic differences, and to differences in deployment modes. I do not know what technological factors can be controlled in a formal treaty—what technological breakthroughs there might be in national means of verification, or what political breakthroughs there might be in the area of on-site inspection. But I do not wish to limit the possibilities in advance.

It is for these reasons that I and many other Senators have urged that we emphasize the principle of overall equality rather than numerical equality in intercontinental strategic systems alone. I believe it is essential to free our negotiators from the narrowness of the Jackson amendment. I hope that the Senate will go on record supporting the principle of overall equality and the preservation of U.S. defense sufficiency. That will give our negotiators general advice without restrictive minimal conditions. This, I believe, is the best means of furthering prospects for the next round of negotiations.

Mr. CRANSTON. Mr. President, I yield myself 12 minutes.

The PRESIDING OFFICER (Mr. BENTSEN). The Senator from California is recognized for 12 minutes.

Mr. CRANSTON. Mr. President, I was in the Soviet Union last week and I should like to express some thoughts concerning my soundings and findings there as they relate to the Senate and to SALT. The people I met there were talking about the very issues we are discussing on the Senate floor.

I came back from the Soviet Union with my own convictions reinforced that an amendment like that offered by the Senator from Arkansas (Mr. FULBRIGHT) is a vital ingredient of success in carrying on continued successful negotiations with the Soviet Union and reinforced the convictions I took with me that it would be harmful to our future scaling down of the arms race to adopt the Jackson amendment.

The original purpose of my trip to Europe was to compete in track meets in London and Helsinki. But once it appeared that the SALT agreements were in danger of being stalled and encumbered by the Jackson amendment, and once the Senate had declared an extra week's recess after the Republican Convention, I decided to explore, on my own, and, incidentally, at my own expense, the situation inside the Soviet Union as it relates to the SALT situation. I went there in an unofficial capacity. I am certainly not setting myself up as an instant expert on Soviet affairs after spending a week there. I talked with only a limited number of people, most of them were American newsmen and American diplomatic officials. But with all of them SALT was clearly a pressing and distressing issue—yet one also of hope. Everyone I talked to who expressed an opinion on the subject reflected dismay, concern, and confusion over the effect of the Jackson amendment on the arms race.

They were dismayed that the SALT agreement, perhaps the most complex international agreement we have ever negotiated with another nation, should be subjected to 11th-hour improvisation on the floor of the U.S. Senate.

They were concerned that adoption of the amendment could jeopardize arms limitation and arms reduction talks in the future. They felt that the Soviets could never be sure, after an agreement was negotiated, that its import would not be suddenly changed in its import by Senate action. These people were confused by the prospect that the same administration which had painstakingly negotiated this agreement, after years of hard work, might be supporting last-minute legislative changes. The fact that the administration claims it supports the Jackson amendment but does not support what Senator JACKSON says his amendment means only adds to their confusion, as it has added to the confusion here.

Many arguments have been exchanged among us in the Senate recently on the SALT agreements and particularly on the pros and cons of the Jackson amendment. The issue of equality has been foremost in our minds as we debate the questions posed by that amendment.

Some of us are disturbed by the uncomfortable thought that beyond a certain point equality may lose its significance—due to the overkill factor—and really mean equality in death rather than life.

That is why SALT—with the hope that it will scale down the colossal dangers and incredible costs of the arms race—is so essential.

But in effect we all agree that the United States must have equality with the Soviet Union in nuclear strength and in military strength generally. We disagree only on how equality should be measured, calculated, counted.

Naturally, equality is very important to the leaders and the people of the Soviet Union as well.

They are proud of the progress made by their country and gratified that the agreements limiting strategic weaponry recognize their new and equal status.

To be part of an agreement with the United States negotiated on the basis of equality means a great deal to them.

So I think it is clear that everyone wants equality—the Soviet people, the Soviet Government, the Nixon administration, and every member of the Senate.

No one has a monopoly on representing the argument for equality.

The question is: How do we define equality? I have already spoken on the floor of the Senate in favor of the view that what counts is overall strategic parity—not merely megatonnage and numbers of launchers.

It is equality in this overall sense that the Soviet leadership is concerned about. I am sure that there are many Soviet military planners who are concerned about our numerical superiority in strategic bombers and aircraft carriers. But they have to consider all the factors, just as we do.

Almost exactly 10 years ago, the United States and the Soviet Union confronted each other over the Cuban missile crisis. Only a year later, in 1963, Moscow and Washington signed the nuclear test-ban treaty. Far from stunting the arms race, however, the test-ban treaty had the unfortunate effect of accelerating underground testing and speeding up the development of new weapons of destruction to offset the supposed concession represented by the treaty itself.

Now we face a parallel danger—that SALT may mean more weapons, not fewer weapons.

Thus, far, that has been the consequence of SALT.

During the long years of negotiation, we and the Soviets have rushed new programs along to beat any standstill agreements that might be signed.

And both of us have poured vast sums into new weapons systems for "bargaining chip" purposes—constructing them at great cost simply to be ready to give them up.

And no sooner had administration spokesmen hailed the agreements finally negotiated in Moscow as a step toward halting the arms race than they turned around and asked for newer, fancier, and more expensive weapons.

I think we should remind ourselves that the purpose of the whole idea of the SALT negotiations is arm's limitation and eventually arm's reduction, not escalation.

Plainly, the Soviet Union and the United States have entered a period of testing—testing each other's good faith, testing each other's promises, testing the possibilities for a world without overkill, even testing the possibilites for a world without any arms race at all.

This testing period is very delicate. Everyone I talked to in Russia who was informed on the subject stressed that one serious incident could set back progress for 10 years. Something comparable to the U–2 incident or the Czech invasion could crush our new hopes for peace.

I think the Senate should do everything in its power to prevent another disruptive crisis.

That means, among other things, we must make sure that civilians retain control over our huge Military Establishment.

The recent case of General Lavelle is a horrifying example of what can happen when misguided military men take top-level decisions into their own hands. We must make sure that nothing remotely similar jars our relations with the Soviet Union at this critical point in time.

And we should ratify the interim agreement without the Jackson amendment. The amendment, I am convinced, threatens the current effort to reduce tensions between our two powerful nations.

There are many in this country who say, "we just cannot trust the Russians." There are many in the Soviet Union who say, "we just cannot trust the Americans."

The interim agreement is not based upon trust. In fact, we need the SALT agreements precisely because we do not trust each other. These agreements allow both sides to carry out their own inspection via satellite, so that each will know if the other violates the agreement. Each side has pledged not to interfere with that freedom precisely because each side wants to retain the power of surveillance for its own use.

Halting and eventually reversing the arms race is in everyone's best interest.

That is why the Russian people welcomed the visit by President Nixon last May—not because they had shed the legacy of mistrust in one stroke, but because they knew that one step toward peace however small, is a step in the right direction. Memories of war are still very fresh in their minds.

At the time of the announced mining of Haiphong Harbor, there was a general fear that the Nixon visit to Moscow would be cancelled.

When that news threw American involvement in the Vietnam war right into Soviet laps, the leaders of the Kremlin had to weigh their friendship for North Vietnam and their own concerns for freedom of the seas against their desire to convince their people that they are really working for peace.

At the same time, the treaty on Berlin, and behind it the whole issue of relations between East and West Germany,

were pending in the West German parliament. Soviet cancellation of the Nixon visit would almost surely have spelled the defeat of that treaty.

And as I have already mentioned, the principle of equality reflected in the SALT agreements was and is very important to Soviet citizens.

So for all these reasons—the desire to take concrete steps toward curbing the arms race, the Berlin treaty, and the issue of equality—the Nixon visit proceeded.

I congratulate the leaders of both countries for the progress achieved on that trip.

Soviet leaders cannot be totally blind to political considerations at home. Basically, of course.

The Soviet Union is still a repressive dictatorship.

The treatment meted out to gifted men like Alexander Solzhenitsyn and the Medvedev brothers is deplorable.

Talented, dissident intellectuals who have not yet captured western attention fare much worse.

And the treatment of Soviet Jews and other minority groups is shocking.

But there seems little doubt that, in terms of economics, life for the ordinary person inside the U.S.S.R. is better than it was either under the czars or under Stalin.

The repression of free speech is repugnant to me, and to all of us.

But Soviet leaders are, at any rate, groping toward a better life for the Russian consumer.

For example, the Soviet Government has pledged to increase the protein content of the Soviet diet by 25 percent within 5 years.

I saw many new housing developments.

And I was told that many frank and vigorous debates are permitted on ways of unsnarling local administration and overcoming the petty bureaucracy that stifles Soviet life.

So it appears that the Soviet Government is slowly moving toward a better life for its people at home and a more peaceful atmosphere abroad.

This is a critical time.

Gyorgy Arbatov, director of the U.S.A. Institute of the Soviet Academy of Sciences, was one of those who emphasized to me the need to shield this delicate testing period from international shocks.

I wholeheartedly agree.

The PRESIDING OFFICER. The Senator's 12 minutes have expired.

Mr. CRANSTON. Mr. President, I yield myself an additional 2 minutes.

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

Mr. CRANSTON. Mr. President, in this context, it is plain that the Jackson amendment sours the atmosphere of detente.

Although the State Department denies that it intends to commit any violations of the spirit of the SALT agreements, the administration's "now-you-see-it-now-you-don't" species of support for the Jackson amendment can only heighten Soviet fears.

My distinguished colleague from Washington stated recently that a confident and secure Soviet Union is a dangerous Soviet Union.

I believe the opposite.

Fortunately, the question does not require an either-or-solution.

Ratification of the interim agreement is in the best interest of both countries.

Judging from what I learned on my trip, adopting the Jackson amendment could undermine the chances of further Soviet initiatives toward peace and hamper the success of American efforts as well.

Such action would sadly disappoint the hopes for a better world shared by Soviet and American citizens alike.

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

The PRESIDING OFFICER. The Senator from California may not yield. His time has expired.

Mr. CRANSTON. Mr. President, I yield on the Senator's time.

Mr. FULBRIGHT. The Senator may yield on my time.

The PRESIDING OFFICER. The Senator may yield on the time of the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I yield myself 3 minutes for the purpose of asking questions of the Senator from California.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 3 minutes.

Mr. FULBRIGHT. Mr. President, if I understood the Senator from California correctly, he returned recently from a trip to Russia.

Mr. CRANSTON. The Senator is correct. I was there last week.

Mr. FULBRIGHT. Last week?

Mr. CRANSTON. The Senator is correct.

Mr. FULBRIGHT. Mr. President, did the Senator from California detect any reaction to the effort to change the negotiating approach through the Jackson amendment? Was there any reaction while the Senator was there? I have read a newspaper referring to an article published in Izvestia, which said that the Russians thought that the Jackson amendment violated the spirit of the interim agreement.

Did the Senator have any discussion and observe any reaction concerning the Russian attitude toward the Jackson amendment?

Mr. CRANSTON. Mr. President, that was precisely the purpose of my visit to Moscow at this time. I wanted to explore precisely that matter. While there, I talked to American diplomats and American newsmen, as well as other people, including Soviet citizens. I also talked to one official with important responsibilities relating to our country.

Universally, those who had an opinion expressed grave concern over the effect of the Jackson amendment on future efforts to scale down the arms race. They felt that that amendment would be interpreted as a violation of the spirit of the SALT talks. They believe that unilaterally changing the most intricate agreement ever negotiated by the United States and the Soviet Union would severely threaten our hopes for a more peaceful world.

Mr. FULBRIGHT. It has been said in the cloakrooms, but not on the floor, that in his eagerness to get an agreement in Moscow, the President was sold a bill of goods. He went to Moscow, after his negotiators had failed to reach an agreement, with the intent of getting agreement, regardless of the consequences, whether it protected us or not.

Did the Senator from California hear anyone in Moscow suggest that the President had been sold a bill of goods because of his eagerness to get an agreement for political purposes?

Mr. CRANSTON. Mr. President, absolutely not. A universal opinion was expressed to me that a very careful and prudent process, culminating in the President's visit to Moscow, had produced a treaty and interim agreement that was a safe and fair bargain for both sides, and that both documents increased the prospects for peace.

Mr. FULBRIGHT. Mr. President, were any of the Americans the Senator spoke to in the embassy in Moscow apprehensive that this matter might cause difficulty in the next step at SALT?

Mr. CRANSTON. Those American officials and diplomats who expressed their opinion to me—and I use my language carefully because I do not want to get any individual in trouble—said that they hoped the Jackson amendment would be defeated because they thought it would damage chances for halting the arms race. They expressed the hope that if the Jackson amendment were agreed to, it would be modified by an amendment such as that offered by the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, the Senator mentioned Mr. Arbatov, the Director of the U.S.A. Institute of the Soviet Academy of Sciences, who has been one of the top students of our country and has been the head of this division.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. FULBRIGHT. Mr. President, I yield myself an additional 3 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for an additional 3 minutes.

Mr. FULBRIGHT. Mr. President, Mr. Arbatov has been here and has visited our country, as the Senator knows quite well. I think he is most anxious for improved relations between Russia and our country. Did the Senator have any discussion with him?

Mr. CRANSTON. Mr. President, Mr. Arbatov expressed concern over the delay and expressed concern over the effect that the Jackson amendment would have on future efforts to negotiate down the present high scale of the arms race.

He also expressed concern that there had not been more recognition on the floor of the Senate of the statement of principles that was adopted at the time of the President's visit to Moscow. He apparently had not been aware that just before I went to the Soviet Union, the Senate did adopt the Mansfield amendment, which did exactly that to some degree. He felt that the statement adopted in Moscow sets forth clearly the hopes of both sides for steps toward peace and a reduction of the arms race, and he

expresed the fear that the adoption of the Jackson amendment would be interpreted as a violation of that spirit.

Mr. FULBRIGHT. Did the Senator get the feeling that the Russians are very anxious to divert their resources to more destructive forces and to continue to build larger and larger and more and more intercontinental missiles?

Mr. CRANSTON. I think Soviet leaders are concerned about not being able to meet the economic demands of their people. Like us, they see no hope of doing that unless the arms race is reduced.

Mr. FULBRIGHT. Did the Senator see this morning a preliminary report in which Mr. Kissinger said he believed there had been agreement on the settlement of this Lend Lease Act for probably $500 million to be paid over 30 years? Guidelines for a large trade agreement are also apparently in the making.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. FULBRIGHT. I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. If that is so, is it not quite inconsistent with the assumption implicit in the Jackson amendment that the Russians are determined to go all out to get a first-strike capacity against the United States?

Mr. CRANSTON. I believe so. I come to the same conclusion on that point as the Senator from Arkansas.

Mr. FULBRIGHT. I thank the Senator. I thank the Senator for his testimony and for his evidence based on his personal observations in Moscow, which have been very well elucidated and which should be taken into account by the Senate.

Mr. CRANSTON. I thank the Senator. Most of what I said was based on conversations with Americans rather than people who are officials of the Soviet Union; and I was interested in the beliefs of Americans on the scene, and with respect to what we are grappling with on the floor of the Senate.

Mr. President, the Senator from Idaho wished to speak at this time.

I suggest the absence of a quorum.

Mr. ALLOTT. Mr. President, on whose time is the request made?

The PRESIDING OFFICER. The quorum is not counted as part of the time.

Mr. ROBERT C. BOLD. Mr. President, will the Senator withhold his suggestion?

Mr. CRANSTON. Very well.

Mr. ROBERT C. BYRD. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Colorado (Mr. ALLOTT), I ask unanimous consent that a member of this staff, Jim Sanderson, may be permitted the privilege of the floor today during consideration of the pending measure, except during rollcall votes.

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

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged against me.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

Mr. CRANSTON. 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. CHURCH. Mr. President, I ask that such part of my time be yielded to me as I may require for purposes of this colloquy with the Senator from California.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, let me say, first of all, that I listened with great interest to the remarks of the Senator from California. I think it is particularly important that he brings back to us a message from the Soviet Union obtained as recently as a week ago.

There is no question in my mind but what the reaction he found in the Soviet Union was a predictable one. A year ago last July, it was my privilege to participate at the Kremlin in an interview with the Soviet Premier, Mr. Kosygin, at which time I pressed a number of questions upon him concerning the possibilities of arms limitation. The SALT talks were then under way; it was an open question as to whether a first-step agreement could be entered into, and I was interested in trying to plumb the Premier, in order to ascertain just what view the Soviet Government took toward the talks at that time.

Again and again, Mr. Kosygin came back to equality as the governing principle, both for successfully completing the first round of the talks and for any talks thereafter. He emphasized that the Soviet Union had assembled a nuclear capability equal to that of the United States, a fact that would have to be acknowledged in any agreements that might be reached.

In this respect, the attitude of the Soviet Premier is no different than the attitude so often expressed on the floor of the Senate. We, too, insist on the principle of equality. As a matter of fact, I do not suppose that these negotiations could ever have succeeded, nor any agreement ever entered into by Mr. Nixon and Mr. Brezhnev, at the summit meeting in Moscow, if it had not been for the approximate equality in nuclear strength, existing between the two powers.

I never did understand that old formulation of Mr. Acheson that successful negotiations must proceed from a position of strength. It never made any sense. We never really analyzed it. We just accepted it as a maxim of faith.

Obviously, if one side has a preponderance of strength and the other side a debilitating weakness, either the side with the preponderance of strength can impose its will on the weaker side, in which case there is no need for negotiations, or the weaker side will refrain from negotiations, knowing it is not in a satisfactory bargaining position.

It was only because we had finally come to an approximate equality of position that made it possible for us to negotiate an agreement, and the same approach is going to be a prerequisite to any future agreement. That is their position, and that is our position, as the Senator from California has so well observed.

Now, my first question to the Senator relates to the amendment that the distinguished chairman of the Committee on Foreign Relations offered as a substitute to the Jackson amendment. I would like to read the language of the substitute amendment:

"The Congress supports continued negotiations to achieve further limitations on offensive nuclear weapons systems with the Union of Soviet Socialist Republics on the basis of overall equality, parity, and sufficiency, taking into account all relevant qualitative and quantitative factors pertaining to the strategic nuclear weapons systems of the Union of Soviet Socialist Republics and the United States of America."

Can the Senator from California think of a more all-embracive way of expressing the principle of equality than that contained in the language of the substitute amendment?

Mr. CRANSTON. No, I cannot. I think that the substitute amendment is superbly drafted. It sets forth the basic purposes that should be the guidepost for the United States in its negotiations with the Soviet Union. Judging from my soundings in the Soviet Union, I am certain that they would recognize this amendment as acceptable, fair, and reasonable.

Mr. CHURCH. I agree completely with the Senator from California. For those Members of the Senate who constantly inveigh the principle of equality, here it is, stated as accurately and fully as it can be stated; if they really want equality, the way to get it is to vote for this substitute amendment.

Mr. CRANSTON. Absolutely.

Mr. CHURCH. The difficulty with the Jackson amendment is that it strives for inequality in the name of equality. If one were to apply, literally, the terms of the Jackson amendment and visualize it as an old-fashioned gold scale—I can use that simile because the Senator from California is very familiar with the gold scale, the way we used to balance bags of gold on one side against weights on the other that counterbalanced it, so that when the scales became even, one could be certain that the weight had been properly ascertained——

Mr. CRANSTON. I thank the Senator for bringing California into this debate.

Mr. CHURCH. The gold scale had such a prominent part in the birth of California that I thought it might be an appropriate way of describing the principle of equality, in relation to this discussion.

The Jackson amendment does not say that we should take all our nuclear weapons with which we could strike the Soviet Union and place all those weapons on our side of the scale, against which the Russians would place all of their nuclear weapons with which they could strike the United States on their side of the scale. If it did that, then I would have no objection to it, because then it would be calling for real equality.

Instead, the Jackson amendment says that we will put only certain of our

weapons on the scale. We will put our intercontinental strategic nuclear weapons—that is to say, the intercontinental ballistic missile, the submarine launched missile, and the intercontinental bomber—but we will not place on the scale our other nuclear weapons with which we could strike the Soviet Union. We will not weigh in the balance our aircraft carriers, capable of launching hundreds of aircraft that can fly at supersonic speeds over the Soviet Union and drop nuclear weapons. We will not weigh in the balance our intermediate range missiles positioned in such forward bases that they can reach into the Soviet Union with nuclear warheads.

A literal interpretation of the Jackson amendment inevitably leads, not to a balanced scale at all, but one in which the title would definitely favor the United States, if all of our nuclear weapons were weighed against all of theirs. And yet this is being put forth in the name of equality. It is the kind of doublethink or doublespeak with which all of us are familiar who have read Mr. Orwell's "1984." And, if this becomes the guideline for future negotiations between the United States and the Soviet Union, it can only mean one thing: It can only mean the negotiations would fail.

Does the Senator think it would be literally possible to apply the provisions of the Jackson amendment in any successful future attempt to negotiate a limit to the nuclear arms race?

Mr. CRANSTON. I think it would be impossible if American negotiators had their hands tied so that anything not negotiated on that basis would be rejected by the Senate. They would be unable to enter into meaningful negotiations. Soviet negotiators, on the other hand, facing Americans who would say, "We cannot consider that factor," would say, "Well, if you cannot consider that factor, there is no way to negotiate." They will probably say, "All those factors must be put into the pot so that they can all be weighed if we are to move ahead." The Jackson amendment strikes me as a prescription for opening up the arms race all over again and for hampering negotiations to curtail it.

Mr. CHURCH. I thank the Senator. Does the Senator suppose that we in the Senate would even approve any future agreement, if the Russians were to insist upon a similar formula, working to their advantage?

Mr. CRANSTON. If Russian negotiators arrived at the negotiating table with instructions that they could only consider factors that would insure their superiority and our inferiority, we would leave the table. If we knew in advance what their position was, we would probably never go to the table at all.

Mr. CHURCH. Of course that follows, and I cannot help but suspect that there are those who support the Jackson amendment who would prefer no successful culmination of these talks.

Now, one final observation. It seems to me that the effort on our part to hold back weapons and not put them on the scales of equality, so we will have some extra weapons that presumably will give us some sort of advantage, is rendered absurd when one considers that, given the size of the nuclear arsenal on both sides of the Iron Curtain, there is no such thing as nuclear superiority any more. This is an illusion. As long as either side has sufficient weapons to guarantee it can retaliate against the other in the event of a nuclear strike upon it, and retaliate with sufficient force to destroy the other side, we have all that can be gotten to make deterrence work. The notion that some advantage accrues from having surplus warheads is really one of those illusions of our time.

So it seems to me this entire exercise is outside the realm of nuclear realities, and that nuclear superiority, even if it were the purpose of the Senate to try to preserve it for the United States in the future, is itself meaningless. Would not the Senator agree?

Mr. CRANSTON. Yes, I would. In terms of overkill, it seems to me that superiority, equality, inferiority, and sufficiency become meaningless terms. We can wipe out the other side at least 20 times over, and I believe that they can do the same to us. How many times can a man die? As matters stand, we can kill each other more than once. Beyond that point, as long as each side retains the power to apply devastating force toward the other side, we do not need much more.

So, I think we should be talking in terms of equal power for each side to deter the other. Beyond that point, I think equality is an illusion.

Mr. CHURCH. I agree with the Senator, and I commend him for the fine contribution he has made to this debate.

Mr. CRANSTON. I thank the Senator from Idaho for his typically excellent preparation, knowledge, and presentation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The question is on agreeing to the substitute amendment of the Senator from Arkansas (Mr. FULBRIGHT).

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. A short time ago, on the floor of the Senate, I made an inquiry when the absence of a quorum was suggested. The temporary ruling of the Chair at that time was that under the 100-hour rule, that is, 1 hour for each Senator, a quorum call is not charged to anyone, that it is straight time. I would like to inquire of the Chair what the ruling upon this question is.

The PRESIDING OFFICER (Mr. BENTSEN). It was not stated as a temporary ruling. That was the ruling of the Chair, that time would not be charged.

Mr. ALLOTT. I do ask the question at this time: In the event a request is made in the ordinary run of procedure, not by unanimous consent, for a quorum call, to whom is the time charged?

The PRESIDING OFFICER. For further clarification, the Chair will ask the clerk to read the following paragraph from the rule.

The second assistant legislative clerk read, as follows:

Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

The PRESIDING OFFICER. The Chair will further state to the Senator from Colorado that the rule uses the word "speak" and under the prior customs and practices of the Senate, time for a quorum has never been charged to either side.

Mr. ALLOTT. I thank the Presiding Officer. I want to be sure that I understand the situation.

The PRESIDING OFFICER. Does the Senator understand that this time is being charged?

Mr. ALLOTT. This is a parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. Is the Senator speaking to the parliamentary question?

Mr. ALLOTT. I am asking the question. I have done so before, and I shall continue.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time consumed by the Senator from Colorado be charged against me.

The PRESIDING OFFICER. Without objection, the time will be charged to the Senator from West Virginia.

Mr. ALLOTT. Mr. President, so there is no question about this, I do not want to get into a parliamentary situation here, but I shall later. If anyone, while cloture is invoked, speaks for 5 minutes, he could thereupon ask for a quorum call. Someone else could speak for 5 minutes, and ask for another quorum call, and force it to go live, so that what ordinarily be a maximum of 100 hours of debate could be extended into many, many hours of debate; it that correct?

The PRESIDING OFFICER. The Chair will say, for the benefit of the Senator from Colorado, that the Chair, under the cloture rule, has the authority to declare such actions dilatory.

Mr. ALLOTT. I thank the Chair.

The PRESIDING OFFICER. Who yields time? The question on agreeing to the substitute amendment.

Mr. JACKSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and ask that the time for the quorum call be charged against me.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

The question is on agreeing to the substitute amendment of the Senator from Arkansas (Mr. FULBRIGHT). On this question, the yeas and nays have been ordered.

Mr. FULBRIGHT. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. FULBRIGHT. I was not informed previously, but I understand that the Senator from Kentucky (Mr. COOPER) wishes to say a few words. He is a cosponsor of the substitute amendment. I have just been told he would like to say a few words. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. COOPER. Mr. President, the amendment before the Senate introduced by Senator FULBRIGHT and cosponsored by Senators MANSFIELD, CHURCH, AIKEN, SYMINGTON, CASE, JAVITS, and myself, is based upon the statements of the President and his chief spokesmen, the Secretary of State, Ambassador Smith, Secretary Laird, and the Joint Chiefs.

I should like to quote from some representative passages. Dr. Henry Kissinger, speaking for the President at the White House on June 15 describing the significance of the ABM Treaty and the interim agreement said:

Who won?

The President has already answered this question. He has stressed that it is inappropriate to pose the question in terms of victory or defeat. In an agreement of this kind, either both sides win or both sides lose. This will either be a serious attempt to turn the world away from time-worn practices of jockeying for power, or there will be endless, wasteful and purposeless competition in the acquisition of armaments.

Does the agreement perpetuate a U.S. strategic disadvantage? We reject the premise of that question on two grounds. First, the present situation is on balancing advantageous to the United States. Second, the Interim Agreement perpetuates nothing which did not already exist in fact and which could only have gotten worse without an agreement.

Our present strategic military situation is sound. Much of the criticism has focused on the imbalance in number of missiles between the U.S. and the Soviet Union. But, this only examines one aspect of the problem. To assess the overall balance it is necessary to consider those forces not in the agreement; our bomber force which is substantially larger and more effective than the Soviet bomber force, and our forward base systems.

The quality of the weapons must also be weighed. We are confident we have a major advantage in nuclear weapons technology and in warhead accuracy. Also with our MIRV's we have a two-to-one lead today in numbers of warheads and this lead will be maintained during the period of the agreement, even if the Soviets develop and deploy MIRV's of their own.

Then there are such factors as deployment characteristics. For example, because of the difference in geography and basing, it has been estimated that the Soviet Union requires three submarines for two of ours to be able to keep an equal number on station.

When the total picture is viewed, our strategic forces are seen to be completely sufficient.

The Soviets have more missile launchers, but when other relevant systems such as bombers are counted there are roughly the same number of launchers on each side. We have a big advantage on warheads. The Soviets have an advantage on megatonnage.

What is disadvantageous to us, though, is the trend of new weapons deployment by the Soviet Union and the projected imbalance five years hence based on that trend. The relevant question to ask, therefore, is what the freeze prevents; where would we be by 1977 without a freeze? Considering the current momentum by the Soviet Union, in both ICBM's and submarine launched ballistic missiles, the ceiling set in the Interim Agreement can only be interpreted as a sound arrangement that makes a major contribution to our national security.

Does the agreement jeopardize our security in the future? The current arms race compounds numbers by technology. The Soviet Union has proved that it can best compete in sheer numbers. This is the area which is limited by the agreement. Thus the agreement confines the competition with the Soviets to the area of technology? And, heretofore, we had had a significant advantage.

The follow-on negotiations will attempt to bring the technological race under control.

Secretary of State William Rogers, in testimony before the Foreign Relations Committee, stressed that numerical equality was a too narrow approach to the strategic balance. In support of the efforts made at SALT, he said:

Looked at overall, our forces are clearly sufficient to protect our, and our allies', security interests. U.S. strategic forces are qualitatively superior and more effective than Soviet strategic forces. The USSR has more missile launchers. The U.S. has more missile warheads. We have many more strategic bombers. Moreover, numbers alone are not an illuminating or useful measure for judging the strategic balance.

Admiral Moorer, Chairman of the Joint Chiefs, representing the military told the Committee on Foreign Relations on June 21 that the basis of any rational consideration of the strategic balance would have to be as follows:

As I have noted on several prior occasions, an objective evaluation of the overall strategic balance between the United States and the Soviet Union requires consideration of all the factors in the strategic equation—delivery vehicles, megatons and warheads—in an appropriate combination, together with Pre-launch survivability, reliability accuracy, range, and penetrability of enemy defense systems.

In essence, our amendment in legislative form affirms the view of the President and all his chief advisors and of our negotiators that all relevant qualitative and quantitative factors should be considered in reaching any further agreements or treaties on offensive nuclear weapons. It is virtually impossible that equality in numbers can be achieved, and because of the asymetries of the respective systems of the Soviet Union and the United States we have sought to give the administration maximum negotiating flexibiliy to reach the desired goals of a limitation and reduction of all nuclear weapons systems.

In contrast, Senator JACKSON's amendment deliberately excludes absolutely vital factors for successful negotiations stressed by the President and his chief advisors in SALT, that is, qualitative considerations such as MIRV, accuracy, range, penetratibility of enemy defenses, and forward basing to name a few. The administration has explicitly rejected the interpretation of the Senator from Washington's amendment. Further there is no evidence in the public record of any support for the interpretation given by Senator JACKSON of his amendment.

It was my purpose, as well as that of Senators FULBRIGHT, MANSFIELD, AIKEN, and others, to propose an amendment which more clearly and fully expresses the spirit, intent, and procedures that have characterized the SALT negotiations up to this point and which, we hope would reflect any future negotiations in SALT phase II.

The choice before the Senate is between Senator Jackson's position, which if followed would undercut the success already achieved at SALT and would severely limit the ability of our negotiators to achieve further limitations and reductions in SALT phase II, and the pending amendment, which more truly reflects the will of the Senate as expressed in the 86 to 1 approval of the ABM treaty and various resolutions and votes supporting arms control efforts over the past 5 years.

The advice contained in the Jackson amendment would impose a severe and crippling limitation upon our negotiators and should be rejected.

The inital success achieved at Moscow on May 26 deserves the affirmative support of the Senate. The agreements signed in May have uplifted the hope of men everywhere that the scourge of nuclear war can be brought under control. I hope that the Senate will support the pending amendment, as it openly and without equivocation urges the President to pursue every reasonable possibility to achieve limitations and reductions of nuclear weapons and lessen the chances of nuclear holocaust.

Mr. HUMPHREY. Mr. President, during recent weeks, I have listened with care to all sides of the debate concerning the interim agreement on strategic offensive weapons. I have listened, and evaluated, and weighed the facts—because to me there is no subject of more profound importance than arms control. I have felt this for years—I have remained a student of the subject—and from time to time during my public career, I have had the good fortune to be able to make some small contribution in this area. For a number of years, I served as chairman of the Disarmament Subcommittee of the Senate Committee on Foreign Relations; and later, while Vice President, I participated actively in the long preparatory stages which laid the groundwork for what have now come to be called the SALT talks. So I have a familiarity with this subject—I view it both as an idealist seeking a world of peace and good will among nations and as a pragmatic realist, possessing some

understanding of the ruthless and barbaric behavior of which men and nations are sometimes capable. With this background and experience, I rise now to lend my support to the amendment put forward by the distinguished chairman of the Committee on Foreign Relations, an amendment behind which the entire Senate, I believe, can and should unite in strong and unqualified support.

This amendment, which would become a part of the Senate's formal approval of the interim offensive arms agreements achieved in Moscow, has—in my understanding—two major points of emphasis. First, it would place the Senate in public and formal support of "continued negotiations" with the Soviet Union. The interim agreement is, after all, just that—an interim agreement, designed to hold a lid on the arms race—to contain this futile and vastly wasteful spiral—so that active, substantive, and productive negotiations can continue in an atmosphere of reasonable stability and strategic calm. Both sides have agreed already to do this: to move forward—during the interim period—with energetic efforts to reach further, more comprehensive agreements. In the preamble of the ABM treaty, to which the Senate has already given its approval, there is a firm declaration of intention by both the United States and the Soviet Union to continue negotiation and "to achieve at the earliest possible date the cessation of the nuclear arms race and to take effective measures toward reductions in strategic arms, nuclear disarmament, and general and complete disarmament." It is appropriate and right that the Senate lend its full support to the continued negotiations which can bring these goals to fulfillment.

These further negotiations will, in all likelihood, be prolonged and difficult, for the prominent issues which remain to be discussed are complicated. They involve forces and concepts that are hard to define and to isolate. The negotiators on both sides will be seeking mutually acceptable terms of limitation on forward-based systems, on bombers, on land-mobile ICBM's, on air defenses, on anti-submarine warfare forces, on intermediate range missiles. In addition, they will, in all probability, be seeking mutual force reductions in those strategic systems already limited. It is clear that these complex subjects will present great problems for the negotiators and that, even under the very best of circumstances, their negotiations will be terribly difficult. Thus I think that it is incumbent upon the Senate to do everything it can to create a climate in which the negotiators can move forward, in an energetic spirit of mutual benefit and mutual compromise, toward the noble goals to which both sides are now pledged. We should support these continued negotiations with a spirit of confidence, of trust, of dedication—and the amendment before us now would give clear voice to that full and earnest support.

The second thing this amendment would do is to set forth, in clear and unmistakable terms, congressional guidance for these continued negotiations. Further limitations on offensive nuclear weapons systems should be concluded, as the amendment (No. 1526) before us states, on the basis of "overall equality, parity, and sufficiency." This is useful and meaningful guidance, for these must be our goals—to seek and maintain an "overall equality," a sense of stable "parity"—which can arise only when each side has steady, unthreatened, and confident possession of nuclear "sufficiency." As these negotiations continue, one fundamental principle must be our guide—and that is that each side should seek to have its nuclear weapons fulfill one function—the single worthy function these weapons can fulfill—and that is to deter the other side from using or threatening to use its nuclear weapons. That is a sound basis for negotiation, for when both sides have "sufficiency" in this sense, they will have the only kind of nuclear equality that really counts. Both sides have, I think, begun already to operate from a recognition of this principle, and it is appropriate and right that the Senate reaffirm that concept. This amendment would provide that affirmation.

Now no one has argued that the limited agreements achieved thus far have removed the need for an ongoing defense program. The Soviet Union will undoubtedly continue many of the quantitative and qualitative strategic programs which the SALT agreements permit. And so will we. Mr. Brezhnev has said he is going ahead and so has Mr. Nixon. But let us support a prudent defense program, neither spending from fear at home nor negotiating from fear or weakness abroad. We simply can hold no reasonable fear that our strategic weapons are inadequate in number, or in quality. Already we possess an arsenal so powerful that its destructive capability is quite literally beyond our ability to comprehend it. Let us think of it for just a moment. Two—only two—of our Polaris-Poseidon submarines could destroy—total, blinding destruction—more than 100 of the largest cities in the Soviet Union—and still have missiles left over. Two Polaris submarines could do this—and we have a fleet of more than 40. Ten B–52 bombers—only 10—could destroy 40 percent of the industry in the Soviet Union—and we have a strategic bomber force 50 times that strong. The combined force of our nuclear submarines, bombers, and ICBM's carries a total of 5,700 warheads—five thousand, seven hundred. The very smallest of these warheads contains three times the destructive power of the bomb that destroyed Hiroshima; and the largest is hundreds of times that powerful. This power is not at the planning stage; it exists now, under our control, in our arsenal of deterrence. We have achieved, quite simply, all of the security that an accumulation of nuclear weapons can provide. Now it is time, calmly and rationally, to tame that power and—after a quarter of a century of subtle, worldwide terror—to lift from mankind the threat of nuclear war and mass incineration which hangs over all our lives.

So from this position of strength, we can move forward with confidence, continuing to negotiate, supporting what has been accomplished already, and demonstrating America's resolve that these negotiations shall continue.

This is the thrust of the Fulbright amendment. And it has been the thrust of my own view of national defense throughout my career in public service.

I want to commend Senator FULBRIGHT for crystalizing in his amendment the essence of what round two of the SALT talks should be about, and for providing the Congress with a vehicle for participation in these talks. After all, many of us here are well-schooled in the issues of arms control. We do have something to offer on this crucial question, and we should be called upon to do more than rubber stamp agreements which affect the security and well-being of this country. The Senate should be an active participant in these talks in order to enhance public understanding of the complexities and the stakes involved.

The debate on the interim agreement has demonstrated the depth of understanding which the Congress has on these matters. Any misunderstandings which have arisen are as much a cause of misinformation from the executive branch, or political directives from the White House as anything else.

People are speaking of an age of reform for America. They are yearning for it, and looking for the Congress to take the initiative. The Fulbright amendment is a creditable initiative, endorsing a principle for arms control negotiations which I have long supported. It is, therefore, a privilege, Mr. President, for me to lend my voice in support of this amendment and in support of the interim agreement now before us.

The PRESIDING OFFICER (Mr. BENTSEN). The question is on agreeing to the amendment (No. 1526) of the Senator from Arkansas (Mr. FULBRIGHT).

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

The assistant legislative clerk called the roll.

Mr. PASTORE (when his name was called). On this vote I have a pair with the Senator from Massachusetts (Mr. KENNEDY). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. WEICKER (after having voted in the affirmative). On this vote I have a pair with the Senator from Texas (Mr. TOWER). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. INOUYE (after having voted in the negative). On this vote I have a pair with the Senator from South Dakota (Mr. MCGOVERN). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. ANDERSON), the Senator from North Carolina (Mr. JORDAN), and the Senator from

Louisiana (Mr. LONG) are necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE) would vote "nay."

Mr. SCOTT. I announce that the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

I further announce that the Senator from Utah (Mr. BENNETT) is detained on official business.

I further announce that, if present and voting, the Senator from Nebraska (Mr. CURTIS) would vote "nay."

The pair of the Senator from Texas (Mr. TOWER) has been previously announced.

The result was announced—yeas 38, nays 48, as follows:

[No. 428 Leg.]

YEAS—38

Aiken	Hart	Pearson
Bayh	Hartke	Pell
Brooke	Hatfield	Percy
Burdick	Hughes	Proxmire
Case	Humphrey	Ribicoff
Church	Javits	Saxbe
Cooper	Mansfield	Schweiker
Cranston	Mathias	Stafford
Eagleton	Metcalf	Stevenson
Fong	Mondale	Symington
Fulbright	Moss	Tunney
Gravel	Muskie	Williams
Harris	Nelson	

NAYS—48

Allen	Dole	Miller
Allott	Dominick	Montoya
Baker	Eastland	Packwood
Beall	Edwards	Randolph
Bellmon	Ervin	Roth
Bentsen	Fannin	Scott
Bible	Gambrell	Smith
Boggs	Goldwater	Sparkman
Brock	Gurney	Spong
Buckley	Hansen	Stennis
Byrd, Harry F., Jr.	Hollings	Stevens
	Hruska	Taft
Byrd, Robert C.	Jackson	Talmadge
Cannon	Jordan, Idaho	Thurmond
Chiles	Magnuson	Young
Cook	McClellan	
Cotton	McGee	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Inouye, against.
Pastore, against.
Weicker, for.

NOT VOTING—11

Anderson	Jordan, N.C.	McIntyre
Bennett	Kennedy	Mundt
Curtis	Long	Tower
Griffin	McGovern	

So Mr. FULBRIGHT's amendment (No. 1526) was rejected.

Mr. ERVIN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, on behalf of the Senator from Oregon (Mr. PACKWOOD), that Mr. Stan Heisler, of his staff, be given the privilege of the floor except during rollcall votes.

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

Mr. SYMINGTON. Mr. President, I call up my amendment to the pending amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 2, line 16, of the pending amendment, strike out the word "intercontinental".

Mr. SYMINGTON. Mr. President, for many weeks now I have followed the discussions—in the various committees as well as on the floor—with respect to the SALT agreements this administration reached last May with the Soviet Union.

In this connection, I would commend the able Senator from Washington for his capable questioning of witnesses at the time the treaty and the agreements came up before the Armed Services Committee. As a result of this questioning, and his pertinent observations, the Congress and the people are better informed on the subject.

I also support the Senator's position that the United States should obtain the best possible agreement in the next round of the SALT negotiations; but can not support his amendment interpreting how we should achieve such an agreement in SALT II. His rationale in support of that amendment would appear somewhat confusing, in fact contradictory.

As example, it is my understanding that one of the primary reasons the Senator from Washington has proposed his amendment results from his concern that the Soviets, in the agreements in question which the administration now recommends to the Congress, have achieved a numerical advantage over the United States, particularly with respect to land-based intercontinental ballistic missiles. He is also apprehensive about the fact that in the agreements the Soviets refused to include a specific number of land-based ICBM's actually now deployed or under construction.

Subsequent to the introduction of his amendment, the Senator has charged that the Soviet Union did not tell the truth about the number of submarines they have deployed or under construction; that U.S. "firm intelligence" says they have six less than they claim.

His position is perplexing in view of the fact that throughout the SALT hearings, the Senator from Washington hammered away at the fact the Soviets had not agreed, and would not agree, to a specific number of ICBM's in the treaty, as was the case with submarines; nor would they state how many they possessed.

The Soviets would only agree not to make any more new starts of ICBM's. United States intelligence stated they had 1,618 ICBM's, either deployed or under construction.

The Senator stated that was not satisfactory, and asserted the Soviets should tell us just how many ICBM's they have, including those under construction.

Now the Soviets have given us a definite figure on submarines, but the Senator claims that figure is not true. Accordingly, it would appear the Senator from Washington would have it both ways. Apparently he does accept U.S. intelligence figures for Soviet submarines, but does not accept U.S. intelligence figures for Soviet ICBM's.

There would also appear ambiguity in the Senator's rationale concerning the term "intercontinental"—the deletion of which is the purpose of this amendment—as contained in the following portion of his amendment:

The Congress . . . urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union.

The Senator defines "intercontinental" as including land-based ICBM's, SLBM's, also our long-range strategic bombers. In passing, by any strict definition this language could be interpreted as only including land-based ICBM's. Regardless of this distinction, however, said language does not include the nuclear weapons in the forward-based nuclear systems which the United States now has, all over the world.

When speaking for the President on this subject last May, Dr. Kissinger stated:

Much of the criticism has focused on the imbalance in number of missiles between the U.S. and the Soviet Union. But this only examines one aspect of the problem. To assess the overall balance it is necessary to consider those forces not in the agreement; our bomber force which is substantially larger and more effective than the Soviet bomber force, and our forward based systems.

No objective person could deny the logic of the position expressed by Dr. Kissinger, namely, that our forward-based systems, along with our strategic bombers, should at least be considered when the question of equality is considered. Undoubtedly this matter will be a factor for consideration in the next round of the SALT talks.

Nor could anyone deny the logic of Soviet concern about our forward-based aircraft. The Soviets know as well as we do that, with one refueling, certainly no more, our fighters could be over Moscow with a nuclear destructive capacity many, many times more lethal than the bomb which destroyed Hiroshima.

There would be no need for any refueling if the Soviets handle their missions as we have considered the Soviets might handle missions against the United States with bombers.

The Senator from Washington argues that our nuclear capability in Europe is very limited so far as reaching the Soviet Union is concerned. The Congress and the American people, however, have always been told that these forward-based systems are an important part of our deterrent. Actually, they are the very core of our Air Force position abroad.

If what the Senator says is correct, these aircraft do not add to our nuclear deterrent capability; and if that is correct, why do we waste billions of dollars of the taxpayers' money in maintaining such nuclear forces all around the globe, located in some countries much closer to the borders of the Soviet Union than Cuba is to the United States.

On the other hand, if the nuclear weapons the United States has in many

countries abroad are a part of our nuclear deterrent, is it not logical for them to be considered in any equation of relative United States-Soviet nuclear strength?

Further with respect to the Senator's argument that because he believes these United States forward based aircraft are vulnerable to attack by Soviet IRBM's and MRBM's they should not be "counted," is it not a fact that by agreeing to the limitation contained in the ABM Treaty, we are in turn agreeing to mutual vulnerability of both our own and Soviet land-based ICBM's to an all-out attack by either side?

Is the Senator from Washington suggesting that if our Minutemen are vulnerable to the SS–9, they should not be counted in the nuclear equation?

What is the considered criteria for what should, or should not, be counted in a determination of nuclear equality. It could not be megatonnage, because, although the precise figures are classified, it is generally known that a number of our nuclear weapons in NATO have a warhead yield many times that of a Poseidon MIRVed warhead.

In a colloquy with the Senator from Idaho, the Senator from Washington stated he would not include aircraft carriers with a nuclear capability as part of our strategic force. This position is difficult to understand in view of the fact that the United States has 14 first-line aircraft carriers with the potential of striking at the heartland of the Soviet Union from many points on the compass.

If the nuclear role of our carriers, particularly in the Mediterranean, is but a minor one, why are the aircraft on those carriers equipped with nuclear weapons?

If the Soviet Union had carriers with aircraft armed with nuclear weapons that could destroy cities in the United States, would the Senator include those weapons in the strategic balance? Of course he would.

The Senator states these thousands of nuclear weapons assigned primarily to the defense of NATO cannot be considered in any bilateral United States-Soviet agreement on arms limitation because our allies are involved. Even if he is correct in that asserted limitation, would it not be to the advantage of all NATO countries to have an overall limitation on nuclear weapons, particularly as those countries would be the ones "caught in the middle" should a nuclear holocaust break out?

The United States supplies these nuclear weapons, and has full and complete authority over their use.

Moreover, there is nothing which precludes consultation with our allies during the course of negotiations with the Soviet Union on matters affecting the security of the former.

The Senator calls for "a stable international strategic balance that maintains peace and deters aggression." At the same time, however, he is introducing an amendment which calls for parity between the United States and the Soviet Union in the narrow category of "intercontinental strategic forces"—a condition which clearly could jeopardize any hope of attaining a meaningful limitation on nuclear arms; and therefore this also jeopardizes any real prospect of permanent nuclear understanding.

It is now also clear that future negotiations on arms limitations must encompass all facets of the nuclear weapons arsenals of both super powers. Numbers alone cannot and do not tell the whole story. As an interesting example, a comparison of 10,000 U.S. nuclear warheads to some 4,000 Soviet nuclear warheads—a recent administration projection by 1977—actually means little in view of the lethal capacity of just one warhead, coordinated with the theory of overkill.

Given these considerations, why should the Senate itself consider promulgating such a narrow approach to arms control as proposed in this amendment? Should we not take steps to carefully weigh the strategic arsenals on each side, and then consider appropriate reductions in the broad spectrum?

Further negotiations on such a narrow and restrictive basis would mark a continuation of attitudes that have burdened us too often in the past. There has been too little meaningful discussion of our total arsenals and objectives as against the arsenals and objectives of the other super power.

In summary, the "intercontinental" restriction proposed by the Senator from Washington could well tie the hands of our negotiators in any future talks to the point where a meaningful agreement would be impossible.

As a member of the Armed Services Committee, the Joint Committee on Atomic Energy, and the Foreign Relations Committee, provided this amendment is carried out, it is my considered opinion if this word is not stricken from said amendment, there will be no chance, on any basis, of obtaining a meaningful arms control arrangement with the Soviet Union at any time in the foreseeable future. Why would the Soviet Union, knowing we have these superb planes in Europe, planes which can drop hundreds of kilotons, some of them 50 times the lethal effect of the bomb which was dropped on Hiroshima by the United States, make any agreement which dismissed them as of no consequence? Why would they consider meaningful arms control? They would say to the United States, "We agree with the statement of Dr. Kissinger. If you will not consider your forward base strategic aircraft, we will never reach any meaningful agreement."

Let us get straight what we mean when we talk about strategic and tactical planes, words that are bandied around. When the B–17, our largest bomber in Europe, supported General Patton in the Battle of the Bulge, that was a long-range strategic bomber performing a tactical mission. When the P–51, which could barely reach Japan, took off to attack south Japan from Iwo Jima, that was a strategic mission. So the type of plane is not important. What is important is the mission of the plane in question.

There has been far too much nuclear secrecy. Every American should realize that the fighters we have in many of our bases all over Europe and in the Far East, in countries not 1 inch from the Soviet border, can drop hundreds of kilotons on the Soviet Union. Again, therefore, why should the Soviets be willing to make any meaningful arms control agreement that does not include these forward-based nuclear weapons-carrying fighters, with their megaton potential.

Accordingly, I propose a perfecting amendment to strike the word "intercontinental" on page 2, line 16, of the pending amendment so that the pertinent clause will read as follows:

> The Congress . . . urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of strategic forces inferior to the limits provided for the Soviet Union . . .

Acceptance of this perfecting amendment would result in a more comprehensive and meaningful approach to offensive weapons, a subject which undoubtedly will be of primary interest in the upcoming SALT II talks.

For these reasons that I have presented to the Senate, let me urge the adoption of this amendment.

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

Mr. SYMINGTON. I am glad to yield to the able Senator from Arkansas.

Mr. FULBRIGHT. First, I want to congratulate the Senator. He is one of the best informed men in this field in the Senate. What he has said is extremely important. Just to emphasize the significance of striking the word "intercontinental" and the Senator's interpretation of that, in effect it means overall, all of the strategic forces, including aircraft carriers, forward base planes and weapons, and those in other countries under our control are to be considered in seeking parity or judging ourselves to have parity. Is that correct?

Mr. SYMINGTON. That is correct. That is what Dr. Kissinger emphasized as a main reason this deal was made in Moscow.

Mr. FULBRIGHT. I agree with the Senator. I think the same thing.

Mr. SYMINGTON. I might add that the President of the United States reported to the people of the United States and the world that he had told the people of the Soviet Union, on their public television, that this proposed treaty and agreements gave fair equality to both sides. My amendment is an effort to support the position taken by our President with his own people and with the Soviet people.

Mr. FULBRIGHT. When the President said equality, of course, he did not mean we had the same number of ICBM's as the Russians. He meant overall equality. He meant equality in all strategic forces, not intercontinental strategic forces alone. Is that correct?

Mr. SYMINGTON. Of course. He meant overall capacity for destruction.

Mr. FULBRIGHT. That is what I wish to emphasize. The effect of the Senator's striking the word "intercontinental" then makes the Senator from Washington's amendment mean overall equality, which takes into consideration all nuclear weapons.

Mr. SYMINGTON. Right.

Mr. FULBRIGHT. I hope Senators will understand that. However, there are only a few here. I wish every Senator could have heard the Senator's speech, because it was an excellent presentation.

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

Mr. SYMINGTON. I am glad to yield to the able Senator from Minnesota.

Mr. HUMPHREY. I support the amendment of the Senator from Missouri. I have talked to both the Senator from Washington and the Senator from Missouri on this very critical problem. I had always thought the Senator from Washington (Mr. JACKSON) with his amendment was trying to reaffirm once again the necessity for the Congress of the United States to have at least a meaningful hand in defining what should be the broad outlines and the parameters of our defense structure and of our arms control efforts.

In my earlier visits with the Senator from Washington I was concerned about the word "intercontinental." I felt it was both restrictive and constraining, making it exceedingly difficult for further arms control negotiations.

The Senator from Missouri has seen fit to get right at what I feel is a central point of difficulty in the Jackson amendment, and I believe that by asking the Senate to strike that one word he will accomplish, if the Senate will support him, the purpose that we have in mind; namely, being able to negotiate with the Soviet Union from a position of strength. I do not think we have to outline here any longer what the position of strength of this country is now and what it will be in the foreseeable future. I think we ought to make clear we do have an amazing technological and scientific capacity in this country. We have demonstrated it in the past, and I think we can demonstrate it in the future. But what is so important here, and what the Senator from Arkansas (Mr. FULBRIGHT) has just indicated, is for the Senate to understand that equality, or a sense of parity, includes a multiplicity of weapons systems, particularly in the nuclear field.

I cannot help but believe that a responsible man in the Presidency or in the Government of the United States or any responsible official in the Soviet Union is going to knowingly or willfully put his country in jeopardy in an arms control agreement. I cannot help but believe that our negotiators and the Soviet negotiators did not consider the total defense picture of their respective countries before concluding the interim agreement, and that they will continue to do so in the next phase of their arms control talks.

Mr. SYMINGTON. The Senator is right. I have been in a country where we have had such weapons, where the commanding officer has said:

> Every one of my pilots knows a city from the air in the land of the possible enemy better than you know your own hometown on the ground.

If we have this type and character of potential destruction of the Soviet Union, why would they be willing to make any form of arrangement that would eliminate this lethal capacity against them from any consideration? A few days ago we had a sad situation at Munich. All over the United States we are building nuclear plants to satisfy the increasing demand for electrical energy.

Every nuclear powerplant built today that uses nuclear energy for electric power creates plutonium. Plutonium plus knowledge and the textbook is all really needed, with some materials not scarce, to build a hydrogen bomb. The Senator from Minnesota could come on this Senate floor today with a bomb equivalent to the Hiroshima bomb in a suitcase.

With that premise, what do you think these Munich terrorists, willing to commit suicide because of their beliefs, would have used if such a bomb was available? Would they not have used every effective weapon they could get their hands on? They then would not have just a few people as hostages, rather a city, maybe more than one city.

So I think it vitally important we and the other superpower, get into the details of how to control this powerful new force as soon as possible. We talk about the nonproliferation treaty, a great idea. But the People's Republic of China is not interested. France also is not interested, another nuclear power. The one way I see we might make at least a start toward meaningful control of this new force, which could destroy us all, is through a meaningful arms control agreement with the Soviet Union.

It is my considered opinion, after the years I have spent studying atomic weapons and questions of armament, that if we leave in this word "intercontinental," we have no chance whatever of making any meaningful arms control arrangement with the other superpower, the Soviet Union.

Mr. HUMPHREY. Mr. President, just let me add these words: I, like other Senators, have had the privilege, within recent weeks, of being briefed by appropriate officers of the Government whom I trust. There is no doubt that the Soviet Union is doing a tremendous job in the field of technical development and scientific research. They are hardening silos. They are improving their missiles. They are moving to the digital type of control on their warheads. They are making many advances. I do not think we ought to kid ourselves: The Soviet Union is not roasting marshmallows, it is building an arsenal. And it has always, in any contest with us, sought to achieve parity. We have kept our eyes on them, and they have kept their eyes on us.

We are fully aware, as verified by our own reliable information source of the developments in the Soviet Union in the field of nuclear weapons, both in terms of the land-based missile systems and sea-based systems—the Polaris-type missile, the Poseidon sub missile, as well as the status of their MIRV warhead program. We know something about what they are doing. We also know what they are doing in heavy aircraft, long-range aircraft and medium-range aircraft.

I say these things because I believe we ought not to pretend we are unaware, the American public is unaware or any Member of this body is unaware, of the Soviet Union's nuclear capability, of their present nuclear power or their capacity to develop their nuclear power, all of which leads me to believe that unless you can put a halt to it, you just raise the level of danger, without providing any additional security.

Real arms control will come from an acceptance of the general principles of equality, parity, and sufficiency, taking into consideration all the strategic forces we have and all the strategic forces that the Soviet Union has, all of the mix, wherever those forces are based—real, effective, meaningful arms control is the best way that I know to give us any real security. I would not want anything to stand in the way of reaching an effective agreement.

It is going to be difficult enough to get any agreement out of the Soviet Union. They are hard bargainers. They are stubborn. They delay. They are going to get any advantage they can. We ought to have a pretty good idea by now how long it takes to get any kind of agreement with them.

I think we ought to remember that the Soviet Union did not enter into the limited nuclear test ban treaty until they thought they had made all the experiments they needed in the atmosphere with nuclear weaponry. Then they were willing to submit to a nuclear test ban treaty of limited application, that still permitted underground explosions.

We also have been doing a lot of underground exploding. In fact, our number of explosions has been about three times the number of the Soviet Union.

The Soviet Union is not going to enter into any kind of arms control agreement with us unless it feels its security is protected. And I cannot help but hope we are not so stupid in this country or in this body as to sacrifice our own security.

What is a good deal? An effort to get equality, sufficiency, and parity, not on the basis of one weapon or two weapons, but on the total mix of strategic nuclear forces.

The Senator from Missouri is unusually well qualified, in this body, as we all must realize. He is on the Joint Services Committee, the Armed Services Committee, and the Committee on Foreign Relations, and is a former Secretary of the Air Force who keeps in close touch with the minds of the military in this country.

So the Senator from Missouri has a keen knowledge of this subject, as does the Senator from Washington. It would be my hope that these two very able Senators, both of whom have only the well-being of this country and its security at heart, could come to some understanding and some agreement, because neither one wants to block arms control. All Senators, I would hope, want it. I surely commend the Senator from Missouri on a very sensible rationale and a moving speech, that I think has done a great deal to enrich this debate and to give us solid information.

Mr. SYMINGTON. Mr. President, I am very grateful for the remarks made by the able Senator from Minnesota. He was the first chairman, to the best of my recollection, of a Subcommittee on Arms Control more than 10 years ago. He knows the importance of this subject. He

knows the importance of reaching some agreement on this vital development.

The subject was summed up as well as I have heard it by Mr. Chalmers Roberts, in an article last August 16, entitled "Promise of SALT: What's Happening?"

He closed that article by stating:

The hope of Mr. Nixon's Moscow visit, in Kissinger's words, was that it would "mark the transformation from a period of rather rigid hostility to one in which, without any illusions about the difference in social systems we would try to behave with restraint and with a maximum of creativity in bringing about a greater degree of stability and peace." Hence the language of the "basic principles" signed in Moscow. Hence Mr. Nixon's remarks in his address to Congress that his Moscow and Peking trips had done away with "the kind of bondage" of which George Washington had said: "The nation which indulges toward another in habitual hatred is a slave to its own animosity."

In this larger context both the Jackson amendment and the new missile warhead program represent backward, not forward, steps.

Again, if we do not strike the word "intercontinental," based on my knowledge—the Soviets have knowledge of our strength just as we have knowledge of theirs—I do not see how any meaningful arms control agreement on this vital subject can be possible.

Without any agreement, in the long run this would consign our country, and all countries, to oblivion.

Mr. MATHIAS. Mr. President, will the Senator yield for a question?

Mr. SYMINGTON. I am glad to yield to my able friend from Maryland.

Mr. MATHIAS. I think the distinguished Senator from Missouri has done us a great service in offering his amendment and giving us an opportunity to review very carefully the implications of the Jackson amendment. The distinguished chairman of the Committee on Foreign Relations has already asked some questions relative to the impact of the Senator's amendment on the strategic and tactical weapons which may be employed by the United States in various parts of the world. I should like to explore that further and carry it into the realm of the submarines, the submarine-launched missiles we have, which are a very important part of our defense posture. They are one of the most effective weapons in our arsenal. From time to time, the range and capacity of our submarine-launched missiles have changed. I am wondering whether the Senator would comment on the effect of his amendment with respect to these submarine-launched missiles.

Mr. SYMINGTON. The amendment would not affect submarines. We all agree a submarine-launched ballistic missile would, in effect, be an intercontinental weapon. I am sure the Senator from Washington agrees with that. You have a land ICBM; in effect, on the sea, you have a sea ICBM.

Of serious consideration, however, along with the problem of not considering forward-based aircraft, would be the nuclear weapons on our carriers. Are they, in effect, forward-based aircraft? In any case, the Senator from Washington defines "intercontinental" as including land-based ICBM's SLBM's, and long-range strategic bombers.

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

Mr. SYMINGTON. I yield to the able Senator from New York.

Mr. JAVITS. I yield 2 minutes from my time.

Mr. President, first, I strongly support the Senator's amendment. He proposed it in the Committee on Foreign Relations. He has been absolutely consistent all the way through. I deeply feel that he has served—and I join Senator MATHIAS in considering this a signal service to the country—to pinpoint exactly what is the difference.

What his amendment does even sharper—though I am honored to support Senator FULBRIGHT in the substitute—is in posing the issue, because those of us on this side often have been maligned: We do not want parity and do not want equality, and how could we possibly oppose parity and equality? That is precisely our point—that we do want parity and equality. We do not want to be in a straitjacket.

Is that the Senator's feeling? We are perfectly willing to undertake an absolute commitment to parity. I say to the Senator that, with another small amendment which I think Senator JACKSON will take—which deals with something that is invidious to the President rather than anything else—I would vote for the Jackson amendment, if Senator SYMINGTON's amendment is adopted.

May I, without being presumptuous, inquire how the Senator feels about it?

Mr. SYMINGTON. I would vote for the Jackson amendment if the word "intercontinental" was taken out.

It is clear, based on discussion with experts, that if the word "intercontinental" is left in, and we do not include these bases we have established all over the world at a cost of tens of billions of dollars. We are asking for nuclear superiority, not nuclear equality.

I would see no chance of the Soviet Union approving this Nixon suggested arrangement now or 5 years from now if this amendment is approved in its present form.

All this must have been discussed when Dr. Kissinger announced his position and when the President later told the American people that he told the Soviet people on their television that it was an agreement eminently fair to both countries.

What we are now doing, in effect, is trying to defeat the agreement referred to and originally agreed on by the Soviet Union and the United States.

Mr JAVITS. Mr. President, I hope the Chair will advise me when my time has expired. I yielded myself only 2 minutes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 1 additional minute.

From the Senator's great expertise in this field—he is a former Secretary of the Air Force, a member of the Committee on Armed Services, and a member of the Committee on Foreign Relations—are we already committed for the next 5 years so that it would be impossible for us, if we adopted the concept that there has to be parity in intercontinental strategic forces, to make any agreement, because we are already so far committed, with all other kinds of weaponry and the strategic concept and the longlead times involved, that we could not do it if we wanted to?

Mr. SYMINGTON. It is known that we have these nuclear weapons in many countries all over the world. I do not think anybody believes we have them except to reply to an attack from any country other than the Soviet Union. That may change, but is the situation today.

If we do not take out the word "intercontinental" from this amendment, as mentioned, we are scrapping our chance for arms control. That is wrong. It is more wrong than the average person understands, because the average person does not have the remotest idea of just how much lethal capacity is contained in these forward-based weapons. When we talk about a strategic bomber we are talking about an airplane no more effective, really, when it comes to delivering at relatively short range the most devastating weapons—infinitely greater than the Hiroshima bomb—than can be delivered by a fighter-bomber.

As the Senator from New York wisely pointed out, the Soviets would not begin to think of coming to an agreement that does not include what we have against them abroad, which they do not have against us.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 1 additional minute.

For practical purposes, we are practically paralyzing the ability for another SALT agreement if the Executive really listens to us and says, "This is their attitude; that is what I have to do. I have to get parity in intercontinental strategic forces or I cannot have another agreement."

Mr. SYMINGTON. In his typical fashion, the Senator from New York hits the nail right on the head. If we do not take out the word "intercontinental," there is no chance whatever of a meaningful SALT II agreement.

Why should the Kremlin consider making any agreement that did not consider our capacity to destroy, from forward-bases all over the world, their cities, with bombs infinitely more lethal than those used to destroy the two towns in Japan in World War II.

Mr. JAVITS. I thank the distinguished Senator. I strongly support his amendment.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question? I yield myself 2 minutes.

The Senator raised the question of the number and the disposition of nuclear weapons outside the United States.

As I recall, the Senator has discussed this matter before. He said there are almost 10,000 American nuclear weapons in foreign countries. This does not include those in the United States itself or on U.S. Navy ships and submarines. I am speaking strictly of foreign countries. He said there are nearly 10,000 U.S. nuclear weapons already abroad.

Mr. SYMINGTON. The Senator is correct. Some of those weapons are strictly

tactical, however; but ones that could be carried by airplanes, all over the world with our airplanes, are strategic.

Mr. FULBRIGHT. I wanted to emphasize that. The Senator mentioned it in the colloquy with the Senator from New York.

With that kind of situation, the Russians could not possibly be expected to say, "We will ignore all that." The Senator is entirely correct.

Mr. SYMINGTON. The Senator is right.

Mr. FULBRIGHT. I thank the Senator from Missouri.

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

The PRESIDING OFFICER (Mr. CHILES). The Senator from Washington is recognized for 3 minutes.

Mr. JACKSON. First, I regret to disagree with my able and distinguished friend from Missouri (Mr. SYMINGTON), but I must disagree, because the amendment he has offered, really, has much the same effect as the Fulbright amendment.

Adoption of the Symington amendment would undermine the position of the U.S. Government in the SALT talks. It is clear from the legislative history that deletion of the qualifying word "intercontinental" in my amendment would bring into a SALT II agreement those American forces in Europe and at sea which are dedicated to the defense of our European and worldwide interests.

Senator SYMINGTON argues that the United States ought to accept inferiority with the Soviet Union in ICBM's, submarine-launched missiles and long-range bombers, because we have "compensating" forces in forward bases. The fact is that the number of U.S. aircraft in Europe that are capable of surviving a Soviet strike and then hitting Russian targets is extremely small, perhaps a few tens.

While we have a substantial number of warheads abroad, most of these are nuclear mines, howitzer shells, air-defense weapons, 105- and 155-millimeter shells, and so forth. The number of weapons deliverable by aircraft is quite small and the number deliverable against Russian targets is trivial. Moreover, these weapons are located at some 40 bases—against which the Soviets could deliver an overwhelming preemptive strike.

To compromise these forces, which involve our allies, in a bilateral negotiation without the full participation of our allies, would gravely jeopardize the whole NATO alliance—at the very time when mutual balanced force reductions talks are likely to begin on a NATO-Warsaw Pact basis.

Oversea bases are inherently uncertain. An agreement that left us with inferior U.S.-based forces, because we possessed oversea bases could become extremely dangerous if we were to lose those bases. Just a short time ago we had bases in France, in Libya, in Okinawa. Today our bases in Iceland are threatened. No one welcomes our dependence on Greek bases. It is unwise to depend on these ephemeral factors as our experience has repeatedly shown.

There is no way to limit forward-based weapons and U.S. carriers in a SALT agreement without prejudicing severely our conventional, nonnuclear defense capability. The Soviets would like to see U.S. aircraft withdrawn from Europe on the grounds that they are "strategic" when in fact their primary mission is for conventional interdiction in tactical situations. Their removal would threaten the security of our troops in Europe and our nuclear installations there.

The Soviet position on our forward-based systems and carriers is part of a 20-year political effort to divide and weaken NATO and, more recently, to drive the United States from the Mediterranean by restricting our carrier forces there. Adoption of the Symington amendment would be a virtual endorsement of the Soviet position: It would indicate that the Senate agrees that these forces must be included in the bilateral SALT II talks.

The proper place for the negotiation of a treaty on our forward-based forces is a multilateral, NATO-Warsaw Pact forum in which we also examine comparable Soviet forces such as intermediate missiles, medium bombers, cruise missiles, and so forth. The balance presently favors the Soviets by an overwhelming margin.

Mr. President, I would hope that the Senate, therefore, will also vote down the pending amendment.

I reserve the remainder of my time.

Mr. SYMINGTON. Mr. President, I am not quite sure I heard correctly what the able Senator just said, something about trivial, as to forward base aircraft, bombs were trivial?

Mr. JACKSON. I said that the number of forward based aircraft that can deliver nuclear weapons against Soviet targets is trivial.

Mr. SYMINGTON. Mr. President, as mentioned, I have been on a base where there were many planes with each plane assigned to a particular town.

I was in England, as a representative of the U.S. Government, on May 10, 1941; an interesting day, because it was the day London endured the heaviest air raid in its history.

When the air raid was over, London was in bad shape. The raid was on a Saturday night. Monday I went to work at their Air Ministry and found everyone exhilarated; everyone seemed happy. I could not understand and asked why.

The answer was that the Air Ministry had extrapolated the fact if they shot down more than 5 percent of the bombers attacking London, they would stop, could not take that attrition.

How true that was, because that raid was the last organized raid on England until the buzz bombs came along.

Now, Mr. President, look what the difference would be today, a fact so many people do not realize. Today, if London got 99 percent of the bombers, they still would lose their city, because one fighter-bomber today will carry some 40 times as much lethal capacity as the Hiroshima bomb. The idea that anything could be trivial about the position of the great Air Force the United States has built up overseas, I cannot accept. I am as sure these planes and their pilots do count, and that the Soviet Union would consider that they count in any negotiations, as I am the sun will come up tomorrow.

I cannot understand why anyone would think, on any basis, that we could make an arrangement with the Soviet Union unless said arrangement considered the lethal capacity of the planes we have stationed all over the world.

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

The PRESIDING OFFICER (Mr. CHILES). The Senator from Arkansas is recognized for 3 minutes.

Mr. FULBRIGHT. Mr. President, I have some additional information to complete the RECORD and I believe it is appropriate to make it available at this time.

ALLIED NUCLEAR STRENGTH

Mr. President, when we talk of the strategic balance, we are too often prone to think exclusively in terms of the Soviet Union and the United States.

We would do well to realize—as does the Soviet Union—that two western European nations inclined toward the United States have small but significant strategic nuclear forces.

Both Great Britain and France have ballistic missile submarines and bombers capable of striking portions of the Soviet Union. In addition, France has a small, but growing, intermediate-range missile fleet.

Great Britain has already deployed, with U.S. assistance, four missile submarines of the Polaris type. France is in the process of deploying a fleet of five missile submarines.

The British have in addition eight medium-bomber squadrons and two light-bomber squadrons. France has 36 Mirage bombers in nine squadrons.

Britain is a very active member of the NATO alliance. Although France has formally withdrawn, the French maintain liaison with NATO and are with the western military.

By comparison, the Soviet Union has no allies with strategic nuclear arsenals. Although some delivery forces are in the hands of Russian allies, the Soviet Union maintains strict control of the nuclear warheads.

Although China is in the Communist sphere, it is obviously not in the Russian camp. Evidence of this is the continuing border confrontation, which is a drain on the resources of both Russia and China. It would seem proper, at least at this point in time, to consider China's developing nuclear arsenal to be committed to neither side. As China's relationship with the two superpowers evolves, it would be unwise to expect shifts in our disfavor.

Because of the bilateral ABM treaties, the effectiveness of the French and British nuclear forces will be assured much longer in their present form. The treaty guarantees that neither the United States nor the Soviet Union will have an effective ABM defense. Retaliatory missile warheads will assuredly be able to overcome weak ABM defenses and penetrate to their targets. Without the ABM limitation, the United States and the Soviet Union might have needed

large quantities of sophisticated penetration devices and warheads, such as the multiple independently targeted reentry vehicles—MIRV's—that the United States is now installing on its missiles.

To date, the French and British have not needed to move to such sophisticated devices. Yet, without the ABM limitations, they might have felt such a requirement within a few years. The United States might well have been pressed to help with very expensive conversion of the French and British Polaris fleets to Poseidon, as is being done with U.S. submarines.

The ABM treaty should have the effect of easing such pressures on the United States and of lessening allied concerns over Soviet developments.

To be sure, neither France nor Great Britain could launch a successful unilateral attack against the Soviet Union, and it is undoubtedly better all around that they could not. But both nations have enough strategic nuclear strength to deter attack upon themselves. And, with the ABM treaty going into effect, that ability will be retained for years to come.

Moreover, in the event of conflict, all three Western missile arsenals could be available for a retaliatory strike that would compound the unacceptable damage to the Soviet Union.

The Russians have not overlooked the significance of the French and British submarine fleets. When the French building program is completed, the Western nations will have a total of 50 submarines of the Polaris-Poseidon type deployed. During the course of the talks, the Russians sought to have their ceiling of 62 submarines raised in compensation if the combined Western fleets exceeded the programed 50. The United States rejected that position.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FULBRIGHT. Mr. President, I yield myself one-half minute more.

Mr. President, to have accepted would have denied the United States the privilege granted to the Soviet Union of replacing older land-based missiles with new submarine-based missiles unless the Soviet Union were granted a higher ceiling. We did not wish that.

Of course, it would not have been either wise or proper in a bilateral agreement to reach agreements affecting third parties and their forces. As talks on arms control continue and are expanded to include other nations, the scope of possible agreements will be wider and more encompassing.

As we continue down that path, we can be reassured by the deterrence our western allies help us maintain.

Mr. President, I yield myself another half minute.

Mr. President, I think that the arguments of the Senator from Missouri are unanswerable. These weapons I have described are in place. They are deliverable and they are scattered among 11 foreign nations. It is inconceivable to me that the Russians could possibly have targeted on all these weapons with intermediate ballistic missiles that could take them out.

I do not believe there is any real basis for any argument that our weapons in 11 foreign countries are so vulnerable.

Mr. SCOTT. Mr. President, I am not given to lengthy speeches, but, for the present, I will state I support the Jackson amendment, and would oppose any crippling amendments. I rise also for the purpose of asking unanimous consent on a matter which, while not required, will clarify the record. Our motion for a cloture on the interim agreement tomorrow has been vitiated by the vote of this body, but I ask unanimous consent that that motion may be withdrawn.

The PRESIDING OFFICER. Without objection, the motion is withdrawn.

Mr. SCOTT. Mr. President, just one further matter, if I may, and that is on behalf of my constituents in Pennsylvania. Two of the Senators from this body have been up there recently.

The PRESIDING OFFICER. The Senator's additional 1 minute has expired.

Mr. SCOTT. I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. FULBRIGHT. The Senator can have an hour if he wants it.

Mr. SCOTT. I know, but the power goes to my head. I want to use it carefully.

Mr. President, I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. SCOTT. Mr. President, two of the Senators in this body have been in the Commonwealth of Pennsylvania as, I suppose, my temporary constituents. I am tempted to ask on their behalf whether or not it would be in order—I will not press it—to ask unanimous consent that they be permitted to vote on matters such as cloture and these amendments by telephoning in their votes, since we had 91 present on the last vote, and I would like everybody to be recorded. If it will be helpful to these two gentlemen who have been confined in my Commonwealth, while the two Senators from Pennsylvania have been attending to their duties on the floor and representing the people of that Commonwealth, we will see if there is some way in which they can just telephone in their votes from now on.

Mr. SYMINGTON. Mr. President, on my own time, I appreciate the solicitude the able Senator has not only for the Jackson amendment, but also for the Senators now in Pennsylvania. I am only sorry he takes a position on the floor which is directly opposite to the position President Nixon took when he talked to the people of the United States on television and reported to them what he had told on television the people of the Soviet Union. I am sorry he thinks it advisable to say at this time that Mr. Kissinger did not know what he was talking about when he explained to the American people and to the Soviet Union people just what type and character of arrangement President Nixon obtained, prior to the time he came back with his deal from Moscow.

Mr. SCOTT. Mr. President, may I yield myself 1 additional minute for the purpose of a gentle rejoinder?

I have no reason to comment on the suggestions of the distinguished Senator from Missouri except to note it was a self-serving declaration with which I disagree. I am sure the President disagrees with it, and I am sure Dr. Kissinger disagrees with it. We can all engage in an estimate of what we think somebody else means, but the only way we will know is by acting legislatively.

Mr. SYMINGTON. Mr. President, I appreciate the position of the Senator. He is always courteous in his rejoinders. I placed into the RECORD what the President and Dr. Kissinger said about the original agreement. I am sure, regardless of what the President thinks about it today, that the Soviet Union will not think this amendment to their interest. If it passes in its present form, the future SALT talks will be meaningless.

The PRESIDING OFFICER. Who yields time?

The question is on agreeing to the amendment of the Senator from Missouri. 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. TAFT (when his name was called). On this vote I have a live pair with the Senator from Nebraska (Mr. CURTIS). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withhold my vote.

Mr. WEICKER (after having voted in the affirmative). On this vote I have a pair with the Senator from Texas (Mr. TOWER). If he were present and voting, he would vote "nay." I have already voted "yea." I withdraw my vote.

Mr. INOUYE (after having voted in the negative). On this vote I have a live pair with the Senator from South Dakota (Mr. MCGOVERN). If he were present and voting, he would vote "yea." I have already voted "nay." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from New Hampshire (Mr. MCINTYRE) are necessarily absent.

Mr. SCOTT. I announce that the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

I further announce that the Senator from Ohio (Mr. SAXBE) is detained on official business.

The respective pairs of the Senator from Nebraska (Mr. CURTIS) and that of the Senator from Texas (Mr. TOWER) have been previously announced.

The result was announced—yeas 38, nays 51, as follows:

[No. 429 Leg.]

YEAS—38

Aiken	Case	Fulbright
Bayh	Church	Gravel
Brooke	Cooper	Harris
Burdick	Cranston	Hart
Byrd, Robert C.	Eagleton	Hartke

Hatfield	Moss	Roth
Hughes	Muskie	Schweiker
Humphrey	Nelson	Stafford
Javits	Pell	Stevenson
Mansfield	Percy	Symington
Mathias	Proxmire	Tunney
Metcalf	Randolph	Williams
Mondale	Ribicoff	

NAYS—51

Allen	Dole	McClellan
Allott	Dominick	McGee
Anderson	Eastland	Miller
Baker	Edwards	Montoya
Beall	Ervin	Packwood
Bellmon	Fannin	Pastore
Bennett	Fong	Pearson
Bentsen	Gambrell	Scott
Bible	Goldwater	Smith
Boggs	Gurney	Sparkman
Brock	Hansen	Spong
Buckley	Hollings	Stennis
Byrd, Harry F., Jr.	Hruska	Stevens
	Jackson	Talmadge
Cannon	Jordan, N.C.	Thurmond
Chiles	Jordan, Idaho	Young
Cook	Long	
Cotton	Magnuson	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Taft, for
Weicker, for
Inouye, against

NOT VOTING—8

Curtis	McGovern	Saxbe
Griffin	McIntyre	Tower
Kennedy	Mundt	

So Mr. SYMINGTON'S amendment was rejected.

Mr. ERVIN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JACKSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 6503. An act for the relief of Captain Claire E. Brou; and

H.R. 14896. An act to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs.

The enrolled bills were subsequently signed by the President pro tempore.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate continued with the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

AMENDMENT NO. 1486

Mr. JAVITS. Mr. President, I call up my amendment, in behalf of myself and the Senator from Maryland (Mr. MATHIAS) No. 1486, and ask that it be stated. I wish to point out to the reading clerk that, as reprinted, the line should be "21" instead of "18."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The second assistant legislative clerk read the amendment to the Jackson amendment as follows:

On page 2, line 21, strike out the words "leading to" and insert "as required by".

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

The sole purpose of this amendment is to correct an impression which was first detected when we first considered the matter in the Foreign Relations Committee, and I raised it there. Quite independently of me, the Senator from Maryland (Mr. MATHIAS) picked up the same thing and put in an amendment, but apparently the wording which I used seems to be preferential in order to straighten this matter out.

In any case, the impression was given that by the words "leading to a prudent nuclear posture" there was an implication that we did not have a prudent posture now in respect of nuclear defense. As I did not believe, and the Senator from Maryland does not believe, that there was any design, no matter how one felt about the Jackson amendment, to be invidious to the present or state of readiness at the present time, I suggested this to the Foreign Relations Committee. That is the amendment now before us, and it is agreeable to the Senator from Maryland, that instead of the words "leading to," which give that impression, I think perhaps unwittingly, the words should be "as required by a prudent strategic posture," without leaving any reaction as to where we are now.

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

Mr. JAVITS. I yield.

Mr. JACKSON. Mr. President, I am very pleased to accept the amendment offered by the able Senator from New York in behalf of himself and his colleague from Maryland (Mr. MATHIAS). I think it helps improve the language, which was never intended to be anything other than what he has indicated; namely, a program as required by a prudent strategic posture. I am very pleased to accept the amendment offered by the Senator.

Mr. JAVITS. I thank the Senator. I think the Senator from Maryland (Mr. MATHIAS) would like a word on it.

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

I want to express my thanks to the distinguished Senator from Washington for accepting the amendment and to my distinguished colleague from New York for stating the proposition. As he says, we independently have arrived at this conclusion, and I am glad to join forces with him on a project which I think is of some importance, both as to the substance of what we are doing here and as a matter of fairness.

When the President transmitted the ABM Treaty to Congress, he said:

The defense capabilities of the United States are second to none in the world today. I am determined that they shall remain so. The terms of the ABM treaty and the Interim agreement will permit the United States to take the steps we deem necessary to maintain a strategic posture which protects our vital interests and guarantees our continued security.

In his testimony before the Foreign Relations Committee, Secretary Laird said:

We have technology which is, I believe, from 18 to 24 months ahead of the Soviet Union. I believe that our friends and allies, as well as the Soviet Union and our adversaries in the world, recognize the fact that we will maintain this technological superiority during this period.

So it would have been unfortunate if the language of the amendment as originally offered had implied that we were not in a prudent strategic posture. I know the Senator from Washington did not mean any such implication, as he has proven by his acceptance of the amendment.

I think what we are doing now is recognizing that the Nixon administration has given us a highly successful and prudent strategic posture, without which the diplomatic successes at Moscow and Peking would not have been possible.

I think we now have language which reflects the current situation, which is that the Nixon administration has provided the Nation with a prudent strategic posture.

Mr. JAVITS. Mr. President, I yield myself one-half minute just to thank the Senator from Washington (Mr. JACKSON) for his statesmanship. Without regard to how Senators feel about his amendment, I hope they will agree to this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York, for himself and the Senator from Maryland, to the amendment by the Senator from Washington.

The amendment to the amendment was agreed to.

Mr. HUGHES. President Nixon went to Moscow to sign these historic agreements—and to reap the adulation of the American people and people all over the world for taking this step toward limiting doomsday armaments.

But in recent weeks, the White House signaled its support for a congressional statement of reservation that some would be happy to construe as the foundation for abrogating both agreements.

I, for one, do not understand these conflicting courses of action.

These reservations are necessary, we are told, to "strengthen our hand" in future SALT negotiations.

Mr. President, this is all the more puzzling. How do we strengthen our hand in the second half of the game by declaring that the first half did not count for much anyway?

That is what would be the declaration of the Jackson-Scott reservation: Do not ever sign another agreement that limits us to "levels of strategic forces inferior to the Soviet Union," as if to say that this first agreement did that. Do not let up a bit, do not demonstrate any restraint, when it comes to devising more efficient means of delivering the weapons that could wipe out humanity.

Mr. President, this reservation could

collapse all the hopes we have for mutual arms reduction.

We are being asked to warn the Soviet Union against deploying improved weapons for strategic use. But if we demand that the Soviets not deploy improved weapons, we know that they will demand as much of us.

If we declare that improved Soviet weapons would be contrary to the supreme national interest of the United States, we know that they would, in all likelihood, declare likewise.

Yet we have already set out on a course which would do for ourselves what we now are asked to demand that the Soviets not do.

Two weeks ago, the Senate approved procurement funds for the new Trident submarine.

The Trident is a strategic weapon. It is to be an improved strategic weapon—the missiles that will be designed for its enlarged launch tubes will be armed with the most improved and sophisticated strategic weapon currently within our technology. And by authorizing procurement of the submarine, we have given the go-ahead for deployment.

But let us not stop there. We have the B–1 in advanced development now, with a large installment of additional funds already approved by both the House and the Senate. This is an improved strategic weapon, too, and when development is complete, we will likely deploy it.

At this very moment, Mr. President, our conferees on the military procurement authorizations are considering a recommendation for funds to develop a submarine-launched cruise missile—an improved strategic weapon that will be deployed, I predict, when development is completed.

Then there is the advanced reentry vehicles for our existing Minutemen and Poseidon forces, also under consideration by the conference on military procurement.

In other words, Mr. President, we are entertaining Pentagon requests for, or have already acted to deploy, the very kind of improved strategic weapons which—if the Soviet Union acted to deploy them—we would regard as hazards to our supreme national interest and grounds for abrogating both the ABM treaty and the Interim Agreement on Offensive Weapons.

Mr. President, I opposed immediate acceleration of the strategic weapons development programs in the military procurement bill that the Senate passed 2 weeks ago. I oppose the weapons improvements pending in the conference on military procurement authorizations. We already have the most numerous and most capable nuclear weaponry on the globe, and the Soviet momentum for catching up with us has been restrained by the SALT agreements.

Moreover, I oppose them as a violation of the spirit, if not the letter, of the SALT agreements and as a threat to the trust which both nations must have in each other if the SALT agreements are to work.

Such mutual trust is imperative, and it must start at home, as Henry Kissinger, national security adviser to the President, put it:

> The deepest question we ask is not whether we can trust the Soviets but whether we can trust ourselves.

By approving new funds for Trident and the B–1, the House and the Senate have decided to risk the SALT agreements for the sake of some elusive unilateral advantage over the other party to the agreements.

Thus it is necessary for me to oppose the Jackson-Scott reservation which, in combination with the weapons improvements we insist on making, would be a second crushing blow to the survival of the SALT agreements.

All that would be required to destroy them completely would be for the Soviet Union to say that they will abrogate them because the United States' decision to deploy improved strategic weapons is "contrary to the supreme national interests" of the Soviet Union.

In short, Mr. President, by proceeding with these deployments we are inviting—perhaps even encouraging—the Soviet Union to break the agreements.

There are other implications of the Jackson-Scott reservation that are disturbing.

One provision urges the President to seek a future treaty that would not limit the United States to force levels that are inferior to those of the Soviet Union.

On its face, this provision seems reasonable. But it implies that the agreements of the first round of SALT are faulty because they give the Soviet Union superiority over us in nuclear armaments.

I reject this implication, Mr. President, and so does the President of the United States and his adviser, Henry Kissinger. These are the words of Dr. Kissinger, stated on behalf of the President on June 15, 1972:

> Does the agreement perpetuate a U.S. strategic disadvantage?
>
> We reject the premise of that question on two grounds. First, the present situation is on balance advantageous to the United States. Second, the Interim Agreement perpetuates nothing which did not already exist in fact and which could only have gotten worse without an agreement.
>
> Our present strategic military situation is sound. Much of the criticism has focused on the imbalance in number of missiles between the U.S. and the Soviet Union. But, this only examines one aspect of the problem. To assess the overall balance it is necessary to consider those forces not in the agreement; our bomber force which is substantially larger and more effective than the Soviet bomber force, and our forward base systems.
>
> The quality of the weapons must also be weighed. We are confident we have a major advantage in nuclear weapons technology and in warhead accuracy. Also, with our MIRV's we have a two-to-one lead today in numbers of warheads and this lead will be maintained during the period of the agreement, even if the Soviets develop and deploy MIRV's of their own.
>
> Then there are such factors as deployment characteristics. For example, because of the difference in geography and basing, it has been estimated that the Soviet Union requires three submarines for two of ours to be able to keep an equal number on station.
>
> When the total picture is viewed, our strategic forces are seen to be completely sufficient.

Does it puzzle you, Mr. President, that the sponsors of the Jackson-Scott reservations are saying here today that the same administration which made this sterling defense of American sufficiency in nuclear weapons is also supporting such criticism of the Interim Offensive Agreement as is strongly implied in these proposed reservations?

Mr. President, if the SALT agreements are faulty—as these reservations imply—it is not because they put the United States in a position of inferiority. It is because they do not more effectively limit the arms race and, in fact, are having the effect of triggering a new round of weapons developments that are not yet covered by the accords.

AMENDMENT NO. 1498

Mr. MUSKIE. Mr. President, I call up my amendment No. 1498 to the Jackson amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The second assistant legislative clerk read the amendment of Mr. Muskie, for himself and other Senators, to the Jackson amendment, as follows:

> On page 2, line 15, strike out the word "not" and language following up to and including the word "Union" on page 2, line 17, and insert in lieu thereof: "maintain an overall equality between the United States and the Soviet Union in nuclear strength and guarantee the sufficiency of United States defense".

Mr. MUSKIE. Mr. President, I yield myself 10 minutes on my amendment, and I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. MUSKIE. Mr. President, earlier today, in connection with the Fulbright amendment, I made a statement expressing my thoughts as to what our objectives ought to be in the follow-on SALT talks, which hopefully will begin before too long and after we have completed consideration of the instruments before us.

The purpose of my amendment is to put the Senate on record in support of overall equality between the United States and the Soviet Union in nuclear strength. It would put the Senate on record in support of U.S. sufficiency in defense. These two objectives, it seems to me, are objectives about which Senators are in agreement. So I ask Senators, what is wrong with supporting overall equality? What is wrong with supporting sufficiency? If Senators do not wish to support overall equality, what do they support—overall inequality? And if there is inequality, does that mean American superiority in nuclear arms? If that is our commitment, what conceivable hope can we have of persuading the Soviet Union to accept such a U.S. objective? How can we expect the Soviet Union to continue in SALT negotiations with the United States if our side goes on record supporting overall superiority over the Soviet Union?

As I have said previously in this debate, Mr. President, I strongly believe that the objective of our policy in future arms control negotiations must be to stabilize the arms race on the basis of equality in the deterrent capabilities of

the United States and the Soviet Union. It is only on such a basis that both powers will feel sufficiently secure to refrain from further strategic arms build-ups. I emphasize that unless both powers feel secure in that respect, we cannot expect future agreements on nuclear arms.

I cannot imagine a more important goal of U.S. policy than the achievement of this kind of equilibrium that preserves our security, guarantees the sufficiency of our defense, and frees us from the dangers and debilitating expense of a spiraling arms race.

My amendment, Mr. President, would strike language in the operative clause of the Jackson amendment, which I read:

> The Congress recognizes the principle of United States–Soviet equality reflected in the antiballistic missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union.

Now, if what we mean is real equality in the deterrent capabilities of these two powers, we must recognize that equality must be established in the context of asymmetrical nuclear weapons systems on each side. We have not opted for the same kinds of weapons. We have not opted for the same kinds of strategic posture. And so we have different nuclear systems, and each power regards its own security interests as requiring a different kind of nuclear posture than does the other power.

With that difference in approach to what each power regards as its nuclear needs, obviously numerical equality with respect to any component cannot serve the purposes of further arms agreements. I think that must be clear.

The Jackson amendment, by focusing on only a fraction of the strategic balance, could, in my judgment, especially if it is regarded as binding upon our negotiators or determinative of the attitude of the Senate on any future treaty, prevent the negotiation of a follow-on treaty based on overall strategic equality. The administration, in my judgment, blundered by not determining at the outset what was meant by intercontinental strategic forces, and many Senators have been confused by the administration's premature endorsement of the Jackson amendment, an endorsement from which the administration later retreated in part.

If we are to advise the President on strategic arms negotiations, therefore, I believe we should advise him on the objective of such negotiations—the objective of stabilizing the arms race on the basis of overall equality and the preservation of U.S. sufficiency in strategic defense. I do not think it is wise for us to prejudge the negotiations and set minimal conditions with regard to reaching that objective. To believe in a congressional voice in foreign policy does not mean that the Senate should prescribe an exact technical form for a follow-on treaty. Strategic arms negotiations are extraordinarily complex, and agreements are reached only after numerous proposals and packages are put forth by both sides and their implications fully analyzed by technical experts. For us to deny our negotiators that flexibility will not further the prospects of a follow-on agreement.

Therefore, I urge the Senate to revise the Jackson amendment in accordance with my amendment to stress the need to assure in a future treaty overall equality in United States-Soviet strategic nuclear strength rather than numerical equality in intercontinental strategic weapons systems alone. In introducing this amendment, I do not wish to prejudge Senator JACKSON's own view that overall equality may at some future date require rough equality in ICBM's, SLBM's, intercontinental bombers, and missile throw-weight. The purpose of my amendment is not to exclude the Jackson formula from consideration at SALT II, but rather to broaden Senate advice to allow consideration of alternative proposals as well—proposals that would insure an overall equality and U.S. defense efficiency. The strategic balance is not so sensitive as to require mathematical precision in any single component or set of components. Insistence on such precision means that the negotiations will fail, or that both sides will build to parity across the whole spectrum of nuclear weapons, which is the road to an accelerated arms race.

In my judgment, the Senate today ought to make it clear whether it is really committed to the goal of a stabilized arms race, that will decrease the heavy burden of arms on the backs of our people. We can do it and insure our security needs by insisting on overall equality of deterrent capabilities and on sufficiency of defense, without so straitjacketing our negotiators as to minimize the prospects for follow-on agreements.

In 1970, Mr. President, the nations of this globe spent $202 billion on arms. I do not have the latest figures, but I know billions could be added to that figure. $200 billion on arms—arms that do not feed people, arms that have not brought security even to the world's most powerful nations, arms which have not eliminated quarrels between smaller nations, arms which have not brought peace to this globe but, rather, increased the prospects of shattering that peace.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MUSKIE. I yield myself 2 additional minutes.

I think we have a responsibility, as the world's most powerful nation, to indicate clearly that we are committed to a reduction of this burden and that we are willing to negotiate with the other great world power on the basis of true equality of deterrent capability.

Is there any Senator in this Chamber who believes that our interests will be served by our initiating a nuclear war? I think every Senator believes that our security interests are best served by a defense posture that deters the other side from engaging in that initiative and that our interests are best served if the other side is committed to a similar policy.

My amendment is aimed at that kind of equality of deterrence. There are no if's or and's about it. I am not asking for overall U.S. superiority or inferiority. I am not trying to straitjacket us in any kind of nuclear defense policy that prevents a stabilizing arms treaty. My amendment is committed to overall equality, which is the world's best hope that the Soviet Union and the United States will never at at each other's throat with nuclear weapons. That is my objection, Mr. President.

I understand that there already have been two votes, and I can count; so I have some idea of what will happen to this amendment. But my conscience would not permit me to withhold my argument on this amendment. It is too serious a matter. The implications for the future and for the peace of mankind are too important.

So I urge my colleagues to give consideration to this amendment. Let us think about phrasing our policy in such flexible, cooperative, and understanding terms that the policy we state here will be a reaching out to the other side in a plea to urge a rational approach to the security needs of the world's two greatest powers.

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

Mr. MUSKIE. I yield.

Mr. FULBRIGHT. I cannot refrain from congratulating the Senator on his most powerful statement on this subject, especially the latter part. This is a serious matter, very serious.

The United States has been a powerful Nation, and I think it still is. However, the way to undermine its strength and cause it to cease being a powerful Nation, would be to continue to waste our resources on weapons systems which serve no useful purpose.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. I yield whatever time I need from my remaining time, and I would like not to be interrupted.

I must say that I am moved by the Senator's speech. He pinpoints exactly what is involved. The strength of the United States is involved.

We have wasted much of our resources in this country. We have expended about $1,400 billion ourselves on military affairs since World War II, according to the best calculation last year of the Library of Congress. The amount is so enormous that nobody can understand it. If we continue to inspire the Russians and ourselves to an ever-escalating arms race, we will no longer be the strongest Nation in the world.

The only hope, as the Senator has eloquently stated, is for us to come to some agreement in which we and the Soviet Union—these very big countries, very dangerous and powerful countries—can stop the upward spiraling arms race.

I think the Senator has put it extremely well. If the Senate is insensitive to his arguments, then there is little we can do to prevent the waste of further spiraling arms spending.

One other comment: Our decisions today are, of course, not binding upon anybody. The votes are an expression of the views of the Senate, only reflecting, in my opinion, upon the judgment of the Senate. The President will do as he pleases. The real danger is that the Senate action will discourage the Russians

from thinking we are serious about any further negotiations. That is the real danger which the Senator points out. Both parties must be serious to get an agreement. Without that we will end up with no further agreement, and both powerful nations will continue as they have during the past 10 or 20 years.

The Senator has described the situation extremely well, and I congratulate him on the very fine statement of what is involved in this argument.

Mr. MUSKIE. I thank the Senator from Arkansas.

I should like to make one further point, if I may do it on his time.

Mr. FULBRIGHT. Yes.

Mr. MUSKIE. The Jackson amendment is concerned with numerical equality. When we began this nuclear arms race following World War II, we believed that we could outspend anybody on arms. So we were not too discontent with the situation in which we kept piling arms on arms, spending more and more money. We felt that we had so much wealth that no other nation, however much it tried, could conceivably match us in the production of nuclear weapons.

Now we find ourselves, much to our surprise, facing a potential adversary who has caught up with us numerically in some categories of weapons and has surpassed us in others. That disturbs us. So we seek to do something we have not been able to do—as I read the Jackson amendment—since World War II. We have not been able to create a situation which would insure our superiority, and not even our great wealth now makes it possible for us to outbuild the Russians in nuclear weapons if they are convinced that we intend to continue to travel the road we have traveled for 20 years.

So now what are we trying to do? By an amendment of this kind, by an expression of Senate opinion of this kind, we are undertaking to do something we have not been able to do with all our spending on arms in a quarter of a century—to put a lid on the Soviet Union's ability to construct nuclear weapons, while not restricting ourselves.

Is it going to work? The only thing that is going to work with the Russians, who are as wise and perceptive and knowledgeable as we in this field, the only thing we can hope to achieve—if we can achieve that—is a mutual deterrent capability, considering an asymmetrical balance of nuclear weapons that will finally act as a deterrent not only with respect to attack by the other side but also with respect to a continuation of the arms race.

Mr. FULBRIGHT. The Senator is entirely correct.

Mr. JACKSON. I yield myself 1 minute.

Mr. President, I greatly respect the comments made by the able Senator from Maine. I think we all express many of the same concerns.

Under my pending amendment, joined in by 43 other Senators, I would look forward to a situation in which we would hopefully get the Soviets to cut back their forces—their intercontinental strategic forces—following the precedent we have set in cutting back our ABM's from four sites to two sites.

The Muskie amendments share the defects of the Fulbright amendment in that they substitute a vague reference to "overall equality" and "sufficiency" for the much more precise Jackson language calling for the principle of equality agreed to in the already approved ABM treaty. This principle is clear and simple in the Jackson amendment: both sides accepted the same, equal limits in the ABM treaty and both should accept the same, equal limits in a treaty on offensive weapons in SALT II.

The Muskie amendments would nullify the Jackson amendment. Like the Fulbright amendment they are deceptively similar to the Jackson language when they are, in fact, quite opposite. The Muskie amendments would also, in several important respects discussed below, undermine the American negotiating position.

The legislative history of the last several weeks makes it clear that the words "overall equality" and "sufficiency" have been used by their proposers to justify enormous Soviet advantages in ICBM's, submarine-launched missiles and long-range bombers in SALT II. This is so because it is claimed that our forward based weapons in Europe, our carriers at sea in the Mediterranean, and even the forces of our allies are adequate "compensation" for our numerical inferiority in the central, truly strategic forces.

The terms "overall equality" and "sufficiency" have also been used to suggest that we can accept numerical inferiority in SALT II—which is not yet even underway—because we have technological superiority in SALT I. But (a) this technological superiority on our side cannot be guaranteed by the treaty while the numerical superiority of the Soviets would be guaranteed by the treaty; and (b) in fact the Soviets have always been able to catch up with our technology when they have considered it important.

Both Muskie amendments, explicitly in the case of the longer version, would call for the inclusion in a follow-on SALT treaty of a number of factors that cannot possibly be verified. The notion that we can negotiate, for example, on the assumption that we can know and verify and prevent improvements in Soviet "technical reliability" is absurd. Moreover, the enumeration of factors to be included in the longer version are vague, confusing, and overlapping. How does one negotiate a treaty that freezes "overall quality of weapons systems" or "survivability?" What are "deliverable" as opposed to nondeliverable warheads? And does it refer to the number of "deliverable" warheads before or after a possible preemptive strike? One does not have to be an expert in strategic policy or arms control to recognize the confusion in this amendment and the impossibility of applying its terms in practice.

In substance there is little difference between the Muskie amendments and the Fulbright amendment. Because the Muskie proposal, like the Symington amendment, deletes the word "intercontinental," it would undermine our national policy on the issue of forward-based systems.

Mr. President, as the amendment of the Senator from Maine has the same basic purpose as the previous two amendments and shares the same defects, I hope the Senate will reject the amendment.

Mr. CASE. Mr. President, I yield myself such time as I may take. I do this for the purpose of asking the Senator from Washington to get down to the point. What is his objection to the word "overall"? It seems to me it makes a lot of sense. I had always thought, until someone raised the question—perhaps it was the Senator from Washington—that it referred to what he was talking about. What does the Senator mean, that we must have numerical equality in every weapon, in every method of delivery and in megatonnage, as well in every other category? Why does the Senator object to the use of the word "overall," if the Senator will answer on my time?

Mr. JACKSON. Mr. President, obviously we should retain freedom to mix the forces as we and the Soviets may desire. What I am objecting to is the suggestion that we should adopt language that would compromise the forces dedicated to the defense of our allies.

We should not simply count a total of weapons of all sorts and then equate those weapons that do not have intercontinental capability with intercontinental strategic forces. I am confining the forces to be balanced in a follow-on treaty to intercontinental strategic forces which means intercontinental bombers, land-based missiles, and sea-based missiles.

Mr. CASE. If the Senator will yield further, on my time, this does not answer the point of the amendment, of which I am a cosponsor. I supported this very view in committee and on the floor, and I must say that nothing else makes any sense than that we should regard the overall position of the two nations, considering all weapons. To do otherwise cannot lead to anything but the most extraordinary acceleration of the arms race, as the distinguished Senator from Maine (Mr. MUSKIE) has suggested.

Mr. MUSKIE. Mr. President, will the Senator from New Jersey yield?

Mr. CASE. I yield, on my time.

Mr. MUSKIE. This will be useful for the RECORD, referring to the second amendment which I had introduced, No. 1499. In my judgment, amendment No. 1498 and amendment No. 1499 are equivalents. Amendment No. 1499 is useful, from my point of view, in identifying what I regard as the factors which should be taken into account in measuring the overall nuclear balance between us and the Soviet Union.

Let me read from amendment No. 1499:

"* * * maintain an overall equality between the United States and the Soviet Union in nuclear strength, taking into account such components as numbers of delivery vehicles, numbers of deliverable warheads, accuracy, throw-weight, gross and equivalent megatonnage, technical reliability, geography, deployment, survivability, overall quality of weapons systems, and other factors recognizing that inequalities in individual components of the nuclear balance are acceptable providing that the overall balance of nuclear power is preserved."

The distinguished Senator from Washington (Mr. JACKSON), I regret to say, is not in the Chamber at this moment—he was here when I began these comments—but apparently he would exclude some of those factors.

I would concede that those factors change in terms of their significance, their weight, and so forth, on the overall balance; but to try to strike that balance now and repeal the future over the next 2 or 3 years during which the talks would take place, is a disservice to the objective of arms negotiations.

Mr. CASE. Mr. President, I thank the Senator and, Mr. President, I reserve the remainder of my time.

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

The PRESIDING OFFICER (Mr. STAFFORD). The Senator from North Carolina is recognized for 5 minutes.

Mr. ERVIN. Mr. President, the word "equality" in and of itself means absolutely nothing, as the Senator from Washington has so well stated. What the United States needs for a certain deterrent or a defense in the precarious world in which we live, are weapons which we can use on an intercontinental basis.

There are only three kinds of these weapons. One consists of intercontinental ballistic missiles. The second consists of nuclear powered submarines, and the third consists of the big bombers, the planes that carry the bombs to drop on the other continents.

The interim or temporary arms limitation agreement accepted inferiority on the part of the United States in two of those fields. We agreed that the Russians might have 62 nuclear-powered submarines and we would have only 44 during the 5-year period covered by the agreement. We agreed that Russia could have a vast number of missile launchers additional to the ones we could have during the 5 years.

All that the Jackson amendment says is that we do not want, in the next SALT talks, negotiators who will accept permanent inferiority on the part of the United States in any of the three intercontinental deterrents or offensive weapons.

That is what the amendment says. To my mind, talking about counting everything is like counting cap pistols against cannon.

Who would be willing to say that we should make an agreement with Russia on a permanent basis similar to that which is made on a temporary basis in the arms limitation agreement? Who would be willing to say that the United States should accept inferiority on the seas by letting the Russians have far more nuclear-powered submarines than we could have?

The Jackson amendment does not mean that we have to have absolute numerical equality in intercontinental strategic weapons, but it does mean that we ought to have the right to have equality in respect to such weapons if we want it. The Jackson amendment merely gives our negotiators to the next SALT talks the good advice that our national security is dependent on the three intercontinental deterrents, long range bombers, nuclear submarines, and intercontinental ballistic missiles, and that they should not make any agreement with Russia which deprives us of the right to have these intercontinental strategic weapons on an equality with Russia.

Mr. PASTORE. Mr. President, will the Senator from North Carolina yield, on my time?

Mr. ERVIN. I have plenty of time I will not use and the Senator may use my time if he wishes. I am glad to yield to him.

Mr. PASTORE. It was clear to me, when we attended the briefings at the White House, that one of the factors determining why we agreed on the exchange of 62 as against 44 of our own, was the argument that the Russians already had the facilities and that if we did not reach an agreement in 5 years, they would go on to 99 or to 100.

That is the reason why the Joint Chiefs of Staff thought that they would be amenable to this agreement at this time because it would bring a halt to the Russian submarines at 62. That is the reason why we limited ours to 44.

Now the distinguished Senator from North Carolina (Mr. ERVIN) makes a logical argument. The name of the game is deterrence. Where is our deterrence? The deterrence is not so much on those bases that we have in Europe. The deterrence is, as we well know, in the intercontinental ballistic missiles and the power and the thrust that they can bear.

I want to say at this point that it does not make any difference who can destroy whom. The fact is, once it gets started, we will all be destroyed.

What we are trying to do here is to maintain the power and the posture that will give notice to the other side that they dare not make the first move because we do not intend to do so. That is exactly why we signed that temporary agreement.

The telling thing here is that the very people who negotiated the agreement are for the Jackson amendment.

The PRESIDING OFFICER (Mr. STAFFORD). The time of the Senator has expired.

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

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

On the interim agreement, we picked up the short end of the stick. I am perfectly willing to go along with it, but we were told time and time again that we needed the Trident. All those who are for the Muskie amendment voted against the Trident. We were told, point blank, at the White House, that unless we got ourselves into the Trident, unless we got ourselves in the B–1, in 5 years we would be placed at a disadvantage.

That is the reason why this administration has taken the position that they are backing the Jackson amendment. The answer has been given here, "Well, but they do it for a different reason." I will tell the Senator why they are doing it "for a different reason." It is because they do not want to admit publicly that they picked up the short end of the sitck. That is the reason why they are disagreeing. But they want the substance of the amendment.

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

Mr. ERVIN. Mr. President, I do not know who has the floor.

Mr. PASTORE. Mr. President, I have said all I want to say on the subject.

Mr. ERVIN. Mr. President, the Senator from Rhode Island has said in far more eloquent terms than I could exactly what I wanted to say.

From the testimony I heard before the Senate Armed Services Committee on the subject, I am satisfied that virtually every man who had any part in the negotiation of this interim agreement and the ABM treaty is in favor of the Jackson amendment, all of those who testified said that they would be unwilling for the United States to accept any limitation on the United States similar to those in the interim agreement as a basis for a permanent treaty and a permanent settlement.

We certainly cannot protect the security of the United States by giving Russia permanently a superiority in launchers and in nuclear submarines similar to that which the interim agreement provides for one 5-year period. That is what the Jackson amendment is trying to make plain to those who participate in future SALT talks.

Mr. PASTORE. Mr. President, we had our negotiator, Gerry Smith, come before the Joint Committee on Atomic Energy some months before this interim agreement was ever heard of. We were told pointblank that an agreement with the Russians was difficult. We began talking about two installations, one in North Dakota and the other in Montana. Then they compromised by saying, "We will only take one in defense of your missiles and one around Washington" which was unacceptable to us at the time.

Earlier we had testimony before the Joint Committee on Atomic Energy they needed four. At that time we said that we were not interested in building an ABM ring around Washington. We would not buy that idea. Then when we went to the White House, we were told that when this proposal was put to the Joint Chiefs of Staff they went along with it.

I am talking about something that happened only a matter of weeks before the deal was consummated. And Mr. Nixon went to Moscow and came back with the agreement.

One might say, "Mr. PASTORE, why are you going to support it?" I am supporting it because I supported the Trident. I supported the B–1. I am going to support it because I voted for the Jackson amendment.

I am surprised at the fact that we are trying to tell our negotiators that they did not make a mistake and did not pick up the short end of the stick when, in fact, that is the reason they back the Jackson amendment, both the White House and the State Department.

And I challenge anyone to dispute that.

Mr. MUSKIE. First of all, I say in response to what the Senator from Rhode Island said, my message to the negotiators is not anything like his

description. My message to the negotiators is this: We have two objectives, to achieve equality of deterrent capabilities, which the Senator himself articulated eloquently a few moments ago, and we are to negotiate it in a way that preserves the sufficiency of our defense. That is my message to these negotiators and I refuse to say that there is one option they are not to consider. We are not writing the next SALT agreement here on the floor. We cannot write it here on the floor.

If the policy represented by the Jackson amendment, as interpreted by Senator JACKSON, had been our policy in the SALT negotiations, we would have no agreement today. If that is right——

Mr. PASTORE. Well——

Mr. MUSKIE. If the Senator will let me proceed.

Mr. PASTORE. All right.

Mr. MUSKIE. If that is correct, then the supporters of the Jackson amendment logically will oppose this agreement and not try to write the next one.

Now, with respect to the Trident, my vote on Trident had nothing to do with this agreement.

May I say to the Senator, I am just not persuaded that the present Trident design is the one best designed to serve our defense needs. I am opposed to the greatly accelerated Trident program which locks us into a fixed concept.

Mr. PASTORE. Will the Senator yield?

Mr. MUSKIE. I will in my due course.

Mr. PASTORE. I will use my turn.

Mr. MUSKIE. I would like to finish my thought, just as the Senator wished to finish his thought a few minutes ago. I am not persuaded that now is the time to commit ourselves to a particular Trident design which the accelerated program will do.

I am a firm believer in the nuclear submarine deterrent as being the most credible, the most survivable, and most meaningful in the long run. And so I am for that.

I just do not buy an accelerated Trident at this time for reasons that are unrelated to this agreement.

Now, let me say this: The Senator was not on the floor this morning or this afternoon when I made my speech. I made the same one twice. So, it might be helpful to the Senator if I would repeat something I said this morning. In offering my amendment, I do not wish to prejudge Senator JACKSON'S own view that overall equality may, at some future date, require rough equality in ICBM's, SLBM's, intercontinental bombers, and missile throw-weights. My purpose is not to exclude the Jackson formula from consideration in SALT II, but rather to broaden Senate advice to allow consideration of alternative proposals as well to assure an overall equality and the maintenance of U.S. defense sufficiency. And the strategic balance is not so sensitive as to require mathematical precision in any single component or set of components.

Mr. President, the Senator from Rhode Island made one other point that I think requires response.

I have heard it on the floor several times. That refers to the administration's support of the Jackson amendment. I am interested in knowing what it does support. The White House Press Secretary, Ronald Ziegler, stated this on August 9:

> Senator Jackson said that his amendment excludes a consideration of European nuclear forces in future SALT negotiations for achieving equality in intercontinental strategic systems. . . . The United States does not endorse that elaboration. . . . Any elaboration of the type I just referred to, we feel, is something that should be properly discussed and determined at the negotiating table as we proceed to SALT 2.

The last part of that statement is on all fours with what I have been saying this morning and this afternoon.

I now yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I do not question at all the quotes that the Senator from Maine has just recited. I think he has misunderstood the thrust of my rationale. The point I am making is this. At the time, and at the same time, we are being asked to endorse this interim agreement, we are being told categorically that unless we have these other things we are going to be placed at a disadvantage.

Now, when we get to these other things—and I am not criticizing the Senator from Maine because he did not vote for the Trident—all I am saying is this——

Mr. MUSKIE. Mr. President, I did not base my vote on Trident on considerations that relate to the merits of this agreement.

Mr. PASTORE. All I am saying is that I voted for it because it was made clear to us that in the process of accepting this temporary agreement we have to accept the fact that we need the Trident. That is what they said to us at the White House.

Mr. MUSKIE. They say a lot of things to us at the White House that I do not buy.

Mr. PASTORE. I know the Senator is not buying it. I am not buying all of it myself. All I am saying is that that makes the Senator from Rhode Island a little suspicious, because here we are, we are boasting about this agreement, which I am willing to accept as a temporary agreement, and at the same time we are saying we need a sub that can shoot a missile about 6,000 miles. What does that mean to me? It comes right into the fold of the amendment of the Senator from Washington. We are talking about a missile that will go about 6,000 miles, and we need it 5 years from now. That is what they said to us.

Mr. MUSKIE. Would the Senator from Rhode Island like my explanation?

Mr. PASTORE. Yes, in just a minute.

Mr. MUSKIE. This is my time, I say to the Senator.

Mr. PASTORE. Now, Mr. MUSKIE. In just a moment. The Senator told me not to interrupt him.

Mr. MUSKIE. May I ask the Chair on whose time this is?

The PRESIDING OFFICER. The Chair will say that the time is being charged to the Senator from Rhode Island.

Mr. MUSKIE. We are now on the time of the Senator from Rhode Island?

The PRESIDING OFFICER. That is correct.

Mr. PASTORE. I yield to the Senator from Maine.

Mr. MUSKIE. I will tell the Senator my explanation of this dichotomy in the White House. It is political. In order to sell this arms agreement to the right wing of his party, the President took a hawkish stand on his defense budget and said, "Sure, we are going to sign this, but spend no less on arms as a result of this agreement," but more than he had in his budget this year. That is my explanation. But that is irrelevant.

Mr. PASTORE. That may be the Senator's explanation, but from where I sit, and from what I heard, and from what they told me week after week when they explained how far we had gone at the strategic SALT talks, we were told the picture was bleak; then all of a sudden the President decides to go to Moscow and suddenly the picture begins to blossom and the light is beginning to shine again. They come back with this agreement and we get a little doubletalk here and a little doubletalk there.

Finally we are told by those who negotiated the agreement, "We need the Jackson amendment to do us any good."

That is why I am not buying this doubletalk.

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

Mr. PASTORE. I yield.

Mr. MUSKIE. As chairman of the Arms Control Subcommittee of the Committee on Foreign Relations I have had briefings from Mr. Smith and others. My picture of what we heard was that a very hard negotiation was going on, as one would expect; yet continuing through all those briefings, Mr. Smith expressed optimism that we were going to get an agreement. So it is not a question of blackness before the storm turning to brightness at dawn. I understand hard negotiations finally yielded an agreement. Now, what we are trying to do on the floor of the Senate is to write the next agreement. If the Jackson amendment is to be binding, and I do not believe it is, the prospects of a follow-on agreement are diminished by that much.

Without the Jackson amendment, as I said over and over again, all of our options are open, including the option of not agreeing to any follow-on agreement at all; including the option of not extending this agreement, if no other agreement is negotiated; including the option of escalating the arms race, if we wish, and if our people desire.

All the Jackson amendment does is to close the options, if it is binding. If it is not, it is meaningless and only playing a mischievous role in this serious business of stabilizing the arms race.

Mr. PASTORE. I respect the Senator's point of view but I do not get the picture exactly that way. All we are saying is, "When you write the next agreement make sure you insist on those things that count for the security of this country and the deterrence of nuclear or thermonuclear war."

Mr. FULBRIGHT. Mr. President, I join in support of the Senator from Maine's comments. All this Jackson

amendment does is to play a mischievous role. As the Senator so eloquently said, all the options are present. The President of the United States directs and controls our negotiators. They are his men. He can do as he pleases. That is what the committee unanimously said and the Senator from Maine said.

One of the great flaws in the argument of the Senator from Rhode Island (Mr. PASTORE) is this assumption that there is something very significant about numbers of missiles beyond a certain minimum. When we agreed to the ABM Treaty we signed it in good faith, in my opinion. We all accepted it as an agreement that no defense could protect either side from an all out nuclear attack. The Senator from Rhode Island continues to say the name of the game is deterrence. But deterrence is not 1,600 missiles, it is not even 1,000.

The best testimony we had time and again before this particular matter came up was that somewhere around 300, 400, or 500 ICBM's is ample to destroy the other country, assuming there is no effective defense. It was then thought by some that an ABM might give effective defense.

In 1968, the then Secretary of Defense, Robert S. McNamara, discussed before Congress the power necessary to deter. He said:

> In the case of the Soviet Union, I would judge that a capability on our part to destroy, say, one-fifth to one-fourth of her population and one-half of her industrial capacity would serve as an effective deterrent. Such a level of destruction would certainly represent intolerable punishment to any 20th Century industrial nation.

Mr. McNamara then went on to say that this destruction could be accomplished by a force of the equivalent of from 200 to 400 megatons. Such a force when delivered would be capable, he said of destroying from 52 to 74 million Soviet people and from 72 to 76 percent of Soviet industrial capacity.

At the same time, the Secretary assessed the destructive potential of greater amounts. A fourfold increase from the equivalent of 400 megatons delivered to the equivalent of 1,600 would yield fatalities only about half again as great. And the industrial capacity destroyed would increase only 1 percent, to 77. This demonstrates the modest gains that sizable increases in destructive power yields. Yet both arsenals will go well beyond the 400 or 1,600 equivalent megatons mentioned to a total of around 4,000. This should leave few doubts about the abilities for mutual destruction.

It is clear then even small parts of our arsenal or that of the Soviet Union should be more than enough. Even if a single U.S. deterrent force were destroyed in a first strike, or even if both our bomber and our missile fleets were heavily damaged, we would have enough to deter. Small parts of our forces can do a great deal.

The Senator from Mississippi (Mr. STENNIS) told the Senate in June:

> The missiles from one Poseidon submarine—this is from the whole submarine, now detonating on target, could destroy about one-quarter of the industry of the Soviet Union. The missiles from ten such submarines could destroy nearly three-quarters of the Soviet Union's industry.
>
> These are not figures picked out of the thin air; this is not just a guess.
>
> Ten B–52 bombers—about 2 percent of our bomber force—could destroy about 40 percent of Soviet industry.
>
> Fifty Minuteman missiles could destroy nearly half of Soviet industry.

Honestly, it is an absurdity to be talking about deterrents, and to be arguing we have to catch up with the Russian 1,618 missiles from our 1,054 missiles, when there is no effective defense against these missiles, and nobody alleges there is. We have so many intercontinental ballistic missiles, to say nothing of the Polaris and Poseidon submarines and the bombers. The Senator from Mississippi says that missiles from 10 submarines can destroy nearly three-fourths of Soviet industry. We have not 10, but 41, submarines now, and we could have 44.

What is the deterrent? If each country has 400 megaton equivalents, that is all they need to destroy the other country. They could wreak unacceptable damage. That is the word, unacceptable—unacceptable damage which is so terrible they are not going to tempt the other country to engage in an exchange. This is what we forget. There is no defense. When we played with the idea of the ABM, we conceived almost anything could have been possible.

There was always the possibility you could shoot them down, and therefore you have to have more and more. The Senate accepted almost unanimously the proposition we are not going to have any effective deterrent. Congressional committees have already refused that ABM around Washington, for which I congratulate them. They are very wise in rejecting that second ABM.

We are finally admitting that it was a big, stupid mistake to spend $10 million on a big ABM that would serve no useful purpose.

What is deterrence? It is about 400 delivered metagons or the equivalent, if one likes to put it in that way. According to the Senator from Mississippi, 10 Poseidon submarines should be enough to deter. It will destroy 75 percent of the industry of Russia.

What earthly motive or cause could make Russia wish to destroy 75 percent of its industry when she is struggling now to buy a little wheat from us? This is a dream world. It has nothing to do with reality.

I think the proposal of the Senator from Maine is unanswerable. The numbers game has absolutely no relevance to the current problem that faces both countries. To quarrel or argue here that we have got to make up the difference is pointless. We have 2½ times the deliverable warheads now, to say nothing about bombers, submarines, forward-based aircraft, aircraft carriers, and so on.

In this argument everybody has completely forgotten about our aircraft carriers, of which we have 14, each with 45 to 90 airplanes. many of which can deliver a nuclear weapon to Russia. That is completely ignored in the equation. The Senator from North Carolina did not mention aircraft carriers. He mentioned only the intercontinental ballistic missiles, the ICBM's, and the submarines, but aircraft carriers are a very significant weapon system, and the Russians do not have one single aircraft carrier.

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

Mr. FULBRIGHT. I will yield on his time.

Mr. ERVIN. I have the time.

Mr. FULBRIGHT. Surely, I yield.

Mr. ERVIN. The Senator from North Carolina may not have mentioned aircraft carriers, but, in listening to the Senator from Arkansas, the Senator from North Carolina very vividly recalled that the day before Pearl Harbor the United States had the greatest Navy on earth, but that the day after Pearl Harbor we had virtually no Navy at all. The Senator from Arkansas talks about weapons we already have, but he ignores the fact a substantial part of those weapons can be destroyed in a surprise attack just as the major portion of our Navy was destroyed at Pearl Harbor. The possession of warheads of low yield in Europe by the NATO forces means nothing to the Senator from North Carolina as far as giving the United States a viable deterrent is concerned. We need at least an equality with Russia in intercontinental strategic weapons.

Mr. FULBRIGHT. The Senator from North Carolina has a vivid imagination. I have never heard any responsible person suggest that 40 submarines could be destroyed in a surprise attack, or even 10. Relating what happened at Pearl Harbor to conditions today is really going beyond credibility. It has nothing to do with the problem today.

Mr. ERVIN. I cannot understand why the Senator from Arkansas says there is no relevancy. The fact is that the day before Pearl Harbor we had the greatest Navy on earth and the day after Pearl Harbor we had practically no Navy.

Mr. FULBRIGHT. I do not know what that has to do with nuclear submarines or aircraft carriers. The Senator seems to suggest that the Russians could, by a surprise attack, wipe out all aircraft carriers, situated all over the world, and submarines under the ocean, when they do not even know where the submarines are, and even to knock out our ICBM's, many of them in hardened sites. Anyway, in this kind of argument, one can always imagine fantastic possibilities and imagine every type of situation. That was done with regard to the ABM. They imagined we could develop the fantastic capacity to shoot down all incoming missiles and then they decided to go ahead with it. Thank God they have given that up as an impossibility.

Mr. PASTORE. Mr. Presiedent, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. PASTORE. That is exactly the point I am making. The ABM has never proved its operability. Yet we were told that if we had not had the ABM, we would not have had the agreement. That is what we were told. We were told by Henry Kissinger that if it had not been

for the ABM that we voted for, we would not have had the SALT agreement.

If the ABM is such a useless weapon—and maybe it is—and if the House voted against it because it is a useless weapon—and maybe it is—the fact remains that that is the crutch of the administration. They have said that if we had not approved the ABM, we would not have had this agreement at all. Apparently they are trying to tell us that it was the ABM that scared Russia into signing the agreement.

That raises a certain amount of suspicion in this Senator's mind. First we were told this and then we were told that.

Mr. FULBRIGHT. I agree with the Senator. We were told this and we were told that. The function of the Senate, if the Senate has any function left under the Constitution, is not to act solely on the basis of what we are told by members of the executive branch. We are supposed to make up our own minds based on our own experience and information.

Going back some years ago, what we were told about the ABM was a falsehood. Obviously it was not the whole truth. We have been misled time and time again. I do not deny that at all. But the administration having gone all out to persuade us to put $8 billion to $10 billion in a weapons system that was no good and has been proved to be no good, had to have something to salvage their position. So they said, "Well, the ABM plans served a good purpose. Although it is not a good system, as a bargaining chip it gave us this agreement."

They got the agreement which in May was good. But now they tell us that the agreement was no good and they must have the Jackson amendment because it negates the agreement the administration signed in May. This is the ambivalence we have in this administration. They tell us anything they want to when it comes to wanting to win votes.

We are not trying to pass here on which administration statement to believe. We are trying to decide for ourselves, not simply on the basis of what Dr. Kissinger says. Dr. Kissinger many times tells us what he is told to tell us, because that is characteristic of that kind of job. But the Senator from Rhode Island does not have to tell us what somebody tells him to tell us. We all should make up our own minds, no matter what they tell us. Administration statements on this subject have been so ambivalent I have gotten to the point where I do not care what they tell us.

I shall not bore the Senate with quotations, but in the former discussions of the ABM the evidence was very clear, without regard to this agreement, that this kind of deterrence Senator JACKSON wants was not necessary. If we removed the ABM, it was not a question of constantly escalating and unlimited numbers. "Sufficiency" was the word. I used to think that meant that sufficiency, regardless of what the weapons were, was all we should aspire to. That is what I am talking about.

Mr. PASTORE. The Senator is being somewhat inconsistent. He says he does not think we should accept what is said by the Nixon administration——

Mr. FULBRIGHT. Not everything.

Mr. PASTORE. Well, not everything said, and at the same time he is willing to accept a temporary agreement without changing a word in it.

Mr. FULBRIGHT. Yes.

Mr. PASTORE. That is what the committee did. If the Senator relies on the administration that much, why does he say to me I do not have the authority to vote for some changes?

Mr. FULBRIGHT. I did not say the Senator did not have the authority. The Senator from Rhode Island does as he pleases on every occasion.

Mr. PASTORE. Of course I do, but I am being told here that we become the handmaidens of the administration because the administration wants the Jackson amendment.

Mr. FULBRIGHT. No.

Mr. PASTORE. I think the Foreign Relations Committee is the handmaiden of the administration, because they took that agreement as it was sent up here—every "i" and "t" and period that was in it, without changing a word.

Mr. FULBRIGHT. That was my position, and it was the position of the committee, and it was the position of the House of Representatives by a vote of 328 to 7. I think they were very wise in their decision.

In any case, I would say the Senator is not obligated to do anything. He is one of the most independent-minded and one of the strongest-minded men in or out of the Senate, and he expresses himself with equal vigor.

I am not giving my support to the treaty and interim agreement on the ground that we were told this or that in connection with this particular agreement. The information I have based my judgment on, which I assure the Senator is official, was obtained under other circumstances, and was not designed for the particular purpose of passing or not passing the resolution on this agreement. I think, in that sense, it can be a little more reliable than it might have been if obtained under other circumstances.

As to the power or danger of nuclear weapons, very few people can imagine the power of nuclear weapons. When we get beyond a certain number, there is no sense in having an endless number of them. A certain number has been called sufficient for deterrence.

That is why the ABM Agreement was so significant. It has removed the doubts that arose over the possible effectiveness of an ABM system. Now a "sufficiency" really is the most appropriate word, I think, for what we should aspire to, a sufficiency for deterrence. This is certainly less than any 1,618, or other high numbers. Those numbers are meaningless, if the equivalent of about 400 megatons is enough to maintain a deterrent effect.

This Senate action is not binding on the President. The danger is not that it is going to bind the President of the United States. He will do as he pleases. The danger is that it evidences a doubt and suspicion on our part. It signifies that we do not believe in this whole process, that we are still committed to the arms race, that the so-called military-industrial complex is all-powerful, that no matter what this administration or anyone may say, we are not going to stop the arms race, because there are too many jobs and to much money involved.

The effect is on the minds of the Russians. Are they going to be willing to proceed to a fruitful second stage? That is where the danger is. Mr. Nixon is not going to say, "My hands are tied," but he is liable to reach a point when the Russians will say: "There is no point in our negotiating; look at what you have done. You are now deciding to change the rules from overall equality to superiority. You want all your aircraft carriers, all your other weapons around the world, and in addition, you want the same number of intercontinental missiles. We can only interpret that to mean that you think you want to have first-strike capability." If this is the result, nothing will happen in the next step.

The PRESIDING OFFICER (Mr. STAFFORD). The question is on agreeing to the amendment of the Senator from Maine (Mr. MUSKIE). 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. INOUYE (when his name was called). Mr. President, on this vote I have a pair with the Senator from South Dakota (Mr. McGOVERN). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. WEICKER (after having voted in the affirmative). Mr. President, on this vote I have a pair with the distinguished Senator from Texas (Mr. TOWER). If he were present and voting he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. McINTYRE), and the Senator from Connecticut (Mr. RIBICOFF), are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF) would vote "yea."

Mr. SCOTT. I announce that the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

I further announce that, if present and voting, the Senator from Nebraska (Mr. CURTIS) would vote "nay."

The pair of the Senator from Texas (Mr. TOWER) has been previously announced.

The result was announced—yeas 35, nays 55, as follows:

[No. 430 Leg.]

YEAS—35

Aiken	Hart	Nelson
Bayh	Hartke	Pell
Brooke	Hatfield	Percy
Burdick	Hughes	Proxmire
Case	Humphrey	Saxbe
Church	Javits	Schweiker
Cooper	Mansfield	Stafford
Cranston	Mathias	Stevenson
Eagleton	Metcalf	Symington
Fulbright	Mondale	Tunney
Gravel	Moss	Williams
Harris	Muskie	

NAYS—55

Allen	Dole	McGee
Allott	Dominick	Miller
Anderson	Eastland	Montoya
Baker	Edwards	Packwood
Beall	Ervin	Pastore
Bellmon	Fannin	Pearson
Bennett	Fong	Randolph
Bentsen	Gambrell	Roth
Bible	Goldwater	Scott
Boggs	Gurney	Smith
Brock	Hansen	Sparkman
Buckley	Hollings	Spong
Byrd, Harry F., Jr.	Hruska	Stennis
Byrd, Robert C.	Jackson	Stevens
Cannon	Jordan, N.C.	Taft
Chiles	Jordan, Idaho	Talmadge
Cook	Long	Thurmond
Cotton	Magnuson	Young
	McClellan	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Inouye, against.
Weicker, for.

NOT VOTING—8

Curtis	McGovern	Ribicoff
Griffin	McIntyre	Tower
Kennedy	Mundt	

So Mr. MUSKIE's amendment was rejected.

Mr. ERVIN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JACKSON. I move to lay that motion on the table.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on all rollcall votes from now on, because they seem to be grouping together, there be a limitation of 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 1438

Mr. CRANSTON. Mr. President, I call up amendment No. 1438, offered by myself and the distinguished Senator from Ohio (Mr. TAFT), and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, line 17, after the word "maintenance," insert: "under present world conditions".

Mr. CRANSTON. Mr. President, under the previous circumstances, this amendment applied to page 2, line 17. Did the unanimous-consent agreement affecting all amendments offered to the Jackson amendment, taking into account the new version now before the Senate, correct that, or must we amend this to read "page 2, line 20"?

The PRESIDING OFFICER (Mr. STAFFORD). Under the unanimous-consent agreement, the Chair is advised that the Senator from California can modify his amendment in conjunction with the Jackson amendment.

Mr. CRANSTON. I thank the Chair. I so modify the amendment. I will be very brief in regard to the amendment. It simply takes the last clause of the Jackson amendment which reads:

And the Congress considers that the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon the maintenance of a vigorous research and development and modernization program leading to a prudent strategic posture.

And inserts the words, "under present world conditions" after the word "maintenance."

The purpose of the distinguished Senator from Ohio (Mr. TAFT) and myself in offering the amendment is merely to register the point and to indicate the hope, which I am certain we all share in the Senate, that while we know we must be prepared for any circumstances, at present in this anarchic and brutal world in which we live, we hope the time will come when we need not devote so much of our resources, time, talent, and money to the arms race.

The words "under present world conditions," after the word "maintenance" would make plain that hope, that while I think all of us recognize the need for research, development, and modernization under present world conditions, we hope that some day we will be able to relax somewhat.

Mr. JACKSON. Mr. President, will the Senator from California yield?

Mr. CRANSTON. I am delighted to yield to the Senator from Washington.

Mr. JACKSON. I share the hope of the distinguished Senator from California. I am pleased to accept the amendment which is, as I understand it, that on line 20 of my amendment No. 1516, after the word "maintenance" the Senator would insert the words "under present world conditions."

I believe that anything we can do to express the hope of mankind for a more peaceful world should certainly be done. I join in that hope—a fervent hope, I may say—that we can achieve it.

Mr. CRANSTON. I thank the Senator from Washington very much. I think his action is most helpful.

Mr. JACKSON. Mr. President, I make these comments on behalf of the distinguished Senator from Ohio (Mr. TAFT) and the distinguished Senator from California (Mr. CRANSTON).

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California (No. 1438).

The amendment was agreed to.

Mr. JACKSON. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. JACKSON. I ask unanimous consent that the Senator from New Hampshire (Mr. MCINTYRE) be added as a cosponsor of the amendment.

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

Mr. HANSEN. Mr. President, I rise to support the Jackson-Scott amendment. This amendment represents the commonsense understanding of what our behavior should be when going into arms limitation negotiation with the Soviet Union. It deserves our support. It has the support of the White House and the Secretary of State. I am a cosponsor.

The amendment as I understand it, would provide the President with an effective tool when dealing with the Soviet Union in the second round of the SALT exercise. By recognizing failure of the United States and Soviet Union to reach an equitable permanent agreement within the 5-year life of the interim agreement could jeopardize the "supreme national interests of the United States," we would merely be recognizing the widely understood impact of technology on the arms race. If the United States were to continue the existing interim arrangement for more than 5 years, it is likely the Soviet Union already would have taken advantage of opportunities in the interim agreement in terms of both the number of ballistic missiles and their payload capacity or "throw weight."

There is no one close to multiple warhead technology who does not believe the Soviet Union is able, should the effort be made, to deploy multiple warheads aboard intercontinental and submarine launched ballistic missiles within 5 years.

This is of particular significance. Terms of the SALT accords appear disadvantageous to the United States in the long run in terms of numbers of missiles and "throw weight." The Soviet Union enjoys a 4-to-1 or 5-to-1 advantage in "throw weight." This measure is the best long-term measure of the capability of a strategic force to accept multiple warheads. The United States was able to enter into this agreement because we possess a temporary superiority in warhead design technology. This technology has permitted the United States to have a 2-to-1 advantage in the number of warheads today. This is an advantage which would not withstand the onslaught advancing of Soviet technology.

If no sound and equitable permanent agreement is reached within the 5-year life of the interim agreement, the superiority of the U.S. land-based deterrent force to survive would be questionable. For more than a decade, our security has rested on the contention we should not allow any one or two elements of our strategic forces to bear the entire burden of deterrence. The risks of another nation's breakthrough that may threaten any element's ability to perform its mission could upset international stability. If our entire deterrent posture were dependent upon the ability of submarines to provide the deterrent, it is possible a breakthrough we did not forsee, could, overnight, jeopardize the existence of our entire submarine force. For this reason, the United States cannot allow a threat to develop to the effectiveness of its land-based force. By the same reasoning, the deterrent ability of each of our defense elements must be maintained.

A second element of the Jackson-Scott amendment expresses the commonsense factor that with regard to the focus of agreement, whether it be number of mis-

siles or their "throw weight," there should be equality agreed to on each side. This simply carries out what was established as precedent on the ABM treaty approved by this body 88 to 2, where equal limitations were imposed on each side. This is the only formulation that the ordinary citizen or nonspecialist readily considers. In the long run, acceptance of unequal limitations would only serve to undermine the purpose of the agreement to provide a framework for international stability.

The final element of the Jackson-Scott amendment would assure the President the Congress stands firm in its determination to provide necessary research, development, and procurement support to assure a prudent strategic posture in the future. A strong research and development base has been the strongest card we have in providing a hedge against technological surprise and Soviet evasion. Only through a vigorous R. & D. program can the U.S. scientific and technical community maintain the necessary understanding of the latest advances in scientific phenomena which may have military application. It would be tragic indeed, if, as a consequence of these agreements, the United States reduced its effort in the very area which permitted the President to come to proffer an agreement to the Soviet Union. A technological lead, once lost, is extremely difficult to recapture. If we are to maintain a posture which permits a U.S. President to have confidence in his strategic force, we must maintain the R. & D. effort to provide that confidence.

The security of the Nation will be enhanced by the expression of congressional resolve in the form of the Jackson-Scott amendment. I urge its adoption.

Mr. DOLE. Mr. President, I support the Jackson-Scott amendment. The amendment is in harmony with both the substance and spirit of the interim SALT agreement which is now before us. It perfects the agreement by clarifying it, giving the leaders of the Soviet Union a clear picture of the threshold of American tolerance to their ongoing expansion of offensive strategic weapons. The amendment would also convey to the leadership of the Soviet Union the determination of this body to aid the President in his quest for further and more far-reaching SALT agreements. It would achieve this end by serving notice on the Soviet leaders of our recognition of the very temporary nature of the interim SALT agreement before us.

Mr. President, we know from past experience that arms limitations agreements must soon be bolstered by disarmament or else they will lead to political divergence and the resumption of arms races. Our hope for SALT finds but a slender beginning in this agreement. To make the most of this beginning, this body should attach to the language of the agreement precisely what our expectations for it are, and to what extent Russian strategic arms expansion will be tolerated by our own national interests. Toward this end, the pending amendment notes the importance of the principle of strategic equality, such as is the case with the Anti-Ballistic Missile Treaty, which has been approved by this body. This amendment also affirms the importance that we attach to the credibility of our deterrent forces and to the survival of our own strategic forces under all foreseeable circumstances.

HISTORY OFFERS US LESSONS IN WHAT TO AVOID

In 1930, the principal nations of the world gathered together to discuss curbs on the proliferating strategic weapons systems of the day—capital naval vessels. The principal powers at the London Conference were Britain, the United States, and Japan. The delegates of these nations evolved formulas for limiting their respective naval strength according to carefully defined ratios of ships. These ratios were developed on the basis of the powers' relative national interests on the principal oceans of the world, the principal considerations being the United States and Britain in the Atlantic, and the United States and Japan in the Pacific.

The conference produced an agreement in 1930 because the politics of the several participants favored compromise and reflected what were then carefully defined areas of influence. The process was abetted by economic considerations in the hard-pressed Western nations, and an equally beleaguered Japan.

The agreements of 1930 achieved a temporary halt in the naval arms race, largely because they had a basis in political concensus and what then passed for mutuality. However, there evolved from this agreement a false sense of security which held serious consequences for the United States and Britain.

Japan acquiesced to the 1930 formulas due to economic pressure and because she believed that the United States, Britain, and the other powers would otherwise act to contain her interests in the Pacific. The rise to power of a militarist government in Japan in 1932, with its successful and unopposed expansionist policies in Manchuria and China, together with the subsequent powerlessness of the League of Nations, led Japan to realize that the limitations she endured from the 1930 London Naval Agreements were not based on mutual interests. They were in fact recognized by Japan as one-sided efforts by Britain and the United States to contain Japanese ambition.

From 1932 on, Japan did not adhere to the London Naval Agreements and prior to the convening of the Second London Naval Conference in 1935, she announced her intention to abrogate. By 1935, the Japanese were convinced that neither the United States nor Britain would interfere with her expansionist policies in the Pacific, or her military operations on the Chinese mainland. They, therefore, saw no value to adhering to the London Naval Agreements, and after substituting a formula of their own in the 1935 conference which was based on complete equality with the United States and Britain, the Japanese withdrew from the 1935 conference, having been predictably refused.

The failure of the London Agreements for Naval Arms Limitation can be laid at the feet of those who believed that arms limitation agreements can survive as simple or even complex technical formulas or "numbers games." The national interests of Japan were permitted to outgrow her interests in the arms agreements. The lack of American or British opposition to Japanese use of brutal force against China confirmed Japan's belief that the agreements were without political credibility. By 1932, the abrogation of the London Naval Agreement of 1930 was inevitable. This experience holds important lessons for us here today.

THESE LESSONS WOULD BE HEEDED BY THE PENDING AMENDMENT

The failure of the London Conferences of 1930 and 1935 should have taught us several important lessons. Most important of these is the role of political credibility as a concomitant of arms control. The unwillingness of the United States and Britain to backup their national interests and resist Japanese expansion in the Pacific and incursions in China during the early 1930's were cases in point. The mutuality which led to the agreements of 1930 arose from a perception of a "balance of power" in the Pacific, a perception which had disappeared by 1933. Japan enjoyed too many opportunities to change the balance in the Pacific to permit the agreements to suit her national interests. Mutuality no longer existed.

It would appear from this experience that arms control agreements are no more than the frail flowers of international political concensus, arising from the mutuality of national interests. Technical or quantitive restrictions do not survive without the equally important survival of political mutuality. Arms control agreements must therefore be conceived to provide on-going political adjustment if they are to be expected to survive. Both sides of such an agreement must understand that they share an interest in arms control, or its obverse, an arms race. For, if one party to an arms control agreement should choose to reduce the scope of its international interests or its determination to remain equal, then the mutuality of an arms limitation agreement is destroyed and cheating or abrogation become imminent. This is the lesson of history for us here today.

The lessons of history have led the Senator from Kansas to the conclusion that we must sustain our will to remain strong and that we must arrive at arms control agreements from a position of political purpose. The pending amendment gives our adversaries clear notice of our determination to preserve mutuality. It is a declaration of the national interest of the United States and an affirmation of the principle of strategic equality. As such, the pending amendment can only strengthen the prospects for continued success at SALT, disarmament based upon continuing strategic equality and political mutuality.

THE JOINT RESOLUTION, IF AMENDED, WOULD BE A MAJOR CONTRIBUTION FROM THE CONGRESS TO THE CONDUCT OF FOREIGN POLICY

In the past 2 years, the Senator from Kansas has heard much said about the

responsibility of Congress for the conduct of our foreign affairs. Today, we are offered an opportunity to contribute substantively to this policy, and in a manner which would be both responsible and far-reaching. By attaching the proposed amendment, we will be insuring the effective continuity of SALT. We will be giving the Russian leadership notice that we are not a rubberstamp operation and that we believe in a strong, responsible United States, which will look out for its national security and international interests.

The amendment will notably strengthen the position of the American negotiators in the next round of SALT by enabling them to point to Congress as the watchdog of American national interests and not as a patsy for a short-term deal.

Mr. President, strategic equality and political mutuality must lie at the heart of any solution to the nuclear arms race between the United States and the U.S.S.R. The pending amendment would insure that the joint resolution achieves both of these aims. The agreement, as it would be amended here, would be a great step forward from the failures of the past. It would remind the leaders of the Soviet Union of the responsibility of Congress to the national interests of the United States. It would insure against Russian perceptions of American acquiescence in the arms race. It would insure the existence of continued mutuality in future SALT agreements.

THE AMERICAN WILL TO REMAIN STRONG LIES AT THE HEART OF ARMS CONTROL

So long as the United States retains the will to remain strong on behalf of its national and international interests, I believe that we will be safe from a renewal of the costly and futile arms race, a race which the pending agreement will only check temporarily. Inseparable from this or any arms control agreements is the importance of American will to continue as a great power. We must never again permit another nation to engage in wars of conquest against friendly nations, as was the case with Japan against China in the 1930's. We must likewise never again permit ourselves to become involved with our manpower in an Asian war if other alternatives are available. Such has been the lesson of Vietnam. The Nixon doctrine may seem somewhat remote from SALT, but it is not. Its implementation lies at the heart of our international credibility. And the existence of such credibility will extend across the linkages to SALT and to our foreign relations at all levels.

The pending agreement must be recognized as a transitory first step and must not be permitted to deter us from continuing to protect ourselves with new arms in the eventuality of unacceptable behavior by the Soviets. We must accordingly enter into the next round of SALT talks with strong research and development programs which will serve as evidence of our commitment to a strong United States and continued mutuality, for we know that the Russians have continuously expanded their own R. & D. efforts.

Mr. President, the Senator from Kansas strongly supports the pending Jackson-Scott amendment to the joint resolution. He believes that this amendment does nothing to change the substance of the executive agreement, and that in fact, it considerably clarifies it. Strategic arms agreements must be based upon the principle of political mutuality and strategic equality. The pending amendment serves notice to the leadership of the Soviet Union that we will not tolerate a position of inferiority. It is a commitment to a just American national interest. It is a firm indication of our threshold of tolerance for continued Soviet expansion of their offensive strategic armaments.

Mr. President, the agreement sent to us by the executive branch is important as a first step on the way to generations of peace. But as an agreement it gives the Soviets considerable latitude for the expansion of their offensive weapons capability. The pending amendment is indispensable, because it lets the Russians know how far we will let them go.

I strongly urge Senators to adopt the Jackson-Scott amendment.

Mr. PERCY. Mr. President, since the announcement of the SALT accords in Moscow, I have done my best to support and sustain these important initiatives because I believe that they are important steps toward effective control of strategic nuclear weapons. While the arms race is far from over, the SALT accords represent a clear recognition by the two superpowers that it is in their mutual interest to place restraints on the arms race.

The interim agreement on the limitation of strategic offensive arms, which we consider today, is the first real measure of control over offensive nuclear weapons and provides a basis for moving toward a more comprehensive restriction on such weapons. It is a good first step, and President Nixon deserves commendation for his success in achieving this agreement.

What has held up Senate approval of the agreement is the concern of many Senators about future negotiations in SALT II. They have sought, in effect, to instruct our negotiating team, to tell our negotiators that certain guidelines must be followed in achieving new offensive arms agreements. This is their right, and they certainly should express their feelings about these important matters. Their vehicle has been the Jackson amendment.

Because I have had great confidence in the thorough and painstaking approach of the American negotiating team headed by Ambassador Gerald Smith, and in the guidance given this team by President Nixon, Secretary Rogers, and Dr. Kissinger, and because the substantive agreements reached were landmarks in controlling the nuclear arms race, I have been reluctant to add language to our approval of the agreement. I believe the agreement speaks for itself and requires no elaboration. I believe our negotiators have shown a dedication to our national security interests which gives us no reason to question their performance past or future. I believe that we have every reason to expect that our negotiators, and indeed our President, the National Security Council, the Department of State, and the Department of Defense will continue to safeguard our security interests in SALT II.

Therefore, I have voted for the amendments today which would improve the Jackson amendment by removing the subtle insinuations that somehow the SALT accords have diminished or harmed our national security posture vis-a-vis the Soviet Union. I was especially pleased that the Javits amendment was accepted, since it removes one such insinuation. The original language had implied that President Nixon has not maintained a prudent strategic posture, and the Javits language strikes that implication.

While I strongly prefer that the basic authorization not be encumbered with ambiguous and controversial amendments, I think it is important to note that the President has no objections to the amendment and has so stated through his press secretary, Mr. Ziegler, who has said that the amendment is consistent with U.S. policy, Mr. Ziegler also made clear that the interpretations of the amendment, as promulgated by some of the sponsors, are not those of the White House. He said that Senators can make their own interpretations.

The major remaining stumbling block between the sponsors and opponents of the amendment concerns the question of equality in strategic forces. While some of the sponsors insist that it is their intention to establish the principle that future agreements should require equality in terms of numbers and throw weight, the actual language is less specific. Other Senators believe that there should be overall equality in strategic nuclear weaponry and, therefore, even though I would have preferred to have language precisely indicating overall equality, I find the language as it now stands sufficiently subject to interpretation on this point that I can support it.

In view of the need of the administration to get on with preparations for renewal of the SALT talks, and since the President finds the Jackson amendment acceptable and consistent with his negotiating policy, I suggest that we accept it and get on with the business of authorizing the agreement.

Mr. CHILES. Mr. President, I have followed the Senate's discussion of the Jackson-Scott amendment with great interest. This is the first opportunity we in the Senate have had to explore the issues and questions raised by the strategic arms limitation agreements. This is all to the good. The SALT accords are not an end in themselves. They do not resolve all the dilemmas posed by the existence of strategic nuclear weapons. But they are, as the President described them, an important first step in that direction.

Mr. President, I welcome the opportunity the Jackson-Scott amendment has provided for serious consideration of America's future strategic policies. With the signature of the SALT accords, we have reached an important turning point. Both the Soviet Union and the United

States have demonstrated a willingness to bring their strategic armaments under some sort of control.

As has been pointed out many times on the floor of the Senate, no one can know for certain the intentions of Soviet leaders under this interim agreement. The leadership of the Soviet Union is not subject to the same kinds of political pressures that we know in the West. The Soviet leaders need not respond to the great popular desire for the diversion of funds from military to civil purposes.

But, Mr. President, we in the United States can indicate which road ought to be taken in the immediate future in the follow-on SALT negotiations. And we in the Senate can offer our advice with a note of hope if the Soviets do indeed wish to turn toward strategic stability, or with a note of caution should the Soviets choose to seek strategic dominance.

This, in my mind, is the meaning of the Jackson-Scott proposal.

Mr. President, the history of the U.S. strategic program shows that we are prepared to accept equality in intercontinental strategic forces as an acceptable basis for strategic stability. We have not deployed any new strategic missile launchers since the late 1960's. Some U.S. officials have predicted that once Soviet forces reached levels roughly equivalent to our own, we could proceed with arms control negotiations with some prospect of success in reaching long-term stabilizing agreements. Those negotiations are only partly completed, and it remains to be seen whether those earlier official U.S. prophecies were accurate. I certainly hope that SALT II proves that they were correct.

But, Mr. President, the Senate would be engaging in an abdication of responsibility if it failed to seize the opportunity now before it. The Jackson-Scott proposal makes it plain that strategic inferiority is an unacceptable basis for a permanent strategic relationship between ourselves and the Soviets. A Senate endorsement of the Jackson-Scott amendment will remove all ambiguity as to whether this Nation is prepared to live with a strategic posture that is permanently inferior to that of any other nation.

Mr. President, the Jackson-Scott amendment also asks the Senate to affirm a basic requirement for long-term strategic stability—the survivability of strategic forces. Certainly, there can be no stability if a potential adversary believes that he can acquire the ability to execute a disarming first strike against us. I emphasize the words "can acquire" since, over the long term, we must be concerned less with what that adversary may do today and more concerned with what we think he may be able to do sometime in the future.

If, Mr. President, we were to give any indication that we were less than totally committed to survivable strategic forces, it might be interpreted by some, not as an indication of good faith, but as an open invitation to do the very things which might call the survivability of our deterrent into question. Perhaps the Soviets would be able to resist such a temptation, but I would be loath to trust the security of the United States to their self-restraint.

That is why, Mr. President, it is important for the Senate to reaffirm the stated policy of the United States—and let me quote from the amendment—

> That, were a more complete strategic offensive arms agreement not achieved within the five years of the interim agreement, and were the survivability of the strategic deterrent forces of the United States to be threatened as a result of such failure, this could jeopardize the supreme national interests of the United States.

I supported the treaty on anti-ballistic-missile systems because its terms were unambiguous and its obligations were equal and mutual. The Jackson-Scott amendment asks us to approach a permanent arrangement on offensive strategic arms within the framework of strategic equality. If any future arrangement is to be a long-term one, if it is to be an arrangement which promotes future stability, it must provide for equal limitations on the offensive strategic arsenals of both nations.

Mr. President, the Jackson-Scott amendment embodies crucial policy recommendations vital to reducing the dangers of nuclear war. I urge its adoption by this Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington (Mr. JACKSON), No. 1516, as amended.

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. INOUYE (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from South Dakota (Mr. MCGOVERN). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF) would vote "nay."

On this vote, the Senator from New Hampshire (Mr. MCINTYRE) is paired with the Senator from Massachusetts (Mr. KENNEDY). If present and voting, the Senator from New Hampshire would vote "yea" and the Senator from Massachusetts would vote "nay."

Mr. SCOTT. I announce that the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. MUNDT), is absent because of illness.

I further announce that, if present and voting, the Senator from Nebraska (Mr. CURTIS), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 56, nays 35, as follows:

[No. 431 Leg.]

YEAS—56

Allen	Dole	McGee
Allott	Dominick	Miller
Anderson	Eastland	Montoya
Baker	Edwards	Packwood
Beall	Ervin	Pastore
Bellmon	Fannin	Pearson
Bennett	Fong	Percy
Bentsen	Gambrell	Randolph
Bible	Goldwater	Roth
Boggs	Gurney	Saxbe
Brock	Hansen	Scott
Buckley	Hollings	Sparkman
Byrd, Harry F., Jr.	Hruska	Spong
Byrd, Robert C.	Jackson	Stennis
Cannon	Jordan, N.C.	Stevens
Chiles	Jordan, Idaho	Taft
Cook	Long	Talmadge
Cotton	Magnuson	Thurmond
	McClellan	Young

NAYS—35

Aiken	Hart	Nelson
Bayh	Hartke	Pell
Brooke	Hatfield	Proxmire
Burdick	Hughes	Schweiker
Case	Humphrey	Smith
Church	Javits	Stafford
Cooper	Mansfield	Stevenson
Cranston	Mathias	Symington
Eagleton	Metcalf	Tunney
Fulbright	Mondale	Weicker
Gravel	Moss	Williams
Harris	Muskie	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Inouye, for

NOT VOTING—8

Curtis	McGovern	Ribicoff
Griffin	McIntyre	Tower
Kennedy	Mundt	

So Mr. JACKSON's amendment (No. 1516) as amended, was agreed to.

Mr. ERVIN. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. JACKSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SAXBE. Mr. President, rather than call up my amendment to the SALT interim agreements, I decided to give the President a free hand in future negotiations with the Soviet Union by supporting the language offered by Senator FULBRIGHT. My distinguished colleague is of the opinion, and I agree, that the Jackson amendment is a premature commitment to a policy which can potentially harm future negotiation. We must not get locked into equality of any particular weapons system. Senator JACKSON commits us to equality with Russia in intercontinental strategic weapons without regard to our posture with tactical or forward based systems.

In future SALT agreements, which the Senate will have the opportunity to lend its advise and consent, we must have the benefit of free and fair negotiation of all weapons. We cannot impose a diplomatic Gulf of Tonkin resolution on bilateral disarmament when there is a great possibility that we are standing on the threshold of world peace. A hope which was largely brought about by the diligent efforts of our President, President Nixon.

Senator FULBRIGHT's language provides overall equality and I support his approach. I compliment Senator JACK-

SON on his position that neither side seek superiority in upcoming arms negotiation, but I strongly favor applying this standard to all weapons.

This debate has continued long enough, so I will not take time to underline this statement with pointed statistics. I think it is sufficient to say that we must not prematurely commit the Senate and the President to a policy that would jeopardize future disarmament. Rather the Senate should, at the time the new agreement is accomplished, review its effect on our military posture in a balanced world situation.

Further, we must pursue a prudent research, development, and modernization program geared to producing an adequate, or in the words of the President, a sufficient deterrent. In that mode, the Senate must also proceed with caution as it attempts to preset future negotiation.

However, I have been assured by representatives of the White House that the Jackson amendment would not materially affect their efforts in future negotiation. Therefore, I reluctantly voted for Senator JACKSON'S amendment so we can move this important agreement and other Senate business.

AMENDMENT NO. 1432

Mr. CRANSTON. Mr. President, I call up amendment No. 1432, offered on behalf of the Senator from Ohio (Mr. TAFT) and myself, and ask that it be read.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

At the appropriate place insert:

SEC.—. The Congress hereby commends the President for having successfully concluded agreements with the Soviet Union limiting the production and deployment of antiballistic missiles and certain strategic offensive armaments, and it supports the announced intention of the President to seek further limits on the production and deployment of strategic armaments at future Strategic Arms Limitation Talks. At the same time, the Senate takes cognizance of the fact that agreements to limit the further escalation of the arms race are only preliminary steps, however important, toward the attainment of world stability and national security. The Congress therefore urges the President to seek at the earliest practicable moment Strategic Arms Reduction Talks (SART) with the Soviet Union, the People's Republic of China, and other countries, and simultaneously to work toward reductions in conventional armaments, in order to bring about agreements for mutual decreases in the production and development of weapons of mass destruction so as to eliminate the threat of large-scale devastation and the ever-mounting costs of arms production and weapons modernization, thereby freeing world resources for constructive, peaceful use.

Mr. CRANSTON. Mr. President, this is a very brief amendment and follows other amendments already adopted. I do not propose to take any time. I do not myself request a rollcall vote. The chairman of the committee, the Senator from Arkansas (Mr. FULBRIGHT) said it was acceptable to him. If there are no objections, we can proceed to a voice vote. It was offered on behalf of the Senator from Ohio (Mr. TAFT) and myself. It follows other amendments, and it would read as follows:

At the appropriate place insert:

SEC. —. The Congress hereby commends the President for having successfully concluded agreements with the Soviet Union limiting the production and deployment of anti-ballistic missiles and certain strategic offensive armaments, and it supports the announced intention of the President to seek further limits on the production and deployment of strategic armaments at future Strategic Arms Limitation Talks. At the same time, the Senate takes cognizance of the fact that agreements to limit the further escalation of the arms race are only preliminary steps, however important, toward the attainment of world stability and national security. The Congress therefore urges the President to seek at the earliest practicable moment Strategic Arms Reduction Talks (SART) with the Soviet Union, the People's Republic of China, and other countries, and simultaneously to work toward reductions in conventional armaments, in order to bring about agreements for mutual decreases in the production and development of weapons of mass destruction so as to eliminate the threat of large-scale devastation and the ever-mounting costs of arms production and weapons modernization, thereby freeing world resources for constructive peaceful use.

It is self-explanatory.

Mr. President, together with my distinguished friend and colleague, Senator TAFT, I am offering an amendment designed to emphasize that the SALT agreements are only a first step toward the actual reduction of armaments. Our amendment would attach a section to Senate Joint Resolution 241 commending the President for his progress thus far and urging him to pursue talks leading to a genuine reversal of the arms race. We think that the Senate's discussion of the interim agreement is an appropriate occasion for expressing the importance of this goal.

The distinguished Senator from Washington has pointed out the risks accompanying the interim agreement. We are all aware that there are risks in any arms agreement between nations. But while he has stressed the risks, we want to stress the hopes. We think that the interim agreement opens a long-sought opportunity. Our amendment is designed to highlight this opportunity.

Mr. President, I have often encountered the saying that Americans know the price of everything and the value of nothing. As representatives of tax-paying Americans, we must know the price and the value. The SALT agreements do bear a price tag. That price tag says, "these agreements carry the risk that the Soviets may possibly take advantage of our goodwill to achieve strategic superiority and to threaten our survival as a nation." But the value of the SALT agreements is that we may eventually be able to reduce or even eliminate the horrendous material and psychological costs of the arms race. Our amendment underscores that value.

Mr. President, many Members of this Chamber have devoted considerable time and energy to criticizing or defending various aspects of the SALT agreements. Much controversy remains. But many people seem to have forgotten the basic and overriding goal of arms talks. That goal is not arms limitation, but arms reduction.

Today we have before us an agreement which would help slow down the costly and disastrous arms race. I fully support that agreement. Arms limitation is clearly better than nothing at all. But meanwhile, both sides have made it plain that they are going to push ahead with new weapons programs. Both sides are willing to divert valuable resources away from social programs and other domestic needs. But sides are willing to pour staggering amounts of money into weapons capable of destroying life as we know it many times over.

As I look ahead, I see what looks like endless series of escalators broken only by occasional landings which lead in turn to other escalators. A partial limitation will be followed by a new build-up, which may in turn be limited by a new freeze and superseded by new and sophisticated forms of escalation. And so it will go.

Fortunately, it is the declared policy of the superpowers to prevent the arms race from going much further up the stairs. The preamble of the ABM Treaty, for example, states the intention of the two countries "to achieve at the earliest possible date the cessation of the nuclear arms race and to take effective measures toward reductions in strategic arms, nuclear disarmament, and general and complete disarmament."

What we would like to know is, what is the "earliest possible date"? Worldwide expenditures on armaments already exceed $200 billion a year. How much longer must we wait? Does anyone really believe that feeding the arms race will insure anyone's national security?

Administration spokesmen have consistently linked the SALT talks with further moves toward arms reduction. In his testimony before the Armed Services Committee on June 6, Secretary Laird stated:

We have . . . laid a solid foundation for further arms limitation and potential arms reductions in the future.

At a congressional briefing on June 15, in reply to a question from Congressman HARRINGTON, Mr. Kissinger stated:

It is our intention and conviction that as these talks proceed into other areas that we will be able to bring about a substantial reduction in defense expenditures . . .

And in reply to my able colleague from Illinois, Senator PERCY, Ambassador Smith asserted in Foreign Relations Committee hearings that—

It is possible that we will be able to work out some reductions or rollbacks in the next phase of SALT. The U.S. position for this next phase is now under consideration.

Mr. President, it was not until 1959 that general and complete disarmament became a unanimously adopted goal of all members of the United Nations. Every year since has seen lip-service paid to this shining vision. But 10 years later, just before the General Assembly proclaimed that the 1970's would be named the "Disarmament Decade," Secretary General U Thant warned the world that progress toward disarmament had virtu-

ally come to a standstill. The guidelines drawn up by Soviet and American negotiators in 1962, calling for a balanced reduction of all arms and armed forces under strict and effective international control, have borne very limited fruit.

Meanwhile, costs have continued to race upward. A modern fighter-bomber, for example, costs 10 times the aircraft of a decade ago. Today's sophisticated interceptor aircraft could cost more than $10 million, compared with $150,000 for the corresponding aircraft of World War II. Research and development, which now constitute about 10 percent of the world's expenditures on armaments, lead to one costly weapon after the other. A new weapon leads to a counter-weapon, which in turn inspires a counter-counter weapon. And four-fifths of these expenses are borne by only six countries—the United States, the Soviet Union, France, Great Britain, China, and West Germany.

Speaking to a joint session of Congress on June 1, President Nixon said:

Three fifths of all the people alive in the world today have spent their whole lifetimes under the shadow of a nuclear war which could be touched off by the arms race among the great powers. Last Friday in Moscow we witnessed the beginning of the end of that era which began in 1945. We took the first step toward a new era of mutually agreed restraint and arms limitations between the two principal nuclear powers. With this step we have enhanced the security of both nations. We have begun to check the dangerous and wasteful spiral of nuclear arms . . .

Mr. President, we should record ourselves as a body in favor of strategic arms reduction talks, or SART. The present arms race serves no one's security. Its demise will free billions of dollars for the building of a just and abundant society for all.

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

Mr. CRANSTON. I am delighted to yield to the distinguished Senator from Montana.

Mr. MANSFIELD. Mr. President, it is the understanding of the distinguished acting Republican member of the committee and the Senator from Montana that this is satisfactory to the committee, and the chairman so stated.

Mr. AIKEN. I have heard no objection to this from members of the committee.

Mr. MANSFIELD. Mr. President, if there is no objection, the committee is prepared to accept the Taft-Cranston proposal.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Mr. HOLLINGS was recognized.

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

Mr. HOLLINGS. I am glad to yield to the Senator from West Virginia.

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

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

ORDER FOR YEAS AND NAYS ON S. 750, S. 33, H.R. 15883 AND H.R. 8389

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on S. 750, S. 33, H.R. 15883, and H.R. 8389.

The yeas and nays were ordered.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate continued with the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. HOLLINGS. Mr. President, I do not have an amendment. I have been waiting to talk, and I have tried to be considerate in allowing all amendments to be dispensed with and to get third reading, but apparently they are going to move us along and we have other commitments this evening. I would like to make my statement at this time against the interim agreement.

I voted for the Jackson amendment. I wish the Jackson amendment had the full force and effect of law. But it is only advisory. I realize the interim agreement will be sanctioned by the Senate. I will vote for the Jackson amendment in the hopes of making the best of a bad bargain and putting us on record as demanding a better agreement in future dealings with the Soviet leaders. But I shall vote against the agreement in the final vote. What we are doing now, the Senate having agreed to the Jackson amendment, is to agree that the agreement is a bum agreement. That is what we have said. We have said that we have a bad agreement.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HOLLINGS. We have said that we have a bad agreement. We have said that it encompasses inferiority on the part of the United States compared to the U.S.S.R. The administration has gone along with the Jackson amendment, thereby admitting that the agreement is a bad one. The Joint Chiefs of Staff were not consulted on the particular evening that the agreement was entered into and firmed up. The President's advisers did not see this agreement in time. They were told to go ahead and support the agreement and in turn the administration would support all of their requests. This, in turn, instead of stopping the arms race, continued the arms race. That is what happens, Mr. President, when you get a bad agreement. The President made a bad agreement. But he is so popular, it is like the king who wore no clothes. You want to be known as the President who made the breakthrough, and not many are willing to tell you the reality of the situation, that the breakthrough is no breakthrough at all. In a situation of this kind, instead of being advisory, we should be clear, lucid, and aboveboard, and lay everything on the table, as we did in connection with the ABM agreement.

In antiballistic weaponry we agreed to a 200 missile limitation for the Soviets and 200 ABM's for the United States; 2 sites for the Soviets and 2 sites for the United States, and therein we had an element of equality. That was a good agreement, which would carry forward with it continuing and sustaining validity. Each side was treated alike.

But in the Interim Agreement, we have inequality. Instead of stopping the arms race it accelerates the arms race; instead of promoting trust it promotes distrust.

Any freshman law student could look at it and tell you, Mr. President, that it is unequal; any freshman law student seeking approval of this agreement would be called down by the court under the parole evidence rule.

We hear discussions about controls over ICBM's, submarines, and SLBM's. But I ask, what about superiority in technology and superiority in warheads? Well, they are not controlled in this agreement. We may be sure the Soviets will move forward in all these uncontrolled areas. They told our President so. I quote President Nixon on this—

Mr. Brezhnev made it very clear that he intended to go forward in those categories that were not limited.

So there is no doubt about Soviet intentions—none at all.

Of course, on these judgments and prognostications by the Pentagon that we have superiority and that it can be maintained—that is what they told us about the atom bomb; that is what they told us about the hydrogen bomb; that is what they told us about sputnik; and their ICBM; and their nuclear sub; and their ABM. And each time we looked around and we found they had not only met us, but they had surpassed us.

Let us proceed on the basis of equality in our agreements. With respect to ICBM's, let us put those in the agreement and have equality in and of itself contained in the agreement. Then when we get to warheads, technology, and other items of armament, they should similarly be agreed to on the basis of equality, because therein is the way we build trust rather than distrust; therein do we begin to disarm rather than arm.

I voted to ratify the ABM Treaty on the basis of equality. But support it had had an element of inequality in it. I am sure we would have had three bills in here from the administration to start building ABM's. The American public would have demanded it. But instead we had equality, and we agreed to the Treaty and confirmed it.

I voted for the President on the Treaty, but I will vote against him on this agreement because careful study has con-

vinced me that this pact accords military superiority, perhaps irreversible military superiority, to the Soviets. I cannot be a party to approving Soviet military superiority over the United States.

It is very difficult to narrow the debate to the fundamentals. Let me try to clear the air by saying what I agree with. I commend the President for going to Moscow.

I commend his sincerity and dedication in trying to achieve an arms reduction agreement. I commend the dedication and hard work of our SALT team.

I visited in Helsinki. I have been in the presence of our SALT team with the distinguished majority leader, and I can go into colloquy about what the discussions were about and what they say and do not say. One of the things that concerned us all was: Do not do anything with respect to the defense of the United States at home in Washington on the basis of hoping to better an agreement or to bring about SALT talks or anything else. Rather, when it comes to national defense, consider that solely on its own merits. Do not use it as a pawn or chip in bargaining agreements. The Soviets approach national security in that vein, and that is how we should. We should never say we should have an ABM or not have. That is not the way to approach it. I was very much impressed about that, because I heard the majority of Senators say we had to vote against the ABM or there would never be a SALT treaty.

Mr. President, I do not hate the Russians. They were our allies in World War II, and there is no reason why we cannot live at peace with one another. But I do not trust them, and I know that they do not trust us. Perhaps we will someday move down the road to the spirit of cooperation that we had during World War II, but that day has not yet arrived.

The President's mission to Moscow to obtain an arms agreement was fraught with many problems. First was the problem of obtaining an agreement for any kind of limitation with the Soviets. Fundamental to an agreement was the desire to stop the arms race. And then there was the problem of posture—the United States having built and developed, was idling its defense engine while the Soviets were willingly gearing up their defense motor for all it was worth.

No agreement, no pact, no treaty, can long endure unless it is in the interests of both sides to make it endure. In formulating an agreement, mutuality of advantage must be inherent and apparent to both parties. In the limitation of arms, any lasting agreement has to be based foursquare on the principles of parity and rough equality—not on signing away that very parity without which there can be no permanence. The ABM Treaty, as I have said, conforms to these principles.

But the Interim Agreement on Offensive Arms is a horse of another color. The President walked out on sound negotiating principles, and the result is an unequal agreement that could guarantee inferiority in 5 years and a permanent second-place status for our country thereafter. There is no use in either side relying on an unfair agreement. Fairness must go to every facet—not just numbers, but to deployment, deliverability, and a particular nation's overall arsenal. Fundamental to an arms agreement is knowing where we are before we set out on a new and potentially dangerous course. And in finding out where we are, the disposition, demeanor, intent, and endeavor of the two nations is even more important than weapons inventory.

The intent of the Soviets is obvious. They are going for superiority. No equality or parity for them. While many Senators speak in hushed and embarrassed tones about not offending the Soviets by insisting on equality or parity, the Soviets build as fast as they can toward strategic superiority. The interim agreement represents for them a milestone on the way to first place among the nations of the world. Ten years ago, the Soviets probably never dreamed they would be in the position they find themselves today. Most likely they would have jumped at the chance to achieve equality with the United States. But in the intervening years, we plodded slowly along—while the Russians spurted ahead as fast as they could possibly move. Not only did the opportunity to achieve equality come to pass, but now the way looks open for the Soviets to go for outright superiority.

Apparent on the face of Soviet leadership, then, is the intent to be No. 1, while apparent on the face of the United States is fatigue and disenchantment—a determination "not to study war no more"—an emphasis on laying down their arms as if this would cause others to lay down their arms. This cutting back would be salutary if it were mutual—were it not for the Soviets' relentless digging of silos, launching of submarines, and beefing up of their missiles. Our fatigue and disenchantment are understandable after all we have been through in the past 30 years—understandable, but also unacceptable. While it is true that communism conflicts with communism in the Far East, the dominant force is still communism. Our rivals still seek influencee in the Middle East, the Indian Ocean, Africa, and Latin America. There is still the attempt to use Cuba as a central base for Communist aggression throughout the Western Hemisphere. I wonder, Mr. President, if we would still be able to compel the Russians to pull missiles out of Cuba, as President Kennedy compelled Mr. Khrushchev 10 years ago, given the new power relationships between the United States and the Soviet Union. I am afraid that we would find our clout already much diminished—not to mention the situation which would grow out of the interim agreement.

Let us look for a moment at the President's agreement. This is what it does:

	United States	*U.S.S.R.*
ICBM's	1,054	1,618
Ballistic missile submarines	44	62
SLBM launch tubes	710	950
Heavy ICBM's	0	313

In ICBM's, the United States is stuck with the same number—1,054—that we have had for the past half-decade. While we have not been adding to our deployment of ICBM's, the Soviets have been building up their arsenal at the rate of 250 per annum. On and beneath the seas, we are similarly outclassed. Here is one area—nuclear-powered, missile-carrying submarines—where the United States had all the advantages not so many years ago. We had a monopoly. This, too, we are now frittering away. It is not because the Soviets can out-produce us. It is not a question of productivity—it is a question of priority and of will. While the Soviets go ahead with eight to 10 submarines a year—we add none. And when we come to the so-called "heavy" ICBM's, we deny ourselves and promise not to develop them, while at the same time we sanction the Soviets having up to 313 of these monster weapons. As a result of all these disparities, the Soviet Union is being accorded a 400-percent advantage in "throw-weight"—the weight of weaponry a missile can fire—its payload.

In short, what this agreement does is confer the mantle of military superiority on the Soviet Union.

I have heard the arguments to the contrary. I have heard, for instance, that because the United States is ahead in MIRV technology, we have nothing to fear from the 4-to-1 advantage in throw-weight held by the Soviets. But if the Soviets can master MIRV, they will be able to fit many times the number of warheads on each of their missiles than we can on each of ours, because theirs are larger. The Soviet Union is making rapid strides in MIRV technology. In all probability, they are more advanced than our experts believe. The Soviet scientists and technicians have confounded our guesses before as I noted earlier. We never anticipated how quickly they could move, from their first atom bomb to their latest ICBM. In 1965, Secretary McNamara assured us that the Soviets had no intention of trying to compete on a quantitative basis with the United States in strategic arms. But the Soviet buildup continued. Then it was said that maybe they would go for parity on ICBM's after all, but surely not on submarine-launched missiles. In light of all these wrong guesses, I am a little reluctant to stake our future on Pentagon estimates of enemy intentions. The Pentagon track record leaves much to be desired.

Soviet technology will respect no piece of paper, no Presidential signature, no instrument of congressional approval. We are handing the Soviets 5 years and daring them to make the most of that time. Based on past performance, I am sure they will.

I have heard the other arguments, too. We have the edge in bombers and "forward-based systems," it is said. Therefore, even though we are giving up equality in strategic missiles, we still have overall parity when we consider the totality of the American striking force. This is perhaps the most dangerous argument of all. An agreement is supposed to cover what is agreed upon—no more, no less. If we are making a treaty on ABM's, let us talk ABM's. When we talk strategic missiles, let us talk strategic missiles. When we talk bombers,

let us talk bombers. We did this on the ABM Treaty. But when we approached offensive weaponry, we tried to balance off the obvious missile advantage accorded the Soviets with items not covered in the agreement. And when some of us exclaimed at the obvious disadvantage to the United States in the numbers of missiles and submarines allowed us under the Interim Agreement, the administration told us not to worry—we have MIRV, we have more warheads, we have bombers, we have forward-based systems. But these superiorities are not a part of the contract. They are not frozen. They are not guaranteed. All the Soviets need do is equal or excel us in these other categories, and any temporary advantage of the Intereim Agreement becomes the permanent disadvantage.

The Soviets—again I emphasize to some of my colleagues—will move forward on all these fronts. They have told the President so.

The attempt to recoup parity by a comparison of things not covered in the agreement is fatal.

This is a time to ask, at this particular point, what is going to happen when we go to negotiate an agreement on what is not covered, on what is left out. Let us assume that you and I headed up the SALT team, and we had to make the next agreement. We are going to have to insist on the advantage in items not covered by the agreement. We would have to say, "Oh, no, we have got to have the superiority there, because you had a superiority in the Interim Agreement that was agreed upon, or else we will have to breach the original agreement, to eliminate the disadvantage."

That freshman law student I spoke of earlier would know better. He would know that if he attempted to prove his contract by things not covered in the contract, any judge would immediately stop the introduction of such evidence. If he attempted to provide valuable consideration for the contract not included in the terms of the contract, the judge would also bar this. Now is the time for the Senate to call the administration on this.

With regard to our weapons in Europe, I would also point out that although they are not covered in the interim agreement, neither are Soviet medium-range bombers—some 700 of them—capable of being used against our European installations and even, in certain contingencies, against the home soil of the United States. And I also mention, Mr. President, that our forward-based systems in Europe are there largely as a response to Soviet intermediate-range ballistic missiles. Our forward-based systems may be exempt from the agreement—but so are all those Soviet weapons.

Another argument making the rounds is, "Well, yes, the Russians are allowed more nuclear submarines under this pact, but because of differences in geography and basing, they require three submarines for every two of ours in order to keep an equal number on station." This argument is as ludicrous as the others. What is there to keep the Soviets from changing their system of submarine support? Why could they not supply them from ocean-going tenders, thereby eliminating the need for long voyages back to remote Soviet ports?

I wish those people who make this argument would come to my hometown of Charleston, and go out in the harbor, and look at the Soviet fishing fleet. That fishing fleet is supported by ocean-going tenders. If the Soviets can do that for their fishing fleet, they can do it for their most important weaponry, I am sure.

In addition, we might ponder the possibility of further attempts to use Cuba or some new Western Hemisphere bastion as a base for operations against the United States.

Mr. President, there is one other element that must go into the computer of disarmament negotiations. That is the possibility of a first strike against the United States. On December 6, 1941, the United States had the most powerful navy in the world. But by the afternoon of December 7, most of that Navy had been wiped out by surprise attack. At Pearl Harbor, the United States had naval and airpower superiority over the Japanese who made the attack; anyone would have agreed to that. But the lesser and weaker force in quality and quantity prevailed—due to the element of surprise, of first strike.

We have to consider that. People say, "That is fanciful." Mr. President, it is not fanciful. Pearl Harbor was a problem in our history. It always invited attack, as we all know now. We must not be caught again.

We get, then, to the element of the intermediate-range missiles. The fact that we have 7,000 nuclear warheads in Europe sounds impressive—until we stop to realize that they could all be wiped out by a fraction of that number of enemy missiles in a surprise attack. Similarly, we can crow about our warhead superiority with the Poseidon. But while we have 16 missiles on one nuclear-powered submarine, with, say, 10 warheads each, the Soviets do not count that as 160 targets—they count it as one target. We must face the future realizing that what is important is not the number of warheads we have now. That is the regrettable illogic of those who shout "overkill." The theorists of overkill argue that we have many times the number of warheads needed to kill every man, woman, and child in the world. But the only way that theory would hold water would be if the United States struck first. Because after an enemy attack on us, the overkill will no longer exist. What is vital is not the number we have now, but the number we expect to survive and have available for retaliatory purposes. We should not base any agreement on the simple trust that the other side will never launch a surprise attack. History should have taught us that lesson.

Mr. President, the negotiating posture of the United States has changed completely over the past 3 years. The administration has abandoned the initial strategy with which it entered into the talks. When SALT was about to begin in 1969, the idea was to stabilize force levels as they then existed. That would have meant an advantage for the United States. But the administration changed signals the following year. With its August 4, 1970, proposal, it shifted to a posture of asking equality in offensive force levels. And when the ink dried in Moscow in May of this year, we found that the administration had abandoned that strategy, too, and settled for inferiority in strategic offensive missiles. So the final result bears no resemblance to what was originally sought. In the zeal to get an agreement, we abandoned prudent strategy. We have been duped by an overanxiousness to agree. I remember James F. Byrnes talking about this years ago. He warned that there is too much of a propensity for free world negotiators to give weight to the fact that an agreement—any agreement—is reached. Regardless of terms, Byrnes said, these negotiators have the feeling that, when you agree with the Soviets, this in and of itself is an accomplishment.

This does not mean it is impossible ever to agree with the Soviets. Nor does it say, as some have said, that we are a nation harboring toward the Soviet Union an habitual hatred which has made us the slaves of our own animosity. Simply put, we do not hate anyone. We have just learned that there is no education in the second kick of a mule. We do not hate the mule—we just do not want to be caught prancing around its rear end. Yet, that is exactly what we are doing if we vote to confirm the interim agreement.

The unequal approach of the interim agreement assumes Soviet incapability and it assumes Soviet lack of desire to develop technologically. These assumptions fly in the teeth of fact. The fact is that at the present time, on all fronts, the Soviets are pushing ahead with maximum effort. Rather than limit development, they are racing forward with every development imaginable.

While our shipyards stand idle, the submarines continue to pour out of Soviet yards.

While the United States palavers over the utility of aircraft carriers, the Soviets continue on with the construction of theirs.

While we hold the number of missiles in our silos to the present deployment, the Soviets work overtime to triple their deployment of sophisticated missiles in spanking-new silos.

While the United States fusses and fumes between choosing to build an airplane or a helicopter or a tank, the Soviets lurch ahead on all these fronts.

While we twiddle our thumbs over lasers and research and development, the Soviets invest many times more effort in military-related research.

And while we debate the so-called arms race here in this country, it is really the race of the tortoise and the hare—with the Soviet tortoise moving relentlessly ahead.

We need to do more. We must forge ahead with Trident, and update the Navy. We must build new flexibility and strength into our Armed Forces. We must invest more in research and development. In the one area where America was always ahead and always proud—innovation and invention—we have fallen

behind. The fact is that while we expend 20 percent of our defense budget on research and development, the Soviets expend 60 percent of theirs. And each of their R. & D. dollars goes farther in materials and hardware, because of the lower labor costs borne by the Soviet dictators. It is clear to me, Mr. President, that we must go forward with a program of military preparedness that will make us second to none.

Instead, in the rush of debate, we say, "Forget about what the other side does. Forget about it. With this, our security is bought and paid for."

I have never been one of those who says "Give the Pentagon everything it asks for." There is waste and mismanagement aplenty in our military programs. I know that as well as anybody knows it. There are many places where we can cut the fat out of the military budget. I have supported some of the Fulbright amendments to curb waste and extravagance. But let us not cut the muscle out, too.

If we could forget about the volunteer Army, we could save billions of dollars. And we could better live up to the maxim of John F. Kennedy, "Ask not what your country can do for you. Ask what you can do for your country."

I am for putting an end to spending millions of dollars producing a dozen different films for servicemen on how to brush their teeth. BARRY GOLDWATER, JR., brought this to light. Much more importantly, I am for cutting back that hostage army we keep stationed in Europe when there is no longer need for it. How long is it going to take us to realize the wisdom of General Eisenhower's advice, and the late Richard Russell's, that one division in Europe can show the American flag and prove the American commitment as well as can 535,000 American citizens. We could be channeling the overwhelming portion of that $19 billion extravagance into activities which would produce real security for the Nation.

And how much we could have saved had the war in Vietnam been fought like a war—had we fought like we meant it in the first place, won the battle, and then come home. Instead, for 10 years we have been pouring in blood and treasure with little positive result—and we continue doing so even today.

In many ways, then, we can make economies which allow us to go forward on the really important fronts. We can put our defense dollars where they will do the maximum good and give the maximum return. It will still be costly. It will still be difficult. But who ever said that liberty came cheap? The great Calhoun said it on the Senate floor:

> Those who would enjoy the blessings of liberty must undergo the hardships of sustaining it.

Mr. President, the agreement before us falls dismally short on every count. That it would issue from a President who throughout his career has emphasized the necessity to negotiate from strength rather than weakness is nothing short of amazing to me. For years, President Nixon warned against dissipating our advantages, against relinquishing our superiority, and charged that even parity would be damaging to the United States. Here is Mr. Nixon, speaking in the campaign of 1968:

> If we allow our superior strength to become second best—if we let those who threaten world peace outpace us—in time we will generate tensions which could lead to war, first, by our display of physical weakness and flabby will, and second, by tempting an aggressor to take risks that would compel us to respond.
>
> I stress that point, because soon after our Eisenhower team left office, the new Administration reached a grave misjudgment. The idea was, if America kept up her numerical superiority, if we also stayed ahead in new weapons, we would provoke the communist leaders, and this would dash our hopes for friendly relations and peace.
>
> Apparently these planners had persuaded themselves they could quickly reconcile their differences with the communist world. The Soviets, they reasoned, had tired of trouble abroad; they had troubles at home; they had lost their expansionist fervor; they had become defensiveminded.
>
> It was concluded that, by marking time in our own defense program, we could induce the communists to follow our example, slacken their own effort, and then we would have peace in our time.
>
> Such were the dreams that crimped our national defense program. Out of it all evolved a peculiar, unprecented doctrine called 'parity.' This meant America would no longer try to be first. We would only stay even.
>
> This concept has done us incalculable damage.

Now, the President comes before us, foregoing not only superiority—but parity, too—and asks us to settle instead for inferiority.

Mr. President, I find an agreement deficient when the very delegation charged with the responsibility for negotiating it warns—as the SALT delegation warned on May 9—that if "an agreement providing for more complete strategic offensive arms limitations were not achieved within 5 years, U.S. supreme interests could be jeopardized" and that the United States would then have to withdraw from the agreements. I do not care to play that kind of jeopardy for 5 years, only to find that we have by then fallen permanently behind.

The Secretary of Defense has warned too that unless we go forward and build, then the agreement could jeopardize national security.

That is no way to do business. That is no way to build trust. That is no way to stop an arms race. That is the way to start one, in my opinion.

I find an agreement concerning our military posture deficient when our best military advice is ignored during the negotiating process. The Joint Chiefs of Staff were not even shown the agreement prior to the President's agreeing to it. Their dismay at the terms of the agreement is obvious. In fact, their public position is one of disapproval unless we increase our strategic power to equal that of the Soviets. I repeat, Mr. President, that instead of stopping the arms race—as was originally intended—this one-sided agreement with the Soviets triggers an arms race.

Mr. President, I shall vote to reject the agreement. It brings no equality. It offers no guarantees of a more secure world. It brings us not an inch closer to the meaningful reduction in armaments that Americans sincerely desire. Instead, it offers inequality, inferiority, and instability. It is the wrong agreement for all the wrong reasons. We will best serve the cause of peace today by withholding approval of the interim agreement—and then by going forward with a policy and a program which can bring the day of meaningful arms limitations closer to reality.

AMENDMENT NO. 1435

Mr. BROOKE. Mr. President, I call up my amendment No. 1435; and I ask to modify it so that the first line, instead of reading "At the end of the amendment, add the following," will read, "At the end of the bill, add the following."

The PRESIDING OFFICER. The amendment is so modified.

The amendment will be stated, as modified.

The second assistant legislative clerk proceeded to read the amendment, as modified.

Mr. BROOKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment, as modified, will be printed in the RECORD.

The amendment, as modified, is as follows:

> At the end of the bill, add the following: "Pursuant to paragraph six of the Declaration of Principles of Nixon and Brezhnev on May 29, 1972, which states that the United States and the Union of Soviet Socialist Republics: 'will continue to make special efforts to limit strategic armaments. Whenever possible, they will conclude concrete agreements aimed at achieving these purposes'; Congress considers that the success of the interim agreement and the attainment of more permanent and comprehensive agreements are dependent upon the preservation of longstanding United States policy that neither the Soviet Union nor the United States should seek unilateral advantage by developing counterforce weapons which might be construed as having a first strike potential."

Mr. BROOKE. Mr. President, I ask unanimous consent that the name of the distinguished Senator from New Hampshire (Mr. MCINTYRE), the chairman of the Subcommittee on Research and Development of the Committee on Armed Services, be added as a cosponsor of the amendment.

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

Mr. BROOKE. Mr. President, this is a very simple amendment which merely would add what the President of the United States has said time and time again, that we, the United States, are not seeking a first-strike capability. This amendment would call upon not only the United States of America, but the Soviet Union as well not to seek a first-strike capability.

The whole future of the SALT talks—of the agreements—is based upon mutual deterrence; and if either the United States or the Soviet Union were to seek a first-strike capability, then of course there would not be mutual deterrence,

and we could not get on with the successful SALT talks and bring about any agreement.

That is the simple amendment. I have a long speech on it, but that is what it would do, and I present it to the distinguished chairman of the Committee on Foreign Relations for possible acceptance by him.

Mr. FULBRIGHT. Mr. President, I, personally, am in favor of the amendment. I think it is consistent with the President's policy, and it is consistent with the declaration of principle. I am prepared to accept this amendment and take it to conference. I think it would be accepted there.

Mr. ALLOTT. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. ALLOTT. 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. ALLOTT. 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. ALLOTT. I yield myself such time as I may use.

Mr. President, I have carefully considered and studied the amendment of the distinguished Senator from Massachusetts, and I also have discussed it with many persons.

Even though the chairman of the Committee on Foreign Relations has said that he sees no objection to accepting this amendment, I believe that the amendment could wreak havoc upon the position of the United States. I must say that I do not ascribe any such motivation to the Senator from Massachusetts, because I know that he offers this amendment in the best of faith, believing that he is offering an improvement to the bill. But I believe several points should be made about the amendment.

The only real modification in the amendment is, first, to make it conform to the present situation and, second, changing in line 1 the word "amendment" to the word "bill." Otherwise, the effect of the amendment is the same.

The real gist of the difficulty in this amendment, as it occurs to me, lies on page 2 of the amendment. The amendment reads:

> . . . nor the United States should seek unilateral advantage by developing counterforce weapons which might be construed as having a first-strike potential.

The question here comes: What does the word "construed" mean? By whom is it going to be construed? Does this mean that the Soviet Union can construe it as a counterforce weapon with a first-strike potential and we would thus be limited?

The fact is, the construction of this term leaves the whole situation wide open. Does the United States Senate unilaterally construe it this way? Does the House of Representatives unilaterally construe it this way? Does either Armed Services Committee of the House and Senate construe it that way? Does it put the section into effect if the United Nations, in its present haphazard and often incomprehensible orientation, decides that some development of ours constitutes a counterforce weapon with a first-strike potential? Does that bring the amendment into effect?

I think that the first part of the amendment, with its well expressed intentions, expresses all the aims, that we would like to see disarmament in the world. We would like to see both these countries make special efforts to limit strategic armaments, but it seems to me that this amendment as it is now constituted is too vague, really, to be capably interpreted by anyone.

Second, I should like to make this point, that if the counterforce potential of a United States weapons development program is to be construed by the Soviets—and there is nothing in here which says that the Soviets shall not so construe it—this would, in effect, give the Soviet Union a veto power over United States weapons development programs.

Now I do not think that any of us can believe that the weapons systems of this country are going to remain absolutely static. It is taken as an assumption, and a correct one, I hope, that we will improve, each of our particular weapons systems. But it is clearly unacceptable to take an amendment whose construction, as this amendment does, is open to the Soviet Union as well as to the United States or even to the Warsaw Pact.

The third point I should like to make with respect to this question is on what weapons we choose to develop.

I note the word "developing" used in the amendment. It should not be decided by an amendment of this nature without consideration of the whole machinery of government. It should be, first of all, considered at the executive level no matter who the President is. Then whether it is included in the budget is one facet of the question.

Then, second, of course, it should be studied and a decision made in the Department of Defense. It should then be made by the appropriate Armed Services Committees of the two Houses and then, finally, of course, it would come through the appropriations process where it would be again considered as to whether it was appropriate to develop a particular system or a particular weapon, or to refine a particular system or to refine a particular weapon.

The amendment appears to relate especially to a deleted budget request for $20 million for warhead development. There is an existing process for making such procurement decisions, to which I have already referred. It is that process which I cannot believe this Congress, this Senate, at this late date, at this late hour, would seek to circumvent in any way, such as this amendment really would do. The amendment is so vague it might, for example, be considered to limit any economies or cost-saving improvements to existing U.S. weapons systems, especially since the word "construed" is as wide open to interpretation as it is in this amendment.

We might decide, for example, to develop a force of smaller but more accurate weapons and to have fewer of them. This would certainly be a step in the direction I am sure the distinguished Senator from Massachusetts would approve of, yet it might easily be said by some, especially with the construction of this language, that such a move by the United States—which should be more economical and which would save the taxpayers money and could even probably result in fewer missile systems—could be construed as developing a counterforce, as having a first-strike potential, because it had high accuracy.

Mr. JACKSON. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. I yield.

Mr. JACKSON. I want to associate myself with the remarks of the able Senator from Colorado. I must say that my concern is similar to that expressed by my good friend from Colorado.

I respect completely what the distinguished Senator from Massachusetts (Mr. BROOKE) is trying to to, but I do not think we can do it this way. The problem, of course, rests largely in what constitutes counterforce weapons. This is very difficult to define. If we are going to adopt the term, it could be construed as saying that the Soviet Union now has, and has had for quite some time, counterforce weapons. After all they have 313 SS–9's, with 288 of them having a potential yield of 25 megatons and the remainder having a potential yield of 50 megatons.

I would hope that the amendment in its present form would not be agreed to.

Mr. President, I reserve the remainder of my time.

Mr. ALLOTT. I thank the Senator very much, but I would like to say to him it seems to me the same concept applies to the interpretation of the term first strike. Any intercontinental missile could be a first strike weapon and there is no way of avoiding it. How are we to know whether this is a first strike weapon or not?

Mr. BROOKE. Mr. President, does that mean any intercontinental missile has a first strike potential? He did not mean that, did he? Certainly he does not mean that, does he?

Mr. ALLOTT. The Senator is asking me a question and I should like to respond. I mean just exactly that. Any intercontinental missile of the sort possessed by the United States and the U.S.S.R., if possessed in great quantities, could be considered a first strike force.

Mr. BROOKE. Any intercontinental missile, even though it does not have the power to knock out the——

Mr. ALLOTT. I did not say an indidual missile.

I am talking about a missile system that we have in existence both in this country and in Russia today.

Mr. BROOKE. Mr. President, we have a first-strike force? I had never heard that before. If we do, we are in very serious trouble. That just is not a fact.

Mr. ALLOTT. Mr. President I stand by my position.

Mr. BROOKE. Where does the Senator see a first-strike capability?

Mr. ALLOTT. The Senator asked me

a question. Let me answer the question. I do not want to be misinterpreted. I have not said that one Minuteman Missile, for example, constitutes a first-strike force. Neither do I believe that one Soviet SS–9 or one SS–11, constitutes a first-strike force. But certainly any group of missiles, if there are enough of them, could be considered as a first-strike force.

Mr. BROOKE. Then I misunderstand a first-strike force.

Mr. ALLOTT. It is a question of numbers and a question of accuracy.

Mr. BROOKE. It does not matter how many numbers there are. If we do not have the capability of knocking out the enemy's capability to retaliate, then it is not a first-strike capability. It is a not first-strike weapon. That is how I understand and how I have always understood it to be.

Mr. ALLOTT. Mr. President, would the Senator consider the SS–11 to have a first-strike capability?

Mr. BROOKE. Mr. President, if it can knock out our Minuteman forces in the silos so that those missiles could not fire in retaliation, it is a first-strike force. Yes, I think it would have a first-strike capability. That is the scientific and technological definition of first-strike capability. I cannot believe that we are going to argue that we have a first-strike capability. The President has been telling us that we do not have it, if we do.

All the time we are calling upon the Soviet Union not to seek a first-strike capability. The whole success of the SALT talks is dependent upon a nuclear deterrent. If we have a first-strike capability and the Soviet Union has a first-strike capability, I cannot understand why the Senator can object to this amendment. That is exactly what all of this has been all about. That is what we have been saying all the time.

If the Senator thinks the word "construed" gives him problems, I would be perfectly willing to change the word "construed" so as to have it read, "* * * by developing counterforce weapons which might have a first-strike capability."

I am not hung up on the word "construed" as to who is going to construe it and who is not going to construe it. I do not see any problem in that. The Soviet Union would construe it and the United States would construe it.

Mr. ALLOTT. Mr. President, is the Senator talking on his own time?

The PRESIDING OFFICER. The time is charged to the Senator from Colorado.

Mr. ALLOTT. Mr. President, let us have a fine, mutual understanding that when we talk after this we talk on our own time.

The whole thing depends, I think, upon the weapons and numbers and their accuracy and yield. However, changing the word "construed" to "have" does not lessen the impact of the amendment, because someone has still to determine what counterforce weapons are. We would have an argument on what counterforce weapons are and what first-strike potential is. And even if the Senator puts the word "have" in there instead of the word "construed" we will still leave it in the end wide open as to who will make the decision.

Mr. BROOKE. Mr. President, may I ask a question of the distinguished Senator?

Mr. ALLOTT. On the Senator's time.

Mr. BROOKE. On my time. The United States would make the decision as to whether the Soviet Union was developing counterforce weapons which might have a first-strike capability. The Soviet Union would make a determination as to whether the United States was developing counterforce weapons which might have a first-strike capability.

That is exactly what we are talking about in the agreement.

Mr. ALLOTT. Does the Senator believe that the SS–9 is a first-strike weapon?

Mr. BROOKE. It would depend. The SS–9——

Mr. ALLOTT. I mean, if utilized.

Mr. BROOKE. As of now, I do not believe the SS–9 has a first-strike capability, no.

Mr. ALLOTT. The Senator says no?

Mr. BROOKE. The Senator is correct. I do not believe it has.

Mr. ALLOTT. If the SS–9 is developed about lines that we believe they are developing, would he then believe that it had a first-strike capability?

Mr. BROOKE. If it is developed. I think the SS–9 is probably capable of being developed into a first-strike capability.

I think we have weapons that could be developed into first-strike capability. That is what we are trying to do. We are trying to avoid either side developing their weapons into a first-strike capability.

Mr. ALLOTT. Would 10,000 of them constitute a first-strike capability?

Mr. BROOKE. I do not think it goes to numbers. I do not think we should play a numbers game. We are back on the other amendment now. What this amendment would do would be to keep either side from developing first-strike capability.

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

Mr. BROOKE. I yield.

Mr. PASTORE. Mr. President, I agree with the spirit of the amendment. And I think I know what the Senator from Massachusetts is trying to achieve, and I congratulate him for it, because as I have said here time and time again, the name of the game is deterrence. And in the event of nuclear war or thermonuclear war, neither side is going to win and we stand the possibility of annihilating all of civilization.

I was wondering if we should not confine ourselves to a matter of principle. I am merely thinking out loud. Would the Senator consider modifying the second part of his amendment to provide:

> . . . United States policy that neither the Soviet Union nor the United States should seek unilateral advantage by developing a first-strike capability.

Why does the Senator not phrase it that way rather than getting into counterforce weapons? Anyone involved will have to make his own construction of that.

What the Senator is trying to say is to let either side get mad at each other and they will develop a first-strike capability, which would mean that we are all going to die.

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

Mr. ALLOTT. Mr. President, I yield to the Senator for a question. However, I will yield time to the Senator from Washington.

Mr. PASTORE. Mr. President, I could yield on my own time.

If we begin to talk about SS–9's and the Trident and a lot of these things, I think we will get lost in a maze on the quality of weapons which I think is wrong.

Mr. BROOKE. Mr. President, I quite agree with my distinguished colleague.

Mr. PASTORE. Does the Senator mind using the words I have suggested? "* * * by developing counterforce weapons" is something that I do not know the meaning of. And I do not think that anyone knows what that means.

Mr. BROOKE. May I ask a question as to counterforce weapons?

Mr. PASTORE. Yes.

Mr. BROOKE. There has been not only some talks, but there has also been some money voted by the House for the development of a counterforce weapon which has the potential of a first-strike capability. And that money has been deleted from the conference, according to my understanding. So there is no money for the development of this counterforce weapon. And when it was in there, I observed that we might be spending money to develop a counterforce weapon which the Russians could construe and understand as having a first-strike capability and jeopardize the SALT talks.

Mr. PASTORE. The idea is that neither the United States nor the Soviet Union shall seek unilateral advantage.

Mr. JACKSON. Mr. President, will the Senator yield on my time?

Mr. ALLOTT. I yield to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. ALLOTT. I yielded to the Senator for a question.

Mr. JACKSON. I was merely responding to the Senator's question.

The PRESIDING OFFICER. The Senator from Massachusetts was yielding on his own time.

Mr. JACKSON. Mr. President, I ask unanimous consent that I may proceed for a couple of minutes on my time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Massachusetts is recognized.

ORDER FOR LIMITATION OF DEBATE ON S. 632, THE LAND-USE BILL

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Massachusetts yield on my time without losing his right to the floor?

Mr. BROOKE. I yield.

Mr. ROBERT C. BYRD. Mr. President, I yield myself 2 minutes.

I ask unanimous consent that at such time as S. 632, the so-called land-use bill, is called up and made the pending business there be a limitation of 1 hour, to be equally divided between the Senator from Washington (Mr. JACKSON) and the Senator from Colorado (Mr. ALLOTT), of his designee; and that time on any amendment thereto be limited to 30 minutes, to be divided between the mover of such amendment and the Senator from Washington (Mr. JACKSON); and that the time on any amendment to an amendment, or an amendment in the second degree, be limited to 20 minutes, to be equally divided between the mover of the amendment in the second degree and the mover of the amendment in the first degree, or if the mover of the amendment in the first degree favors such, the time in opposition thereto be under the control of the majority leader or his designee; and that the time on any debatable motion or appeal be limited to 20 minutes, to be under the control of the mover of such and the manager of the bill, provided that if the manager of the bill is in favor of such the time in opposition thereto be under the control of the majority leader or his designee.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS ON SATURDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Saturday, after the two leaders have been recognized under the standing order, and following the conclusion of morning business, the following bills be considered in the order stated:

S. 750, S. 33, H.R. 15883, and H.R. 8389.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate continued with the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. JACKSON. I would hope the Senator from Massachusetts would take the suggested amendment to his amendment. The problem is what is meant by the term "counterforce." Obviously, a weapon by itself has no counterforce capability until the number of them reaches a certain level.

It seems to me that the amendment suggested by the Senator from Rhode Island is one that we can accept.

I want to compliment the Senator from Massachusetts for his deep interest in this question and to commend the Senator from Rhode Island for coming into the breach with what I think is a sensible recommendation for a solution. I would hope that the Senator from Masachusetts would accept it.

Mr. ALLOTT. Mr. President, will the Senator from Massachusetts yield for a question on my time?

Mr. BROOKE. I yield.

Mr. ALLOTT. I wonder what the Senator's reaction is. It occurs to me that the Senator from Rhode Island has offered a valid suggestion. In my opinion, it constitutes what the Senator from Massachusetts is striving for in his amendment. I think we would resolve in just a few minutes a difficult question which otherwise we could argue for hours. May I ask the Senator from Massachusetts if he would be willing to do this?

Mr. BROOKE. I certainly want to get at it. I think it is most important. I think that the Senator from Colorado would agree that the success of the SALT talks is paramount. We are moving in the right direction. I cannot see how we can possibly be fearful of saying that both sides—not only the United States, but both sides—that neither side should be seeking a first-strike capability. To me, that is most important when we are trying to build a climate for negotiation. That is what I had in mind by seeking to prevent the development of a counterforce weapon which might be construed as having a first strike capability.

Mr. PASTORE. Does not the word "potential" do exactly that? In other words, if the Senator accepted my suggestion and did not use the words "first strike capability," but "first strike potential"——

Mr. BROOKE. And not use "counterforce"——

Mr. PASTORE. No. On line 3:

> Long standing United States policy that neither the Soviet Union nor the United States shall seek unilateral advantage and by developing a first strike potential.

Mr. ALLOTT. And by developing——

Mr. PASTORE. I could leave out the word "and."

Mr. BROOKE. "By developing"——

Mr. PASTORE. In other words, I do not want a unilateral advantage, and I do not want a first-strike potential. I want to give the Senator the benefit of both of them. That is why I used both words.

Mr. ALLOTT. Why not make it double-riveted?

Mr. PASTORE. "And/or"—or leave both of them out. I do not care about that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BROOKE. Mr. President, I ask unanimous consent to modify my amendment No. 1435, on page 2, line 5, by deleting the following words: "counterforce weapons which might be construed as having" so that the amendment would read, starting on line 1 of page 2: "the attainment of more permanent and comprehensive agreements are dependent upon the preservation of longstanding United States policy that neither the Soviet Union nor the United States should seek unilateral advantage by developing a first strike potential."

The PRESIDING OFFICER. Is there objection?

Mr. ALLOTT. Mr. President, reserving the right to object, the Senator has a right to modify his amendment, because the yeas and nays were not ordered. Is that correct?

The PRESIDING OFFICER. The Chair is informed that it would require unanimous consent.

Mr. ALLOTT. I have no objection.

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

Mr. ALLOTT. Mr. President, the yeas and nays have not been ordered on the amendment, have they?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the yeas and nays on the Brooke amendment be vacated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BROOKE. Mr. President, one of the most difficult axioms for many of us to accept is that "more and better weapons" do not necessarily mean "more and better security."

No less an authority than Dr. Herbert York, former Director of the Office of Research and Engineering in the Department of Defense, has said that as a nation we are less secure now than we were 10 or 20 or 30 years ago.

The cause of this paradox is not difficult to find: As we have developed more complex and terrible weapons, we have had to face the reality that there is no secure defense against them.

It is too late to turn back the clock. We possess a technology which has come close to achieving its own momentum.

But we can impose controls over that momentum. We can provide limits which guarantee mutual deterrence and, therefore, some degree of mutual defense and mutual security.

This was the intent and purpose of the agreements signed in Moscow in May of this year.

For the first time in history, the leaders of the two most powerful nations in the world agreed, voluntarily, to limit production and deployment of their most dangerous weapons.

In the words of the joint communique signed by President Nixon and Communist Party chief Brezhnev:

> In the nuclear age there is no alternative to conducting mutual relations on the basis of peaceful coexistence.

Such peaceful coexistence, both sides concluded, is based on the twin pillars of avoiding confrontation and limiting the development and deployment of armaments.

As a first step in achieving these goals, the United States and Soviet Union signed a treaty limiting each nation to two defensive missile sites, each with a maximum of 100 ABM's. Since both sides possess comparable anti-ballistic-missile technology, and are at roughly the same stage in the deployment of that tech-

nology, it was possible to devise a treaty based on absolute equality. Both sides now have the option of proceeding, or not proceeding, with the permissible second site. And, by accepting a limit which numerically cannot possibly counter the other side's offensive weapons, both sides have effectively codified into international law the principle of mutual deterrence.

The ABM agreement has been ratified by the Senate, by a clear and convincing margin of 88 to 2. This margin indicates strong Senate—and popular—support for a weapons agreement with the Soviet Union.

But the encouraging signal which was sent last month with our ratification of the treaty, is in danger of being obscured by subsequent developments. First, an amendment was offered in this body, with tacit administration support, calling for numerical equality with the Soviet Union in offensive weaponry. Second, it was revealed that the budget request of the Department of Defense contained a sum for research and development of a "hard target" warhead. Such a warhead is allegedly intended for use only after a nuclear attack, to deny the enemy the opportunity of striking a second time with a further destructive payload. But it would have the capability of hitting offensive missiles while still in their underground silos. Thus, depending only on the time of launch, it could give us a first strike capability. This, clearly, is the antithesis of principle of mutual deterrence accepted at SALT.

In 1969, and again in 1970, I sought assurances from the administration that this country was not seeking to develop a hard target, or first strike, capability.

The destabilizing potential of this new round of technology was clearly perceived at that time by President Nixon and Secretary Laird. In a letter to me of December 29, 1969, the President restated his "fundamental position that the purpose of our strategic program is to maintain our deterrent, not to threaten any nation with a first strike."

Similarly, in a letter to me of November 5, 1970, Secretary of Defense Melvin Laird declared:

> We have not developed and are not seeking to develop a weapon system having or which could reasonably be construed as having a first strike potential.

This understanding certainly underlies the Soviet willingness to enter into an interim agreement with the United States. Why else would they be willing to decelerate drastically their own rate of deployment of nuclear missiles, designed to protect them against an adversary possessing clear technological superiority?

The amendment which I have proposed to the interim agreement is designed to make absolutely clear that the United States has not, and will not, develop a first-strike capability. And it requires both sides to observe the ban on development or deployment of destabilizing weaponry. Such a ban, on our part, would be binding only for so long as the Soviet Union exercised comparable restraint, or for the duration of the interim agreement.

Since I proposed my amendment on August 11, I am pleased to note that the conferees on the military procurement bill deleted the funds for research and development of the hard-target warhead. Funds for this project were deferred, pending a Senate Armed Services Committee hearing on the justifications for, and advisability of, these new and potentially destabilizing technological efforts.

I have also received a response from Defense Secretary Melvin Laird, assuring me that all programs proposed by the Department "are consistent with the defense policies which the President and I have enunciated" in the past. The letter further promised that no decisions would be taken which would involve "either superfluous or provocative programs." The Secretary's letter, taken in conjunction with the Armed Services Committee action, offers an assurance that this program will be reviewed within the full scope of our defense and foreign policy commitments.

In order to make our policy unmistakeably clear, however, and to protect the integrity of the interim agreement, I believe it is essential that the full Congress put itself on record as opposing development and deployment of destabilizing technology.

In my letter to the President of August 8, I said:

> We have left no doubt that if the Soviets devise a hard target MIRV capability threatening our Minuteman force, we would consider that inimical to the principles of mutual deterrence incorporated in the initial SALT agreements. Similarly, should the United States seem to be qualifying its stand against perfecting hard target MIRV, the Soviet Union might well interpret that development as an attempt to gain a disarming capability against the largest component of their strategic forces. Seeking in good faith to build mutual security on an agreed basis of strategic restraint, we could hardly undertake to do what we are pressing the Soviet Union not to do.

Mr. President, herein lies the crux of the problem. If either or both sides insist on nuclear superiority, the ABM treaty and the interim agreement alike will be rendered void. If either or both sides proceed with weapons programs which give the appearance of seeking superiority, the agreement, can likewise be rendered void.

I, for one, would not argue that the agreement as presently conceived is necessarily the fairest formula that could be devised for signatories. But it does represent a beginning. The conclusion of a more equitable and lasting agreement is now dependent upon the degree of restraint and good faith demonstrated by both the United States and the Soviet Union. A clear statement of our intent not to proceed with a first-strike capability seems to me to be a sine qua non for a permanent treaty. I, therefore, urge the adoption of my amendment.

Mr. HUGHES. Mr. President, I am pleased to join my distinguished colleague from Massachusetts (Mr. BROOKE) in offering this amendment to the pending amendment 1434. I hope and expect that this measure will be approved easily, because it merely restates a longstanding policy of the United States and reaffirms a determination made last year when the Senate overwhelmingly rejected proposals to authorize research for advanced reentry vehicles with a hard-target capability.

The simplicity of this amendment is not a measure of its importance, however, for it deals with the very chance of success of both the pending interim agreement and future agreements.

Recent announcements that we are proceeding with the development of a reentry vehicle with a hard-target capability, as well as the admission that at least since 1965 Air Force manuals required the planning for a first-strike option, have raised serious doubts that the declared policy of the President against such a first-strike capability is being followed.

And if the amendment offered by the distinguished Senator from Washington (Mr. JACKSON) is adopted, it might well be viewed as a blank check for a new, costly confrontation in weapons technology.

Our amendment would make clear that the success of SALT depends upon the preservation of our longstanding policy that neither the Soviet Union nor the United States should seek unilateral advantage by developing counterforce weapons which might be construed as having a first-strike potential.

That this is the policy of the United States is unquestioned. Senator BROOKE has in previous years secured unambiguous statements from the President and the Secretary of Defense on this point, and I shall not repeat those quotations.

As late as last February, Secretary Laird and Admiral Moorer assured the Congress that the Defense Department had not changed this longstanding policy.

Admiral Moorer told the Senate Armed Services Committee on February 15:

> Our ICBM's have not been designed to give them a hard-target kill capability.

And Secretary Laird told the House Armed Services Committee 2 days later:

> None of our existing ICBM's, including approved programmed improvements, has the characteristics which lead one to categorize them as "hard target" weapons. We currently have the technical ability to substantially increase the yield of several of our missile systems but have not done so.

These statements, Mr. President, show a consistent policy of refusing to pursue programs which might undermine overall strategic stability.

Now we are at a new stage in arms control. By the ABM treaty, both nations have conceded the mutual vulnerability of their territories and their land-based missiles. By the interim agreement, we have bought 5 years of stability—5 years in which to turn these understandings into a rock-hard foundation for peace.

Let us not now pollute the atmosphere of trust created by these agreements by raising doubts and suspicions about our determination to abide by the spirit as well as the letter of SALT.

At Moscow, the two leaders declared

that they "will always exercise restraint in their mutual relations." They also recognized "that efforts to obtain unilateral advantage at the expense of the other, directly or indirectly, are inconsistent with these objectives."

Now more than ever is the time for mutual restraint in our weapons development. If we proceed blindly to do whatever is not specifically prohibited, we will encourage—if not force—the Soviet Union to do likewise.

Henry Kissinger, speaking to selected members of Congress, said:

> We advocate these agreements not on the basis of trust, but on the basis of the enlightened self-interests of both sides. This self-interest is reinforced by the carefully drafted verification provisions in the agreement. Beyond the legal obligations, both sides have a stake in all of the agreements that have been signed, and a large stake in the broad process of improvement in relations that has begun. The Soviet leaders are serious men, and we are confident that they will not lightly abandon the course that has led to the summit meeting and to these initial agreements. For our own part, we will not abandon this course without major provocation, because it is in the interest of this country and in the interest of mankind to pursue it.

Since that statement was made, however, the administration has taken a step which jeopardizes the understandings which culminated in this interim agreement. By proposing new funds to speed work on the submarine launched cruise missile—SLCM—the side defense of minuteman—SDM—and an advanced reentry vehicle, the administration has rushed to exploit every loophole in the agreements.

What would we think, Mr. President, if only a few days after the Moscow summit, the Soviet Union announced similar plans? I am sure that we would have strong doubts about the Russians' good faith and sincerity in future negotiations.

I hope that the Senate will have an opportunity to consider each of these requests on its merits, but the current situation is that these items are under consideration in the conference committee on the military procurement bill because they were approved by the House of Representatives, although not yet by the Senate.

Although all of these programs raise questions about American intentions to abide by the spirit as well as the letter of SALT, one in particular—the advanced reentry vehicle—would, if approved, overturn the longstanding U.S. policy against pursuing a first-strike capability. I trust that if the Senate approves this amendment, we will be able to avoid such a quiet, backroom reversal of strategic policy.

Although the precise details of the reentry vehicle program cannot be discussed in open session, the Defense Department this week said that this program involved research on improved accuracies and improved ratios on yield-to-weight which would enhance our ability to hit hard targets.

Such a development would give the United States the basis for a first-strike capability. As the distinguished chairman of the Armed Services Committee (Mr. STENNIS) said in last year's debate on one of several amendments authorizing hard-target research:

> We do not need this type of improvements in payload and guidance now, the type of improvements that are proposed, in order to have the option of attacking military targets other than cities. Our accuracy is already sufficiently good to enable us to attack any kind of target we want, and to avoid collateral damage to cities. The only reason to undertake the type of program the amendment suggests (Poseidon upgrade) is to be able to destroy enemy missiles in their silos before they are launched. This means a U.S. first strike, unless the adversary should be so stupid as to partially attack us, and leave many of his ICBM's in their silos for us to attack in a second strike.

The Defense Department's answer, of course, is that the current program is only for research and development, not deployment. But we all know that development involves testing, and that testing would be seen by other nations as an irreversible step toward full deployment.

Having a little counterforce capability, Mr. President, is like being a little bit pregnant. Other nations will expect that capability to grow into a fully deployed system.

Unless and until we have a mutual agreement prohibiting such developments and an assured means of verification, I doubt that any nation would want to base its planning on the risky assumption that development will stop short of deployment.

Moreover, Secretary Laird's assurance in 1970, which provided the basis for this amendment, specifically ruled out not only deployment, but even development. He said:

> We have not developed, and are not seeking to develop, a weapon system having, or which could reasonably be construed as having, a first-strike potential.

Although the administration has reaffirmed this policy by words, it has not yet done so by deeds. If funds for this program are not deleted in conference, I intend to see to it that the Senate has an opportunity to express its will on this vital matter.

In the meantime, I believe that we have an opportunity to reaffirm our policy to both our own planners and to the Soviet Union.

The administration says that it hopes to talk about mutual restrictions in the next round of SALT. This amendment should strengthen our hand in those negotiations in our search for mutual restraints. Otherwise, both sides might continue to improve their systems to the point where probability becomes certainty and fear smothers trust.

When one nation fears that a major part of its deterrent force can be easily destroyed in an attack by highly accurate, large-yield warheads, it understandably fears that an adversary might use that advantage to strike first. This upsets the delicate balance of terror by giving the edge to that nation which attacks first, whether out of aggressive design or in fear of an imminent attack by its enemy.

For the foreseeable future, both the United States and the Soviet Union will have an invulnerable deterrent force in their respective nuclear submarines. But since both nations have invested considerable resources in land-based missiles, they are rightly concerned that these forces might be substantially threatened by new programs giving greater yield and accuracy.

Already the United States has developed MIRV technology to the point where we have high confidence—but not certainty—that we can move very close to Soviet silos and render most missiles inoperative.

As Senator STENNIS told the Senate last year:

> We have amazing accuracy already. We have had amazing achievements in that field. The exact information is classified, but we can come well within a half-mile of targets now. Our accuracy on the targets is well within a half-mile. I state that because I am told it is a fact. So certainly we are not neglecting this field.

The Soviet Union is understandably developing its own MIRV capabilities. Thus, it is now urgent for both nations to agree to halt our headlong rush into a new confrontation. This amendment should contribute to such an agreement.

Some may argue that we need to develop counterforce capability as a hedge against the failure of SALT II. Mr. Friedheim said as much last week.

I do not believe, Mr. President, that we should bet on failure, especially not when that bet would raise the ante for both sides. Instead we can call upon the Rusians—and on ourselves—to show the mutual restraint necessary to preserve the climate of understanding which has given us these agreements so far.

Now is the time to build on these understandings. We have accepted our mutual vulnerability in case nuclear war should ever occur. We have renounced the impossible and dangerous search for superiority and have instead accepted 5 years of parity in overall strategic strength. Let us not try to resurrect these outmoded ideas. As Benjamin S. Lambeth of the Institute for Defense Analyses wrote in the journal, World Politics, last January:

> The preeminent questions of contemporary American strategic life is whether we shall seek the "new and higher synthesis" of accommodation to nuclear parity and acceptance of arms control—perhaps taking on some small but necessary risks in the process—or whether we shall fall back on the "primitive ideas" of security through nuclear superiority and thus submit to the arms race which would inevitably result.

Mr. President, while we must not assume that SALT has brought the millennium, neither must we act as if it merely codified the status quo. We are further along the road to peace, but we must not stray from the path of mutual restraint. As Dr. Kissinger himself said:

> The deepest question we ask is not whether we can trust the Soviets, but whether we can trust ourselves.

If the Senate adopts this amendment today, I believe that we will keep that trust. And we will be able to look to future talks on arms limitations with greater confidence.

Mr. ALLOTT. Mr. President, I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts, as modified (putting the question).

Mr. BROOKE. Mr. President, I am very pleased that the Armed Services Committee, particularly the Senate conferees, were able to delete the funds for counterforce weapons which gave rise to the filing of this particular amendment, because it created some fear in my mind that if the money were voted and counterforce weapons were developed which either would have had a first strike capability or the appearance of a first strike capability, the success of the SALT talks could have been seriously damaged.

Therefore, I want to thank the distinguished chairman of the Armed Services Committee and the conferees who were able to have that deleted from the House-Senate conference.

Second, I want to thank the distinguished chairman of the Foreign Relations Committee for his understanding of this amendment and his willingness to accept it, and my distinguished colleague from Rhode Island (Mr. PASTORE) for his contribution to this amendment.

I ask that the amendment be voted upon.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts, as modified.

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. The joint resolution is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

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

Mr. MUSKIE. Mr. President, I will vote for Senate Joint Resolution 241, the interim agreement on offensive weapons, even though I strongly oppose the Jackson amendment which is now part of the resolution.

I believe the interim agreement can be a useful step toward control of the arms race. I hope that the House-Senate conferees will agree to the version which has already passed the House without encumbering amendments.

I regret that the Senate did not go on record in support of overall equality in the nuclear balance with the Soviet Union and in support of sufficiency in U.S. strategic defense. I do not believe it is advisable for the Senate, which must advise and consent to any subsequent SALT treaty, to urge restrictive minimal conditions upon our negotiators for the next round of negotiations.

But I do not believe the Senate passed the Jackson amendment with a view to making Senator JACKSON's interpretation of his language binding upon the administration. The White House has already made it clear that it does not support Senator JACKSON's elaborations and interpretations. I trust that our negotiators will feel free to interpret the Senate's action in the spirit which is best expressed by Senate approval of the Mansfield amendment to Senate Joint Resolution 241, with only one dissenting vote.

For these reasons I will vote for the interim agreement on offensive weapons.

Mr. DOMINICK. Mr. President, the SALT agreements signed by the United States and Soviet Governments in May 1972 represent a political event of major significance. When the strategic arms limitation talks began, the Soviet Union was in the midest of a major offensive weapons building program. During the 2½ years of negotiations, this building program in land- and sea-based missiles did not abate. The prospect existed that, if allowed to continue, the Soviet Union would achieve a strategic arsenal far in excess of that required for any reasonable parity with the United States. Opinions varied as to future Soviet intentions. Did the Soviet Union intend to strive for strategic superiority, or would they be content with rough equality?

It is in this environment that the SALT agreements must be evaluated. While no conclusive evidence exists as to future Soviet intentions, an agreement covering both defensive and offensive weapons systems has been signed and should be considered as only the first step of more definitive limitations agreements in the future.

On August 3, 1972, the Senate overwhelmingly voted to ratify the ABM Treaty with the Soviet Union which limits each country to two ABM sites. There are many important features of this treaty which have been thoroughly discussed, so there is no need for me to cover features of the Treaty in detail. I would, however, like to make the point that the ABM Treaty precludes the building of nationwide or heavy ABM defenses. Such defenses were perceived by both Governments as potentially destabilizing to the strategic balance because if ABM deployments were not curbed, new and larger strategic offensive programs were in prospect on both sides in response to ABM expansion. And further, Mr. President, parity has been reached in ABM systems in that each side is limited to the same number of sites and interceptors.

Thus, Mr. President, in my opinion, the ABM treaty was an essential first step if agreement was to be reached limiting offensive forces. That brings us to the business at hand, the approval of the interim agreement which freezes the number of offensive missiles on both sides approximately at levels currently operational or under construction.

Mr. President, of critical importance to U.S. security interests is the leveling off of the Soviet arms building programs which will be required under the Interim Agreement. For example, the Soviet Union could have built additional submarines during the 5-year period of the agreement without this freeze. Further, to build up to the full number of SLBM's permitted for the Soviet Union; that is, 950—the Soviets will have to retire some older ICBM's. Through this agreement, the United States has at least slowed the current momentum of the Soviet offensive building program.

Further, the Soviet Union has agreed to limit the number of heavy land-based ICBM's, known as the SS–9. This is particularly important to the United States since it is this Soviet missile which could most directly threaten the survivability of the U.S. Minuteman force. Although the number of SS–9's authorized the Soviets under the 5-year interim agreement—approximately 313—is a formidable number, the Soviets unchecked could possibly have had twice that number by 1977. Add to this the potential of the Soviet Union placing three to 10 multiple independently targeted reentry vehicles—MIRV's—each of between 1 and 5 megatons and presumably with improved guidance systems on each SS–9, and it can be seen the position of the United States becomes highly untenable.

In short, the only area of concern would be an increase in the Soviets' counterforce threat. This must be watched very closely while we are negotiating what I hope will be a very comprehensive strategic arms limitation agreement.

I believe Ambassador Smith made this clear to the Soviet delegation when, on May 9, 1972, he stated, in part:

> The U.S. Delegation believes that an objective of the follow-on negotiations should be to constrain and reduce on a long term basis threats to the survivability of our respective strategic retaliatory forces. The U.S.S.R. delegation has also indicated that the objectives of SALT would remain unfulfilled without the achievement of an agreement providing for more complete limitations on strategic offensive arms.

Ambassador Smith further stated:

> If an agreement providing for more complete strategic arms limitations were not achieved within 5 years, U.S. supreme interests could be jeopardized.

Now, Mr. President, that is a pretty clear statement of how the United States views this interim agreement. It is clear the United States is sincere about reaching a further agreement on strategic offensive systems as we move to SALT II.

Mr. President, the acceptance of the interim agreement to limit strategic offensive systems is in the best interest of both the United States and the Soviet Union. It is, for that matter, in the best interest of all mankind.

I urge the Senate to support this resolution, as I will, authorizing the President to approve the interim agreement between the United States and the Union of Soviet Socialist Republics limiting strategic offensive systems. As President Nixon indicated, these two agreements in combination effectively serve one of this Nation's most cherished purposes—a more secure and peaceful world in which America's security is fully protected.

Mr. SPONG. Mr. President, as a member of the Foreign Relations Committee, I have participated in a number of the hearings which were held on the SALT agreements—the treaty to limit the deployment of antiballistic-missile—ABM—systems and the interim agreement to limit strategic offensive weapons. I have followed the debate over these

proposals in some detail and have questioned Secretary of State Rogers, Secretary of Defense Laird and Chairman Moorer of the Joint Chiefs of Staff regarding these measures.

The President's initiatives in the field of arms control are impressive. An arms race, in addition to costing our Nation a huge amount of money which could well be spent on domestic needs, structures the forces which threaten the existence of us all.

On August 3, the Senate, by an 88-to-2 vote, approved the treaty to limit the antiballistic missile systems. Under that agreement, each side is restricted to two limited antiballistic missile sites—one to protect the capital and one to protect a major intercontinental ballistic missile base. In the case of the United States, those sites would be Washington, D.C., which also holds the National Command Center, and Grand Forks Air Force Base, N. Dak., where deployment is underway. The United States would dismantle the construction beginnings which it has made at Malmstrom Air Force Base in Montana.

For the Soviet Union, the sites would be Moscow, where an ABM system is already under construction, and a site some 1,300 kilometers from the Soviet capital. I supported adoption of this treaty.

Now pending before the Senate is the 5-year interim agreement limiting deployment of strategic offensive weapons. It is this interim agreement which has aroused controversy and over which honest differences of opinion exist.

There is no question but that the interim agreement provides the Soviet Union with a numerical superiority in a number of areas, including land-based intercontinental ballistic missiles and launchers, submarines, and submarine-launched ballistic missiles. Furthermore, certain Soviet missiles are known to be more powerful than ours, to have greater thrust than U.S. missiles.

The United States is, however, considered to have superior technology and numbers of warheads. During hearings before the Senate Foreign Relations Committee, I questioned Secretary of Defense Melvin Laird regarding this:

Senator SPONG. Mr. Secretary, yesterday in the Armed Services Committee hearing—and here this morning—you said that the United States retained a technical superiority under the treaty and under the agreements. In response to Senator Cooper you have compared submarine weaponry capabilities. Would you further elaborate on what you consider technical superiority?

Secretary LAIRD. Well, I believe that the disadvantage that shows up in the numbers in the offensive agreement is offset by the 18 to 24 month lead that we have because of our technology in the MIRV area—M-I-R-V area. That is perhaps the best example of what I am talking about.

Senator SPONG. Do you expect the Soviets to reach a MIRV capability within the next two years?

Secretary LAIRD. I do. In the defense report and statement which Admiral Moorer and I submitted to this Congress in February, we projected that such a capability could be acquired and deployed but not for 18 to 24 months, and I stand behind those reports. I think that that generally has complete and total agreement within our government.

Senator SPONG. Then your assessment of technical superiority may not go beyond 18 to 24 months in the future?

Secretary LAIRD. If we were to stand still and not support the programs that are in the 1973 budget, I think that assessment that you make is correct.

To my knowledge, no one has questioned this evaluation of the situation insofar as actual capability is concerned, although some persons have questioned the meaning of the capability and the usefulness of it in event of nuclear war. As long as both sides are capable of destroying each other, "overall", that is possessing enough weaponry to destroy a nation or area many times over, does, indeed, seem useless. On the other hand, should superiority in numbers and thrust negate the power of one side to respond adequately to an attack by the other, then one power would become superior and one inferior with the result that the superior side might be encouraged to risk a confrontation.

Such a situation is considered by some possibility, although not a definite one, under the interim agreement. It is conceivable that under the agreement the Soviet Union could develop missiles in number and payload to threaten the United States.

Regardless of our desire for an arms agreement, regardless of the benefits which might accrue financially from a restriction on the deployment of strategic weaponry, our first concern must be our Nation's security. We must always maintain the deterrent strength to convince any nation that it would be contrary to its own interests to launch a first strike against the United States.

The treaty covering the ABM and the interim agreement on offensive weaponry does not, at this time, pose a threat to U.S. security. In fact, they contribute to it by curtailing the current Soviet deployment momentum and increasing the likelihood of further agreement. As was noted in hearings, there are really no winners and no losers under these agreements as they now stand. The United States agreed to limit its ABM activities and the Soviet Union agreed to slow the deployment of certain weapons, to curb a construction program which was moving apace while the United States had no similar program. For two principal reasons, then—that they represent no threat to U.S. security, and indeed a hope for better security, and that they represent concessions and gains by both sides—I support the SALT agreements.

There are, however, several situations which disturb me. One, to which I have already referred, involves the situation which could conceivably arise, should the Soviet Union undertake all the development and deployment opportunities which are permitted under the agreements.

My concerns are further increased by the situation which surrounded the negotiation of the SALT agreements. I know that our negotiators worked long and hard for a period of years. It is also clear, however, that several features of the agreements were worked out only in the hours preceeding their announcement, leaving the impression that either they had not been fully evaluated or that they represented serious concessions by one of the parties.

For these reasons, I believe the reservations proposed by the distinguished Senator from Washington (Mr. JACKSON) should be adopted. First, they are representative of a continuing effort on the part of Congress to participate in our foreign policy debates and to express the sentiment of the House and Senate and the views of the people in the various States as perceived by their elected officials.

Second, they present no threat to the agreements which have already been negotiated. With or without them, the SALT agreements are likely to be ratified.

Third, they provide an understanding over which there should be no question: that the United States will tolerate no threat to the survivability of its strategic deterrent force. I am aware that there is a provision in the interim agreement for the withdrawal of either party should it determine that its security interests are threatened. I read the reservation as a restatement of this provision and as an indication to the Soviet Union that the United States will provide for its own security, especially if the Soviet Union undertakes large-scale development and deployment.

Fourth, it urges the President to seek equality in SALT II. As I have previously noted, should the Soviets proceed as they could under the agreement, numbers could become significant. Soviet development of a MIRV capability coupled with increased deployment of the more powerful missiles could make numbers all important. We should be alerted to this and prepared to act. On the other hand, numbers do not always reflect the true picture and do not necessarily mean what they suggest. Should there be circumstances which suggest that numerical equality is unnecessary, I believe the Senate would be willing to evaluate those circumstances and proceed as they dictated. Thus, the reservation does not require the President to seek such equality. It only urges him to do so, premised on the concern that the Soviets may act in a certain manner and on the behalf that the United States should be prepared to react. It is a Senate statement regarding what the United States should do under certain circumstances and a notification to the Soviet Union that any future agreement which does not provide for a type of equality is likely to meet obstacles in gaining Senate approval. If other, more promising circumstances develop, I have no doubt that the Senate would give them adequate consideration.

Fifth, I approve the reservation language which states that the United States should pursue a program of research, development, and modernization, to the extent that that statement applies to our need to retain a credible deterrent capability. Senator JACKSON, the principal sponsor of the amendment providing reservations to the agreement, on August 11 noted:

I wish to emphasize that adoption of this language is not intended to bear upon the wisdom of any particular procurement item. Decisions on procurement ought to be taken on a case-by-case basis.

I support this portion of the reservation, as interpreted by Senator JACKSON. This is the policy that I have been following in supporting funds for the fourth nuclear-powered carrier, but opposing the funds which were requested to accelerate development of the Trident. I intend to review each specific procurement proposal which arises in the future on its own merit as I have the two referred to above.

Sixth, I accept Senator JACKSON's interpretation of his amendment to mean that our forward-based systems are not intercontinental and should not be included in the calculation of equality in SALT II. I am aware of the fact that we have forward-based bombers capable of reaching Moscow. These are, however, basically in response to the medium-range ballistic missiles focused on Western Europe and part of our NATO commitments, rather than our intercontinental strategic forces. Furthermore, it is my understanding that exclusion of these systems from SALT is the policy of the administration. During hearings before the Senate Foreign Relations Committee, I asked Secretary of State Rogers about our forward-based bombers and he replied as follows:

> We felt in the beginning we were not in a position to talk about forward basing and we stated that to our allies, we insisted on it, and Ambassador Smith made two statements to that effect in May, we are not in a position to negotiate on that basis.

It is my understanding that the Administration believes, as I do, that any agreement on forward basing should be part of an agreement rising out of an East-West Security Conference on mutual and balanced force reductions and not a part of any SALT agreement.

As I have stated before, I support the idea of arms control. I have supported the ABM treaty and will support the interim agreement.

There are pressing domestic needs here at home to which money saved from arms limitations could be applied. There are positive benefits to be derived from a reduction in arms in general as a means of deterring war. Yet, I believe any agreement or treaty must be a balanced one—that realistically it must contain benefits—and protections—for each side, just as both sides enjoy benefits and protection now. Thus, while favoring a balanced limitation, I believe both sides must be permitted a credible deterrent, which they currently have, not only to discourage aggression against each other, but possible aggression by some third power. The treaty and interim agreement represent, at the moment, a balance of benefits and disadvantages for each side. The future does not, however, appear so certain. There are possibilities of vast and significant changes—in Soviet development of MIRV, of the replacement of lighter missiles with heavier ones—which could render the current agreements ineffective in protecting the strategic interests of the United States. The reservations proposed, it seems to me, alert U.S. negotiators, our allies abroad, and those with whom we seek to negotiate a further agreement that the United States is not prepared to abdicate its position or responsibilities in the world, that we will maintain a credible defense and that we will take those steps which are made necessary in order to maintain United States security and protect legitimate United States interests.

I hope that a balanced and fair SALT II will be forthcoming—an agreement that will benefit not only our Nation but the entire world. I do not believe the acceptance of the proposed reservations will deter negotiation of such an agreement, unless the Soviet Union never intended to pursue a further strategic arms limitation. In fact, by clarifying the position of the United States, I believe the adoption of the reservations would be a positive step toward a balanced agreement in SALT II in the best interests of our Nation.

OPERATIONAL PRINCIPLES OF SOVIET FOREIGN POLICY

Mr. JACKSON. Mr. President, as part of a study on international negotiation conducted by the Subcommittee on National Security Operations, Dr. Richard Pipes contributed a paper in January of this year analyzing basic operational principles of Soviet foreign policy.

Dr. Pipes is professor of history and director of the Russian Research Center at Harvard University. His analysis is particularly timely in the light of our deliberations on the SALT accords. Dr. Pipes reminds us of the enduring toughmindness of the Soviet approach to world affairs—even as we carry on negotiations with the Kremlin leaders.

I recommend Professor Pipes' analysis to my colleagues for their thoughtful reading, and I ask unanimous consent that key excerpts from the paper be printed at this point in the RECORD.

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

EXCERPTS FROM "SOME OPERATIONAL PRINCIPLES OF SOVIET FOREIGN POLICY"

(By Richard Pipes, professor of history and director of the Russian Research Center at Harvard University, Jan. 10, 1972)

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One way to describe what we will be talking about is to borrow terms from the vocabulary of military science. The language of Soviet politics is permeated with militarisms: even the most pacific spheres of government activity become "fronts" which have to be "stormed," all-out "offensives" are launched to conquer internal difficulties, and even peace itself becomes the object of a "struggle." The martial language is appropriate, for, as will be noted shortly, Soviet theory does not distinguish sharply between military and political forms of activity, regarding both as variant ways of waging conflict which it regards as the essence of history. "Strategy" and "tactics" are useful in this connection, and have been employed. But even more accurate is a third term from the vocabulary of Soviet military theory, "the art of operations" (*operativnoe isskustvo*). Its origin apparently goes back to the 1890's, but it acquired special relevance in the 1920's, when Soviet experts, analyzing the record of World War I and of the Russian Civil War, concluded that neither "strategy" nor "tactics" adequately described warfare waged with mass armies under industrial conditions. They then created the concept "art of operations" to bridge the two. Since that time this concept has occupied an honored place in Soviet military thinking, and, indeed, some Soviet authorities credit Russian victories in World War II to its systematic application. If tactics describes the employment of troops on the battlefield, and strategy the overall disposition of all of one's forces, the "art of operations" denotes the fluid and dynamic element in military planning by virtue of which individual tactical moves are coordinated over a period of time to promote the ultimate strategic objective, defeat of the enemy.

According to Soviet theorists, under conditions of prolonged modern warfare, victory requires a succession of interdependent operations, based on solid logistic support and synchronized to produce on the enemy mounting pressure which, attaining unbearable levels, eventually causes him to collapse. In the literature on the subject, there are just enough hints to indicate that the "art of operations" is derived mainly from analysis of the campaigns waged in World War I by General Ludendorff, whose masterful conduct of "total" war seems to have exercised a greater influence on Communist political practices than the writings of Karl Marx and Friedrich Engels combined. "The purpose of operations is the destruction, the complete annihilation of the vital forces of the enemy," states a recent Soviet handbook on the subject, paraphrasing an authority of the 1920's, "its method is the uninterrupted attack; its means, prolonged operational pursuit, which avoids pauses and stops, and is attained by a succession of consecutive operations, each of which serves as the transitional link toward the ultimate goal, accomplished in the final, closing operations."[1] The whole concept, with its stress on coordinated, uninterrupted assault intended to bring mounting pressure on the enemy, admirably describes what is probably the most characteristic feature of Soviet foreign policy.

The subject is of great importance and deserves the kind of careful study given to Soviet military practices. Soviet foreign policy involves a great deal more than diplomacy: diplomacy is one of its minor instrumentalities and Soviet diplomats resemble more the bearers of white flags sent to cross combat lines than the staff officers or the combatants. But it is also more than mere military bluster. One cannot isolate from the total arsenal of Soviet foreign policy any one weapon and by neutralizing its sting hope to halt its thrust. To understand this policy one must understand its mode of operations. The purpose of this paper is to shed some light on this remarkably ignored subject.

THE ART OF OPERATIONS

In an essay on creativity, Arthur Koestler observed that seminal ideas are born from bringing two premises belonging to two different mental fields to bear upon each other.[2] Using this approach, Marxism may be said to owe its influence to a successful fusion of sociology with economics, and Freudianism to the grafting of medicine onto psychology. With this definition in mind, we may ascribe the significance of Leninism as an ideological force in the twentieth century to an innovative linking of politics with warfare—in other words, to the militarization of politics which Lenin was the first statesman to accomplish.

For psychological reasons which need not be gone into here, Lenin was most attracted in the writings of Marx and Engels not by the liberal and democratic spirit strongly in evidence there, but by the idea of class war. Peter Struve, who knew him well in his early political career, says that Lenin took to Marx's theory mainly because he found in it "the doctrine of class war, relentless and thoroughgoing, aiming at the final destruction and extermination of the enemy."[3] Class war, of course, was and remains the common property of all socialist and anarchist movements of modern times. But to Lenin, more than to any other prominent radical of his period, it was a real, tangible thing; a daily, hourly struggle pitting the exploited against

Footnotes at end of article.

the exploiters and (after November 1917) what he defined as the "camp of socialism" against that of "capitalism" or "imperialism." What to Marx and Engels was a means, became for him an end. His preoccupation as theorist was always with the methods of waging political warfare: anything that did not in some way bear on that subject, he regarded as harmful, or at best, as useless. All his thinking was militant. He was the first public figure to view politics entirely in terms of warfare, and to pursue this conception to its inexorable conclusion. Lenin read Clausewitz rather late in life (1915), but he immediately found him a most congenial writer. He referred to him often, praising him as a thinker whose ideas, as he once put it, have become "the indispensable acquisition of every thinking man." [4] As one might expect, he especially admired Clausewitz's insistence that war and politics were not antithetical means of conducting relations among states but alternatives, chosen according to what the situation required. On one occasion, Lenin told a friend that "political tactics and military tactics represent that which the Germans call *Grenzgebeit* [adjoining areas], and urged Communist party workers to study Clausewitz to learn the applications of this principle.[5]

These historical and biographical facts require mention because the Soviet leadership in power since November 1917 has been thoroughly imbued with the spirit of Leninist politics. The reason lies not in the innate force of Lenin's ideas or the ability of any idea to be bequeathed intact from one generation to another. It lies in the fact that the Soviet leadership of today finds itself in a situation in all essential respects identical with the one Lenin had left on his death, that is, devoid of a popular mandate or any other kind of legitimacy to justify its monopoly of political power except the alleged exigencies of class war. The regime is locked in; and even if it wanted to extricate itself from its predicament by democratizing it could not do so because of the staunch opposition of the bureaucratic establishment to genuine political reform. The closed character of Russia's ruling elite, its insulation from the inflow of fresh human types and ideas by means of the principle of co-optation assures a high degree of ideological and psychological continuity. In this respect, the Soviet elite resembles a self-perpetuating religious order rather than what one ordinarily thinks of as a governing class. The growth of productivity, the rise in living standards, the spread of education, and the sundry other factors which some Western observers count on in time to liberalize the Soviet system have no bearing either on the internal position of the ruling elite or on its political outlook. Only a major upheaval—such as a prolonged and unsuccessful war, or a prolonged and unresolved feud among the leaders—could alter the situation.

The Soviet government conducts a "total" foreign policy which draws no principal distinction between diplomatic, economic, psychological, or military means of operation. It also does not differentiate in any fundamental respect between domestic and foreign relations. This accounts for the virtual absence in the Soviet Union of a literature devoted to the theory of foreign relations. Every policy decision, after all, is made in the Politburo of the party. As a rule, the Soviet Minister of Foreign Affairs (the incumbent, Andrei Gromyko, included) is not a member of the Politburo—a fact which suggests what importance attaches to his office. The Soviet Union maintains a Ministry of Foreign Affairs with its diplomatic corps because other countries with which it deals happens to do so. It does not, however, charge the Ministry with the formulation of foreign policy.

All important foreign policy decisions are made in the Politburo and often even carried out by its own departments. The role of the Ministry is further whittled down by the practice increasingly to entrust foreign policy matters to organs of the police and intelligence. The KGB, through its "Foreign Directorate" (First Main Administration), and with the assistance of organs of military intelligence (GRU), may well have a greater voice in Soviet foreign policy, especially as it concerns the so-called Third World, than the Ministry of Foreign Affairs. Alexander Kaznacheev, a one-time Soviet diplomat stationed in Rangoon, states that among his hundred or more colleagues in the embassy, fewer than one-fifth actually worked for the Ministry and were responsible to the Ambassador; the remainder was employed by other agencies, mostly engaged in intelligence activities and reporting directly to Moscow.[6] In contending with a foreign policy of such an unorthodox kind, the United States has had to charge its own Central Intelligence Agency with a variety of responsibilities exceeding its formal mandate. These activities have recently been restrained, to the visible relief of the KGB and other operational intelligence agencies of the Soviet Union which prefer to have this particular field all to themselves. The steady shift of the epicenter of US foreign policy management from the Department of State to the White House is probably part of the same process which earlier had led to the broadening of the CIA's functions, namely the need somehow to counter "total" Soviet policy with a "total" policy of one's own.

THE CORRELATION OF FORCES

When we say that Soviet policy is inherently militant we do not mean to imply it is necessarily belligerent. In the context of an ideology which regards armed conflict as only one of several instruments at the politician's disposal, militancy can assume a great variety of expressions. If those who take a "soft" line in regard to Soviet Russia tend to err in their estimate of Soviet motives and aims by making them appear more reasonable than they in fact are, the "hard" liners err only a little less seriously in their judgment of Soviet procedures, overestimating the role of warfare and neglecting other means of waging battle which Russia employs. In the decade that followed the end of World War II, American policy toward the Soviet Union, anchored as it was in the "hard" position, concentrated so exclusively on the Soviet military threat that when in 1954–1955 Russian strategy changed and "peaceful coexistence" replaced the head-on assault attempted under Stalin, American policy was thrown into a confusion from which it still has to recover.

Militancy rather means maintaining one's citizenry in the state of constant war-like mobilization, and exerting relentless pressure outside Russia's borders. The means used differ, depending on the circumstances.

One of the basic ingredients in the formulation of Soviet foreign policy is what Russian theoreticians call the "correlation of forces" (*sootnoshenie sil*). By this term is meant the actual capability of the contending parties to inflict harm on each other, knowledge of which allows one to decide in any given situation whether to act more aggressively or less, and which of the various means available to employ. The concept is used in the analysis of the internal conditions of a foreign country in which Russia has an interest, (in which case it refers to the power relationship of social classes) as well as to international affairs where the parties are sovereign states or multinational blocs. Analyses of the "correlation of forces" are by no means an academic exercise. Under Khrushchev, when rivalry with the United States assumed new and dangerous forms, Soviet publications were filled with learned inquiries into the power balance between the Western and Eastern blocs, and there is every reason to believe that then, as now, such studies seriously influence policy. "Force", of course is a vague and relative concept, and Russian analysts almost always overestimate quantity (e.g., land, population, and productivity figures) at the expense of quality (e.g., fighting spirit, cultural factors, or the caliber of leadership). Still, mindful of the Russian proverb: "If you don't know the ford, don't step into the river," they do not plunge into contests blindly; they rarely gamble, unless they feel the odds are overwhelmingly in their favor.

Russian leaders regard military force as a weapon to be used only in extreme contingencies when there is no alternative and the risks involved appear minimal. There are many reasons to account for this caution, the main one probably being lack of confidence in their own troops, especially when engaged outside Soviet borders. They much prefer to use military force as a means of blackmail. The reluctance to commit their military forces abroad distinguishes Soviet expansionism from the German, and it would be a mistake to hope to contain it by excessive reliance on methods which might indeed have stopped Hitler in the 1930's.

The militancy of Soviet foreign policy rests on the unspoken assumption that the Soviet Union can assail the enemy at a time and a place, and in a manner of its own choosing. It is so strongly permeated with the offensive spirit that contingency plans in the event of failure and enemy counter-attack seem rarely to be drawn up, if only because even to contemplate retreat opens one to accusation of defeatism. The Russians are quite prepared to pull back when resistance on any one sector of the enemy front turns out to be stronger than anticipated: there are always other sectors which are less staunchly defended and where one's force can be applied to better advantage. But when the opponent chooses to strike back, they are surprisingly vulnerable. The inability of the Russians, in the summer of 1941, to stop Hitler from penetrating deep into their country was in no small measure due to a failure to prepare for defensive war. In the Cuban missile imbroglio of 1962, the response in Moscow to decisive American counter-measures was panic. (How embarrassing to the Soviet government may be judged from the fact that Khrushchev's famous cable of October 26 to President Kennedy still has not been released. Considering that much more embarrassing revelations concerning the U.S. government have been made public in recent years, such solicitude for Russian feelings seems out of place.) Nor did the Soviet leadership seem to have anticipated the outbreak of the Israeli-Arab war of 1967 which its own actions had done a great deal to provoke. If, so far, the government of Soviet Russia has not been required to pay a heavier price for the failure to anticipate blows, it is only because their opponents usually have been content with a reversion to the *status quo ante* and did not press their advantage.

Militancy is so deeply entrenched in the mentality of the Soviet elite, it follows so naturally from the character of its personnel and its relationship to the population at large, that it is doubtful whether the best way to ease East-West tensions is by attempting a piecemeal resolution of specific disagreements. Those who urge so in the name of pragmatism are in fact motivated by impatience. In the case of East-West tension, specific disagreements are not the cause but the consequence. The Second World War, too, after all, was not fought over Danzig.

THE USES OF THREAT

On February 23, 1942, on the occasion of the twenty-fifth anniversary of the founding of the Red Army, Stalin issued an Order of the Day in which he listed five "constant

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principles" that win wars. They were, in order of importance, first and foremost "stability of the home front," followed by second, morale of the armed forces, third, the quantity and quality of the divisions, fourth, military equipment, and fifth, ability of the commanders.[7] That Stalin should have attached such significance to morale, and in particular to the morale of the civilian population, is not surprising considering that the Bolsheviks came to power in Russia because the "home front", unable to withstand the strains of war, had collapsed. Given his admiration for Hitler, Stalin might even have come to believe that German defeat in World War I, too, had been caused by the failure of the civilian population to support the front-line troops. In this pronouncement, we have a valuable clue to that element in military and political operations which the maker of Soviet Russia and his heirs regard as crucial.

It has long been an axiom of military theory that the ideal battle is won before a single shot has been fired, by the victor depriving the enemy of the will to resist. Demoralization has been practiced with particular success by Napoleon, and German military theorists, following the example he has set, have striven with great determination to duplicate his feats. For all their admiration for the German military and willingness to learn from them, the Russians, however, have been slow to apply this particular principle to politics. The foreign policy of the Soviet Union in the first quarter of a century of its existence was ponderous and unimaginative. Soviet leaders seem first to have learned how to unnerve the opponent without actually fighting (or as a prelude to fighting) from observing the brazen manner in which Hitler, alternating threats with inducements, had managed to paralyze England and France. The effect on colonial peoples of Axis victories has often been noted; but it was probably no smaller on Soviet Russia which shared with the colonial nations a sense of awe toward the great powers of the West. Stalin has expressed on a number of occasions respect for Nazi methods, but always with one reservation: Hitler was overconfident, he underestimated the enemy, he did not know when to stop. The Cold War which he himself launched in 1946 represented, in effect, a replay of Hitler's game but with careful attention to the "correlation of powers".

The quality common to Nazi and post-1946 Soviet methods of waging political warfare is the practice of making limited, piecemeal encroachments on Western positions to the accompaniment of threats entirely out of proportion to the losses the West is asked to bear. The threats are coupled with all kinds of inducements which make non-acquiescence even more absurd. The Soviet Juridical Dictionary, in its definition of threat as a criminal offense, inadvertently provides a useful description of its uses as a political weapon: Threat (*ugroza*), it says, is a "distinct type of psychic influence on the victim for the purpose of compelling him to commit one action or another, or to refrain from committing them, in the interest of the threatener. . . . Such threats . . . can serve to paralyze the victim's will . . .".[8] In the case of international politics, the primary target of threats is public opinion. Their function is to disorient it to the point where it refuses to follow the national leadership and by passive or active resistance forces the government to make one concession after another.

Threats can be of a direct and an indirect kind. Khrushchev specialized in the former, cultivating the public stance of a violent and unpredictable man whom it would be unwise to provoke—a ploy of which Hitler was the first to make masterful use. Sometimes Khrushchev liked to drop hints what Russia would do if thwarted—hints so vaguely worded as to be open to differing interpretations. At other times he spelled out his threats with brutal frankness, as for example, when he spoke of "country-busting". The present Soviet administration, though not immodest in making its capacity at punishing adversaries clear, prefers to appear as a mature world power, aware what awesome responsibility possession of nuclear weapons imposes on it. But it is not averse to taking advantage of the "irresponsibility" ploy by shifting blame on its friends and allies, which it occasionally depicts as wildly emotional, hoping, by this device, to enlist Western support for its policies. This gambit has been used repeatedly in recent years in the Middle East. A recent dispatch from London by United Press International, for example (and it is one of many), credits anonymous East European diplomatic sources with the intelligence that the Soviet Union fears Egypt could involve it in a Middle Eastern war against its wishes. Russia—so the dispatch continues—is, of course, doing all it can to restrain President Sadat, but since its own prestige is at stake "precipitate Egyptian war action could drag Moscow into hostilities despite Russian intentions."[9] The implied conclusion is that the United States in order to avoid general war in which it might have to confront the Soviet Union, should compel Israel to comply with Egyptian terms. Such "leaks", reported by the Western press as if they were news, have for Soviet Russia the same value as direct threats but they cost it even less, allowing it to blackmail in the name of third parties.

Until it had the bomb and the means of delivering it across continents, the Soviet Union was unable credibly to threaten military action as Hitler had done in 1933–1939 and therefore could not wage global Cold War in an effective manner. Stalin had ordered the manufacture of atomic and hydrogen bombs but without having a clear understanding of their uses: he probably thought he had to have them to be able to face the United States as an equal. His attempts at paralyzing the West into submission were ultimately a failure because his threats carried no conviction. The benefits to be derived from nuclear blackmail were first grasped by Khrushchev and the military who had helped him unseat the more cautious Malenkov. Almost immediately upon coming to power, Khrushchev instigated a major deception intended to convince the United States that he had at his disposal more nuclear weapons and better means of delivering them than in fact was the case. First came Aviation Day of July 1955 when small units of Bisons, apparently flying in circles over Moscow, suggested to Western observers that Russia already had a respectable fleet of strategic bombers. Two years later came the Sputnik, and an even more incredible deception concerning the number of Soviet ICBM's.[10] These strategems helped undermine the traditional sense of invulnerability to external attack of the United States and persuade it that the only viable alternative to mutual nuclear destruction was accommodation with the Soviet Union. This proposition was not explicitly stated but hinted at. It was President Eisenhower and his advisors who first spelled out the principles that there was "no alternative to peace", that "war had become unthinkable" and that, therefore, negotiation was the only feasible way of settling all disagreements with the Soviet Union. The Geneva Conference of 1955 and the Camp David meeting of 1959 formalized this understanding. Since, as will be pointed out, the Soviet Union enjoys great advantages in negotiations with Western powers, the acceptance by the West of these principles represented a considerable Russian victory. It set the rules for the conduct of operations against the West in a fashion favorable to the Soviet side.

In one sense, the policy of threats initiated by Khrushchev has not worked: even nuclear blackmail has not made the United States and its allies give up their principal positions, such as NATO and West Germany's membership in it. But the policy has had considerable effect on Western public opinion. Ever since the Soviet Union has acquired the ability to inflict heavy punishment on Western countries a paralysis of the will has set in. The leadership stands firm but it can no longer wholly depend on the citizenry, and this condition sooner or later must reflect itself in national policies. While encouraging these tendencies toward isolationism and *embourgeoisement* in the West, the Soviet leadership in its internal policies seeks to steel the Soviet population and by depriving it of the good things of life to keep it lean, hungry, and alert[11] . . .

SOVIET ESTIMATE OF THE AMERICAN PSYCHE

In dealing with the United States in particular, the Russians have worked out over the past thirty years an interesting set of approaches based on certain assumptions about American ways of thinking and feeling.

In dealing with relations between America and Russia, one cannot emphasize strongly enough the effect which their disparate economic traditions have had on their political conduct. A country like the United States whose preoccupation is commercial is inherently predisposed toward compromise: each trading transaction, after all, must hold some profit for both parties; negotiation is over the division of profits, not over the principle of mutual benefit. On the other hand, a country which makes its living primarily from the production and consumption of goods—never mind whether agricultural, extractive, or industrial—is equally predisposed toward exclusive possession and the denial of the principle of compromise.

This factor has had immense influence on the conduct of international relations of the two countries. When the United States makes a proposal to the Soviet Union, it invariably includes in it provisions designed to make it palatable to the other party; in other words, it makes concessions in advance of actual negotiations, assuming the other party will do likewise. But where the other party is a country like the Soviet Union, without a great commercial tradition and furthermore impelled by ideology toward intransigence, this assumption does not hold. The Russian position always represents the actual expectations of the Soviet government, weighted down with additional unrealistic demands to be given up in exchange for the other side's concessions. In this sense, the Russians always enjoy an immense advantage in negotiating with a country like the United States. Any compromise works in their favor insofar as the American preliminary position already includes some concessions which need not be fought for at all. Occasionally, in diplomatic talks, Russian negotiators work out with their opposite numbers from the West a compromise formula which is then sent to Moscow as representing the Western position. Clearly, when Moscow sends back its counterproposals, the Russians come out the winners. This technique of "splitting the half" theoretically gives the Russians three-quarters of the gain in any compromise solution.

Equally important though more difficult to define is the Russian play on certain elements in the American psyche. A strong residue of Protestant ethics, causes Americans to regard all hostility to them as being at least in some measure brought about by

Footnotes at end of article.

their own faults. That one can be hated for what one is rather than for what one does (to use Mr. George Kennan's formula) is difficult to reconcile with the liberal Protestant ethic which still dominates American culture. It is quite possible to exploit this tendency to self-accusation by setting into motion a steady barrage of hostile actions accompanied by expressions of hatred. The natural reaction of the victims, if they are Americans, can be and often is bewilderment, followed by guilt. Thus is created an atmosphere conducive to concessions whose purpose it is to propitiate the allegedly injured party. The roots of English appeasement of the 1930's probably lay in these psychological factors; and the Russians, imitating the Nazis, have had much success in exploiting similar methods. One need only recall the uses made of so-called American "intervention" in the Russian Civil War, as a counterpart of the Versailles *Diktat*, to see the parallel. . . .

FOOTNOTES

[1] *Voprosy strategii i operativnogo isskustva v sovetskikh voennykh trudakh, 1917–1940 gg.* (Moscow, 1965). 13.

[2] *Insight and Outlook* (New York, 1949), especially Chapter XVIII, "The Eureka Process."

[3] Cited in my book, *Struve, Liberal on the Left, 1870–1905* (Cambridge, Mass., 1970), 134.

[4] V. I. Lenin, *Sochineniia*, 3rd ed., (Moscow, 1926–1937), xxx, 333. Admiration for Clausewitz is something the Bolsheviks and the Nazis have in common.

[5] V. Sorin, "Marksizm, taktika, Lenin," *Pravda*, No. 1 (January 3, 1923), 5. On another occasion, Lenin wrote: "To have an overwhelming superiority of forces at a decisive moment in a decisive place—this 'law' of military success is also the law of political success . . ." Lenin, *Sochinenija*, xxiv, 635. Lenin's copious notes on Clausewitz are reprinted in *Leninskii sbornik*, xii (1931), 387–452.

[6] Cited in Sir William Hayter, *Russia and the World* (London, 1970), 18, 19.

[7] Cited in J. M. Mackintosh, *The Strategy and Tactics of Soviet Foreign Policy* (London, 1962), 90, 91.

[8] P. I. Kudriavtsev, ed., *Iuridicheskii slovar'*, 2nd ed., II (Moscow, 1956), 550.

[9] *The Boston Evening Globe*, November 10, 1971, 15.

[10] This fascinating story is described by Arnold L. Horelick and Myron Rush, *Strategic Power and Soviet Foreign Policy* (Chicago, 1966). I owe these two authors the reference cited above in Note 8.

[11] It is interesting to observe that whereas in the era of "peaceful coexistence" with the West, the Soviet government goes out of its way to maintain in Russia the spirit of ideological militancy toward the West, during the period of amity with Nazi Germany (1939–1941) it was equally anxious in its internal propaganda to give no offense to the government of Hitler.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of House Joint Resolution 1227, approval and authorization for the President of the United States to accept an interim agreement between the United States of America and the Union of Soviet Socialist Republics on certain measures with respect to the limitation of strategic offensive arms, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read the joint resolution (H.J. Res. 1227) as follows:

Approval and authorization for the President of the United States to accept an interim agreement between the United States of America and the Union of Soviet Socialist Republics on certain measures with respect to the limitation of strategic offensive arms.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas?

There being no objection, the Senate proceeded to consider House Joint Resolution 1227.

Mr. FULBRIGHT. Mr. President, I move to strike out all after the resolving clause and insert in lieu thereof the language of Senate Joint Resolution 241, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. As I understood the motion, the effect of it would be to strike out all after the resolving clause and to insert the language of Senate Joint Resolution 241, as amended. This does not strike the language or the action previously taken by the Senate today.

The PRESIDING OFFICER. No, it does not.

Mr. ALLOTT. I thank the Chair.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the joint resolution.

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

The joint resolution (H.J. Res. 227) was read the third time.

Mr. JACKSON. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

Mr. HARRY F. BYRD, JR. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

Mr. HARRY F. BYRD, JR. Mr. President, I commend the distinguished Senator from Washington (Mr. JACKSON) for the very important role he has played in focusing the attention of the Senate on the interim agreement signed by Chairman Brezhnev and the President of the United States. I think had it not been for his diligence, his perseverence, and his detailed knowledge of the subject, the Senate would not have had the full-scale debate in which it has engaged over a period of time.

I commend, too, the amendment which the Senator from Washington sponsored, and which the Senate approved today by a vote of 55 to 35.

I think it is very important that in the subsequent negotiations with the Soviet Union, the United States negotiators seek levels of international strategic forces equal to those of the Soviet Union. Hopefully, it will mean a reduction in the intercontinental strategic forces of Russia.

Had not the amendment offered by the Senator from Washington been approved by the Senate, I have some doubt as to whether I could have supported the interim agreement. With this amendment, however, and with the Senate on record as firmly agreeing with the position enunciated by the amendment offered by the Senator from Washington, I shall support the agreement.

The PRESIDING OFFICER. The question is on final passage of the joint resolution.

Mr. ROBERT C. BYRD. Mr. President, I yield myself 30 seconds.

This will be the last roll call for today.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. GOLDWATER (when his name was called). Mr. President, on this vote I have a pair with the Senator from Michigan (Mr. GRIFFIN). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. MUNDT), is absent because of illness.

I further announce that the Senator from New Hampshire (Mr. COTTON), and the Senator from Ohio (Mr. SAXBE) are detained on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The pair of the Senator from Michigan (Mr. GRIFFIN) has been previously announced.

The result was announced—yeas 88, nays 2, as follows:

[No. 432 Leg.]

YEAS—88

Aiken	Burdick	Eastland
Allott	Byrd, Harry F., Jr.	Edwards
Anderson	Byrd, Robert C.	Ervin
Baker	Cannon	Fannin
Bayh	Case	Fong
Beall	Chiles	Fulbright
Bellmon	Church	Gambrell
Bennett	Cook	Gravel
Bentsen	Cooper	Gurney
Bible	Cranston	Hansen
Boggs	Dole	Harris
Brock	Dominick	Hart
Brooke	Eagleton	Hartke
Buckley		Hatfield

Hruska	Miller	Smith
Hughes	Mondale	Sparkman
Humphrey	Montoya	Spong
Inouye	Moss	Stafford
Jackson	Muskie	Stennis
Javits	Nelson	Stevens
Jordan, N.C.	Packwood	Stevenson
Jordan, Idaho	Pastore	Symington
Long	Pearson	Taft
Magnuson	Pell	Talmadge
Mansfield	Percy	Thurmond
Mathias	Proxmire	Tunney
McClellan	Randolph	Weicker
McGee	Roth	Williams
McIntyre	Schweiker	Young
Metcalf	Scott	

NAYS—2

Allen	Hollings

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Goldwater, against.

NOT VOTING—9

Cotton	Kennedy	Ribicoff
Curtis	McGovern	Saxbe
Griffin	Mundt	Tower

So the joint resolution (H.J. Res. 1227) was passed.

Mr. FULBRIGHT. Mr. President, I move that the Senate insist upon its amendment and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. STAFFORD) appointed Mr. FULBRIGHT, Mr. SPARKMAN, Mr. CHURCH, Mr. SYMINGTON, Mr. AIKEN, Mr. CASE, and Mr. COOPER conferees on the part of the Senate.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that Senate Joint Resolution 241 be indefinitely postponed.

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

ORDER FOR RECOGNITION OF SENATOR PERCY AND SENATOR HRUSKA TOMORROW; CONSIDERATION OF DEFENSE PROCUREMENT BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, immediately following the remarks of the two leaders under the standing order, the distinguished Senator from Illinois (Mr. PERCY) be recognized for not to exceed 15 minutes, to be followed by the distinguished Senator from Nebraska (Mr. HRUSKA), for not to exceed 15 minutes, at the conclusion of which the Chair proceed to the consideration of the conference report on the defense procurement authorization bill.

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the Calendar 1056 and the succeeding measures in sequence, through and including Calendar No. 1067.

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

INTERNATIONAL BRIDGE ACT OF 1972

The bill (H.R. 15577) to give the consent of Congress to the construction of certain international bridges, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

SUPPORT OF THE INTERNATIONAL AGENCY FOR RESEARCH ON CANCER

The Senate proceeded to consider the joint resolution (H.J. Res. 1257) to authorize an appropriation for the annual contributions by the United States for the support of the International Agency for Research on Cancer which had been reported from the Committee on Foreign Relations with an amendment on page 1, line 8, after the word "on", strike out "Cancer." and insert "Cancer, except that in no event shall that payment for any year exceed 16 per centum of all contributions assessed Participating Members of the Agency for that year."

The amendment was agreed to.

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

The joint resolution was read the third time, and passed.

UNIFICATION OF PRIVATE INTERNATIONAL LAW

The Senate proceeded to consider the bill (H.R. 11948) to amend the joint resolution authorizing appropriations for participation by the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law which has been reported from the Committee on Foreign Relations with amendments on page 1, line 6, after the word "be", strike out "necessary, not to exceed $50,000 annually," and insert "necessary"; and, on page 2, line 1, after the word "Private", strike out "Law.' " and insert "Law, except that in no event shall any payment of the United States to the Conference or the Institute for any year exceed 7 per centum of all expenses apportioned among members of the Conference or the Institute, as the case may be, for that year."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

U.S. PARTICIPATION IN THE INTERNATIONAL BUREAU FOR THE PROTECTION OF INDUSTRIAL PROPERTY

The Senate proceeded to consider the joint resolution (H.J. Res. 984) to amend the joint resolution providing for U.S. participation in the International Bureau for the Protection of Industrial Property which had been reported from the Committee on Foreign Relations with amendments on page 1, line 3, after the word "the", strike out "Act" and insert "joint resolution"; in line 4, after the word "the", strike out "Act" and insert "joint resolution"; and, on page 2, line 3, after the word "as", strike out "revised." and insert "revised, except that in no event shall the payment for any year exceed 4 per centum of all expenses of the bureau apportioned among countries for that year."

The amendments were agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

U.S. MEMBERSHIP AND PARTICIPATION IN THE SOUTH PACIFIC COMMISSION

The Senate proceeded to consider the joint resolution (H.J. Res. 1211) to amend the joint resolution providing for membership and participation by the United States in the South Pacific Commission, which had been reported from the Committee on Foreign Relations with amendments on page 1, line 3, after the word "That", insert "section 3(a) of"; at the beginning of line 5, insert "(1)"; in the same line, after the word "out", insert "not to exceed"; in the same line, after "$250,000", insert "per fiscal year"; and, in line 6, after the word "and", strike out "inserting in lieu thereof "$400,000", in section 3(a)." and insert "(2) by inserting before the period at the end thereof the following: 'except that in no event shall that payment for any fiscal year of the Commission exceed 20 per centum of all expenses apportioned among participating governments of the Commission for that year'."

The amendments were agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

SENATE DOCUMENT OF LEGISLATIVE PROCEEDINGS WITH RESPECT TO SENATOR HICKENLOOPER

The resolution (S. Res. 359) relating to the printing and distribution, as a Senate document, of legislative proceedings with respect to the death of former Senator Hickenlooper was considered and agreed to, as follows:

Resolved, That the legislative proceedings of the Congress relating to the death of the former Senator from Iowa, Mr. Hickenlooper, be printed as a Senate document. That document shall be prepared, printed, bound, and distributed, except to the extent otherwise provided by the Joint Committee on Printing under chapter 1 of title 44, United States Code, in the same manner and under the same conditions as memorial addresses, on behalf of Members of Congress dying in office, are printed under sections 723 and 724 of such title.

AUTHORIZATION FOR SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

The Senate proceeded to consider resolution (S. Res. 360) authorizing supplemental expenditures by the Committee on Veterans' Affairs for inquiries and investigations which had been reported from the Committee on Rules and Administration with an amendment on page 2, line 14, after the word "February",

strike out "29" and insert "28"; so as to make the resolution read:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Veterans' Affairs, or any subcommittee thereof, is authorized from the date this resolution is agreed to through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $50,000, of which amount not to exceed $10,000 shall be available for the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 4.—Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The amendment was agreed to.

The resolution, as amended, was agreed to.

AUTHORIZATION FOR PRINTING ADDITIONAL COPIES OF HEARING RELATING TO SUDDEN INFANT DEATH SYNDROME

The concurrent resolution (S. Con. Res. 92) authorizing the printing of additional copies of the hearing before the Subcommittee on Children and Youth relating to the sudden infant death syndrome was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed two thousand additional copies of part 1 of the hearing before the Subcommittee on Children and Youth of the Senate Committee on Labor and Public Welfare entitled "Rights of Children, 1972 (Examination of the Sudden Infant Death Syndrome)", dated January 25, 1972. Such additional copies shall be for the use of the Senate Committee on Labor and Public Welfare.

O'NEILL UNIT, MISSOURI RIVER BASIN PROJECT, NEBRASKA

The Senate proceeded to consider the bill (S. 353) to authorize the Secretary of the Interior to construct, operate, and maintain the O'Neill unit, Missouri River Basin project, Nebraska, and for other purposes which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 3, after the word "heretofore," strike out "outhorized" and insert "authorized"; in line 6, after the word "of," strike out "that project" and insert "Pick-Sloan Missouri Basin program"; on page 2, and after line 12, insert:

To protect the quality of the environment including the existing fishery, the Secretary shall, in consultation with other Federal agencies and the State of Nebraska, develop operating criteria which will assure a full water supply for the irrigation needs of the unit and provide for releases at Norden Dam, including reservoir seepage to maintain flows of one hundred cubic feet per second of time, or more, of water in the Niobrara River immediately downstream from Norden Dam: *Provided*, That prior to construction of the unit the State of Nebraska shall furnish assurances satisfactory to the Secretary of the Interior that releases of water, so identified, at Norden Dam to the Niobrara River will be available as necessary for the conservation and development of the fish and wildlife resources and for protection of the environment.

On page 3, after line 7, insert a new section, as follows:

SEC. 4. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable to the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

At the beginning of line 17, change the section number from "4" to "5"; and, on page 4, after line 3, strike out:

SEC. 5. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

And, in lieu thereof, insert:

SEC. 6. There is hereby authorized to be appropriated for construction of the O'Neill unit the sum of $104,400,000 (based upon October 1970 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indices applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the unit.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the O'Neill unit, heretofore authorized as an integral part of the Missouri River Basin project by the Act of August 21, 1954 (68 Stat. 757), is hereby reauthorized as a unit of Pick-Sloan Missouri Basin program for the purposes of providing irrigation water for seventy-seven thousand acres of land, flood control, fish and wildlife conservation and development, public outdoor recreation, and for other purposes. The construction, operation, and maintenance of the O'Neill unit shall be subject to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal features of the unit shall include Norden Dam and Reservoir, related canals, a pumping plant, distribution systems, and other necessary works needed to effect the aforesaid purposes.

SEC. 2. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the O'Neill unit shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

To protect the quality of the environment including the existing fishery, the Secretary shall, in consultation with other Federal agencies and the State of Nebraska, develop operating criteria which will assure a full water supply for the irrigation needs of the unit and provide for releases at Norden Dam, including reservoir seepage to maintain flows of one hundred cubic feet per second of time, or more, of water in the Niobrara River immediately downstream from Norden Dam: *Provided*, That prior to construction of the unit the State of Nebraska shall furnish assurances satisfactory to the Secretary of the Interior that releases of water, so identified, at Norden Dam to the Niobrara River will be available as necessary for the conservation and development of the fish and wildlife resources and for protection of the environment.

SEC. 3. The O'Neill unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented.

SEC. 4. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable to the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 5. For a period of ten years from the date of enactment of this Act, no water from the unit authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 6. There is hereby authorized to be appropriated for construction of the O'Neill unit the sum of $104,400,000 (based upon October 1970 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indices applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the unit.

The amendments were agreed to.

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

The title was amended, so as to read: "A bill to authorize the Secretary of the Interior to construct, operate, and maintain the O'Neill unit, Pick-Sloan Missouri Basin program, Nebraska, and for other purposes."

NORTH LOUP DIVISION, MISSOURI RIVER BASIN PROJECT, NEBRASKA

The Senate proceeded to consider the bill (S. 2350) to authorize the Secretary of the Interior to construct, operate, and maintain the North Loup division, Missouri River Basin project, Nebraska, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior is hereby authorized to construct, operate, and maintain the North Loup division of the Pick-Sloan Missouri Basin program for the pur-

poses of providing irrigation water for fifty-three thousand acres of land, enhancement of outdoor recreation opportunities, conservation and development of fish and wildlife resources, and for other purposes. The principal features of the North Loup division shall include Calamus and Davis Creek Dams and Reservoirs, Kent Diversion Works; irrigation canals; pumping facilities; associated irrigation distribution and drainage works; facilities for public outdoor recreation and fish and wildlife developments; and other necessary works and facilities to effect its purposes.

SEC. 2. The conservation and development of the fish and wildlife resources and the enhancement of outdoor recreation opportunities in connection with the North Loup division shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 3. The North Loup division shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented.

SEC. 4. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 5. The North Loup division shall be so constructed and operated that no water shall be diverted from either the Calamus or the North Loup Rivers for any use by the division during the months of July and August each year; and no water shall be diverted from said rivers during the month of September each year whenever during said month there is sufficient water available in the division storage reservoirs to deliver the design capacity of the canals receiving water from said reservoirs.

SEC. 6. For a period of ten years from the date of enactment of this Act, no water from the unit authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply, as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 7. There is hereby authorized to be appropriated for construction of the North Loup division as authorized in this Act the sum of $73,400,000 (based upon October 1970 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the division.

The amendment was agreed to.

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

The title was amended, so as to read: "A bill to authorize the Secretary of the Interior to construct, operate, and maintain the North Loup division, Pick-Sloan Missouri Basin program, Nebraska, and for other purposes."

OFFICE OF TECHNOLOGY ASSESSMENT

The Senate proceeded to consider the bill (H.R. 10243) to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes, which had been reported from the Committee on Rules and Administration with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Technology Assessment Act of 1972".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 12. The Congress hereby finds and declares that:

(a) As technology continues to change and expand rapidly, its applications are—

(1) large and growing in scale; and

(2) increasingly extensive, pervasive, and critical in their impact, beneficial and adverse, on the natural and social environment.

(b) Therefore, it is essential that, to the fullest extent possible, the consequences of technological applications be anticipated, understood, and considered in determination of public policy on existing and emerging national problems.

(c) The Congress further finds that:

(1) the Federal agencies presently responsible directly to the Congress are not designed to provide the legislative branch with adequate and timely information, independently developed, relating to the potential impact of technological applications, and

(2) the present mechanisms of the Congress do not and are not designed to provide the legislative branch with such information.

(d) Accordingly, it is necessary for the Congress to—

(1) equip itself with new and effective means for securing competent, unbiased information concerning the physical, biological, economic, social, and political effects of such applications; and

(2) utilize this information, whenever appropriate, as one factor in the legislative assessment of matters pending before the Congress, particularly in those instances where the Federal Government may be called upon to consider support for, or management or regulation of, technological applications.

ESTABLISHMENT OF THE OFFICE OF TECHNOLOGY ASSESSMENT

SEC. 3. (a) In accordance with the findings and declaration of purpose in section 2, there is hereby created the Office of Technology Assessment (hereinafter referred to as the "Office") which shall be within and responsible to the legislative branch of the Government.

(b) The Office shall consist of a Technology Assessment Board (hereinafter referred to as the "Board") which shall formulate and promulgate the policies of the Office, and a Director who shall carry out such policies and administer the operations of the Office.

(c) The basic function of the Office shall be to provide early indications of the probable beneficial and adverse impacts of the applications of technology and to develop other coordinate information which may assist the Congress. In carrying out such function, the Office shall:

(1) identify existing or probable impacts of technology or technological programs;

(2) where possible, ascertain cause-and-effect relationships;

(3) identify alternative technological methods of implementing specific programs;

(4) identify alternative programs for achieving requisite goals;

(5) make estimates and comparisons of the impacts of alternative methods and programs;

(6) present findings of completed analyses to the appropriate legislative authorities;

(7) identify areas where additional research or data collection is required to provide adequate support for the assessments and estimates described in paragraph (1) through (5) of this subsection; and

(8) undertake such additional associated activities as the appropriate authorities specified under subsection (d) may direct.

(d) Assessment activities undertaken by the Office may be initiated upon the request of:

(1) the chairman of any standing, special, or select committee of either House of the Congress, or of any joint committee of the Congress, acting for himself or at the request of the ranking minority member or a majority of the committee members;

(2) the Board; or

(3) the Director, in consultation with the Board.

(e) Assessments made by the Office, including information, surveys, studies, reports, and findings related thereto, shall be made available to the initiating committee or other appropriate committees of the Congress. In addition, any such information, surveys, studies, reports, and findings produced by the Office may be made available to the public except where—

(1) to do so would violate security statutes; or

(2) the Board considers it necessary or advisable to withhold such information in accordance with one or more of the numbered paragraphs in section 552(b) of title 5, United States Code.

TECHNOLOGY ASSESSMENT BOARD

SEC. 4. (a) The Board shall consist of thirteen members as follows:

(1) six Members of the Senate, appointed by the President pro tempore of the Senate, three from the majority party and three from the minority party;

(2) six Members of the House of Representatives appointed by the Speaker of the House of Representatives, three from the majority party and three from the minority party; and

(3) the Director, who shall not be a voting member.

(b) Vacancies in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board and shall be filled in the same manner as in the case of the original appointment.

(c) The Board shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The chairman during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Board from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member.

(d) The Board is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress and upon a vote of a majority of its members, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The Board may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Board unless a majority of the Board assent. Subpenas may be issued over the signature of the chairman of the Board

or of any member designated by him or by the Board, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the Board or any member thereof may administer oaths or affirmations to witnesses.

DIRECTOR AND DEPUTY DIRECTOR

SEC. 5. (a) The Director of the Office of Technology Assessment shall be appointed by the Board and shall serve for a term of six years unless sooner removed by the Board. He shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(b) In addition to the powers and duties vested in him by this Act, the Director shall exercise such powers and duties as may be delegated to him by the Board.

(c) The Director may appoint with the approval of the Board, a Deputy Director who shall perform such functions as the Director may prescribe and who shall be Acting Director during the absence or incapacity of the Director or in the event of a vacancy in the office of Director. The Deputy Director shall receive basic pay at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) Neither the Director nor the Deputy Director shall engage in any other business, vocation, or employment than that of serving as such Director or Deputy Director, as the case may be; nor shall the Director or Deputy Director, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement under this Act.

AUTHORITY OF THE OFFICE

SEC. 6. (a) The Office shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this Act, including, but without being limited to, the authority to—

(1) make full use of competent personnel and organizations outside the Office, public or private, and form special ad hoc task forces or make other arrangements when appropriate;

(2) enter into contracts or other arrangements as may be necessary for the conduct of the work of the Office with any agency or instrumentality of the United States, with any State, territory, or possession or any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, with or without reimbursement, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

(3) make advance, progress, and other payments which relate to technology assessment without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529);

(4) accept and utilize the services of voluntary and uncompensated personnel necessary for the conduct of the work of the Office and provide transportation and subsistence as authorized by section 5703 of title 5, United States Code, for persons serving without compensation;

(5) acquire by purchase, lease, loan, or gift, and hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for or resulting from the exercise of authority granted by this Act; and

(6) prescribe such rules and regulations as it deems necessary governing the operation and organization of the Office.

(b) Contractors and other parties entering into contracts and other arrangements under this section which involve costs to the Government shall maintain such books and related records as will facilitate an effective audit in such detail and in such manner as shall be prescribed by the Office, and such books and records (and related documents and papers) shall be available to the Office and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination.

(c) The Office, in carrying out the provisions of this Act, shall not, itself, operate any laboratories, pilot plants, or test facilities.

(d) The Office is authorized to secure directly from any executive department or agency information, suggestions, estimates, statistics, and technical assistance for the purpose of carrying out its functions under this Act. Each such executive department or agency shall furnish the information, suggestions, estimates, statistics, and technical assistance directly to the Office upon its request.

(e) On request of the Office, the head of any executive department or agency may detail, with or without reimbursement, any of its personnel to assist the Office in carrying out its functions under this Act.

(f) The Director shall, in accordance with such policies as the Board shall prescribe, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act.

ESTABLISHMENT OF THE TECHNOLOGY ASSESSMENT ADVISORY COUNCIL

SEC. 7. (a) The Office shall establish a Technology Assessment Advisory Council (hereinafter referred to as the "Council"). The Council shall be composed of the following twelve members:

(1) ten members from the public, to be appointed by the Board, who shall be persons eminent in one or more fields of the physical, biological, or social sciences or engineering or experienced in the administration of technological activities, or who may be judged qualified on the basis of contributions made to educational or public activities;

(2) the Comptroller General; and

(3) the Director of the Congressional Research Service of the Library of Congress.

(b) The Council, upon request by the Board, shall—

(1) review and make recommendations to the Board on activities undertaken by the Office or on the initiation thereof in accordance with section 3(d); and

(2) review and make recommendations to the Board on the findings of any assessment made by or for the Office.

(c) The Council, by majority vote, shall elect from its members appointed under subsection (a) (1) of this section a Chairman and a Vice Chairman, who shall serve for such time and under such conditions as the Council may prescribe. In the absence of the Chairman, or in the event of his incapacity, the Vice Chairman shall act as Chairman.

(d) The term of office of each member of the Council appointed under subsection (a) (1) shall be four years, except that any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. No person shall be appointed a member of the Council under subsection (a) (1) more than twice. Terms of the members appointed under subsection (a) (1) shall be staggered so as to establish a rotating membership according to such method as the Board may devise.

(e) (1) The members of the Council other than those appointed under subsection (a) (1) shall receive no pay for their services as members of the Council, but shall be allowed necessary travel expenses (or, in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistence at not to exceed the rate prescribed in sections 5702 and 5704 of title 5, United States Code), and other necessary expenses incurred by them in the performance of duties vested in the Council, without regard to the provisions of subchapter 1 of chapter 57 and section 5731 of title 5, United States Code, and regulations promulgated thereunder.

(2) The members of the Council appointed under subsection (a) (1) shall receive compensation for each day engaged in the actual performance of duties vested in the Council at rates of pay not in excess of the daily equivalent of the highest rate of basic pay set forth in the General Schedule of section 5332(a) of title 5, United States Code, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses in the manner provided for other members of the Council under paragraph (1) of this subsection.

UTILIZATION OF THE LIBRARY OF CONGRESS

SEC. 8. (a) To carry out the objectives of this Act, the Librarian of Congress is authorized to make available to the Office such services and assistance of the Congressional Research Service as may be appropriate and feasible.

(b) Such services and assistance made available to the Office shall include, but not be limited to, all of the services and assistance which the Congressional Research Service is otherwise authorized to provide to the Congress.

(c) Nothing in this section shall alter or modify any services or responsibilities, other than those performed for the Office, which the Congressional Research Service under law performs for or on behalf of the Congress. The Librarian is, however, authorized to establish within the Congressional Research Service such additional divisions, groups, or other organizational entities as may be necessary to carry out the purpose of this Act.

(d) Services and assistance made available to the Office by the Congressional Research Service in accordance with this section may be provided with or without reimbursement from funds of the Office, as agreed upon by the Board and the Librarian of Congress.

UTILIZATION OF THE GENERAL ACCOUNTING OFFICE

SEC. 9. (a) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) and such other services as may be appropriate shall be provided the Office by the General Accounting Office.

(b) Such services and assistance to the Office shall include, but not be limited to, all of the services and assistance which the General Accounting Office is otherwise authorized to provide to the Congress.

(c) Nothing in this section shall alter or modify any services or responsibilities, other than those performed for the Office, which the General Accounting Office under law performs for or on behalf of the Congress. The Comptroller General is, however, authorized to establish within the General Accounting Office such additional divisions, groups, or other organizational entities as may be necessary to carry out the objectives of this Act.

(d) Services and assistance made available to the Office by the General Accounting Office in accordance with this section may be provided with or without reimbursement from funds of the Office, as agreed upon by the Board and the Comptroller General.

COORDINATION WITH THE NATIONAL SCIENCE FOUNDATION

SEC. 10. (a) The Office shall maintain a continuing liaison with the National Science Foundation with respect to—

(1) grants and contracts formulated or activated by the Foundation which are for purposes of technology assessment; and

(2) the promotion of coordination in areas of technology assessment, and the avoidance of unnecessary duplication or overlapping of research activities in the development of technology assessment techniques and programs.

(b) Section 3(b) of the National Science Foundation Act of 1950, as amended (42

U.S.C. 1862(b)), is amended to read as follows:

"(b) The Foundation is authorized to initiate and support specific scientific activities in connection with matters relating to international cooperation, national security, and the effects of scientific applications upon society by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such activities. When initiated or supported pursuant to requests made by any other Federal department or agency, including the Office of Technology Assessment, such activities shall be financed whenever feasible from funds transferred to the Foundation by the requesting official as provided in section 14(g), and any such activities shall be unclassified and shall be identified by the Foundation as being undertaken at the request of the appropriate official."

ANNUAL REPORT

SEC. 11. The Office shall submit to the Congress an annual report which shall include, but not be limited to, an evaluation of technology assessment techniques and identification, insofar as may be feasible, of technological areas requiring future analysis. Such report shall be submitted not later than March 15 of each year.

APPROPRIATIONS

SEC. 12. (a) To enable the Office to carry out its powers and duties, there is hereby authorized to be appropriated to the Office, out of any money in the Treasury not otherwise appropriated, not to exceed $5,000,000 in the aggregate for the two fiscal years ending June 30, 1973, and June 30, 1974, and thereafter such sums as may be necessary.

(b) Appropriations made pursuant to the authority provided in subsection (a) shall remain available for obligation, for expenditure, or for obligation and expenditure for such period or periods as may be specified in the Act making such appropriations.

EFFECTIVE DATE

SEC. 13. This Act sahll become effective, and the members of the Board shall be appointed by the presiding officers of the Senate and House of Representatives as provided in section 4, not later than sixty days following the date of enactment of this Act.

The amendment was agreed to.

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

The bill was read the third time, and passed.

AMENDMENT OF THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

The Senate proceeded to consider the bill (S. 2318) to amend the Longshoremen's and Harbor Workers' Compensation Act, and for other purposes, which had been reported from the Committee on Labor and Public Welfare with an amendment, to strike out all after the enactment clause and insert:

That this Act may be cited as the "Longshoremen's and Harbor Workers' Compensation Act Amendments of 1972".

COVERAGE

SEC. 2. (a) Section 2(3) of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, 33 U.S.C. 902) is amended to read as follows:

"(3) The term 'employee' means any person engaged in maritime employment, including any longshoreman or other person engaged in longshoring operations, and any harborworker including a ship repairman, shipbuilder, and shipbreaker, but such term does not include a master or member of a crew of any vessel, or any person engaged by the master to load or unload or repair any small vessel under eighteen tons net."

(b) Section 2(4) of such Act is amended by striking out "(including any dry dock)" and inserting in lieu thereof "(including any adjoining pier, wharf, dry dock, terminal, building way, marine railway, or other adjoining area customarily used by an employer ing any adjoining pier, wharf, dry dock, building a vessel)".

(c) Section 3(a) of such Act is amended by striking out "(including any dry dock), and if recovery for the disability or death through workmen's compensation proceedings may not validly be provided by State law," and inserting in lieu thereof "(including any adjoining pier, wharf, dry dock, terminal, building way, marine railway, or other adjoining area customarily used by an employer in loading, unloading, repairing, or building a vessel)".

STUDENT BENEFITS

SEC. 3. (a) Section 2 of the Longshoremen's and Harbor Workers' Compensation Act is amended by redesignating paragraph (19) as paragraph (20) and adding a new paragraph (19) as follows:

"(19) The term 'student' means a person regularly pursuing a full-time course of study or training at an institution which is—

"(A) a school or college or university operated or directly supported by the United States, or by any State or local government or political subdivision thereof,

"(B) a school or college or university which has been accredited by a State or by a State recognized or nationally recognized accrediting agency or body,

"(C) a school or college or university not so accredited but whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited, or

"(D) an additional type of educational or training institution as defined by the Secretary,

but not after he reaches the age of twenty-three or has completed four years of education beyond the high school level, except that, where his twenty-third birthday occurs during a semester or other enrollment period, he shall continue to be considered a student until the end of such semester or other enrollment period. A child shall not be deemed to have ceased to be a student during any interim between school years if the interim does not exceed five months and if he shows to the satisfaction of the Secretary that he has a bona fide intention of continuing to pursue a full-time course of education or training during the semester or other enrollment period immediately following the interim or during periods of reasonable duration during which, in the judgment of the Secretary, he is prevented by factors beyond his control from pursuing his education. A child shall not be deemed to be a student under this Act during a period of service in the Armed Forces of the United States."

(b) The last sentence of section 2(14) of such Act is amended to read as follows: "'Child', 'grandchild', 'brother', and 'sister' includes only a person who is under eighteen years of age, who, though eighteen years of age or over, is (1) wholly dependent upon the employee and incapable of self-support by reason of mental or physical disability, or (2) a student as defined in paragraph (19) of this section."

TIME FOR COMMENCEMENT OF COMPENSATION

SEC. 4. Section 6(a) of the Longshoremen's and Harbor Workers' Compensation Act is amended by striking out "more than twenty-eight days" and inserting in lieu thereof "more than fourteen days".

MAXIMUM AND MINIMUM LIMITS OF DISABILITY COMPENSATION AND ALLOWANCE

SEC. 5. (a) Section 6 of the Longshoremen's and Harbor Workers' Compensation Act is amended by striking out subsection (b) and inserting in lieu thereof the following new subsections:

"(b)(1) Except as provided in subsection (c), compensation for disability shall not exceed the following percentages of the applicable national average weekly wage as determined by the Secretary under paragraph (3):

"(A) 125 per centum or $167, whichever is greater during the period ending September 30, 1973.

"(B) 150 per centum during the period beginning October 1, 1973, and ending September 30, 1974.

"(C) 175 per centum during the period beginning October 1, 1974, and ending September 30, 1975.

"(D) 200 per centum beginning October 1, 1975.

"(2) Compensation for total disability shall not be less than 50 per centum of the applicable national average weekly wage determined by the Secretary under paragraph (3), except that if the employee's average weekly wages as computed under section 10 are less than 50 per centum of such national average weekly wage, he shall receive his average weekly wages as compensation for total disability.

"(3) As soon as practicable after June 30 of each year, and in any event prior to October 1 of such year, the Secretary shall determine the national average weekly wage for the most recent three consecutive calendar quarters ending June 30. Such determination shall be the applicable national average weekly wage for the period beginning with October 1 of that year and ending with September 30 of the next year. The initial determination under this paragraph shall be made as soon as practicable after the enactment of this subsection.

"(c) The maximum rate of compensation for a nonappropriated fund instrumentality employee shall be equal to 66⅔ per centum of the maximum rate of basic pay established for a Federal employee in grade GS–12 by section 5332 of title 5, United States Code, and the minimum rate of compensation for such an employee shall be equal to 66⅔ per centum of the minimum rate of basic pay established for a Federal employee in grade GS–2 by such section.

"(d) Determinations under this subsection with respect to a period shall apply to employees or survivors currently receiving compensation for permanent total disability or death benefits during such period, as well as those newly awarded compensation during such period."

(b) Section 2 of such Act as amended by this Act is further amended by redesignating paragraph 20 thereof as paragraph 21 and by inserting immediately after paragraph 19 the following:

"(20) The term 'national average weekly wage' means the national average weekly earnings of production or nonsupervisory workers on private nonagricultural payrolls."

(c) Section 8(d) of such Act is amended to read as follows:

"(d)(1) If an employee is receiving compensation for permanent partial disability pursuant to section 8(c)(1)–(20) and thereafter dies from causes other than the injury, the total amount of the award unpaid at the time of death shall be payable to or for the benefit of his survivors, as follows:

"(A) if the employee is survived only by a widow or widower, such unpaid amount of the award shall be payable to such widow or widower,

"(B) if the employee is survived only by a child or children, such unpaid amount of the award shall be paid to such child or children in equal shares,

"(C) if the employee is survived by a widow or widower and a child or children, such unpaid amount of the award shall be payable to such survivors in equal shares,

"(D) if there be no widow or widower and no surviving child or children, and the benefits payable individually to other survivors, as determined in each case by multiplying such unpaid amount of the award by the appropriate percentage specified in section 9, aggregate less than such unpaid amount of the award, then such unpaid amount of the award shall be paid to such other survivors, divided so that each survivor receives the same proportion of such unpaid amount of the award as his benefits payable bear to the aggregate of benefits payable.

"(2) Notwithstanding any other limitation in section 9, the total amount of any award for permanent partial disability pursuant to section 8(c)(1)-(20) unpaid at time of death shall be payable in full in the appropriate distribution.

"(3) If an employee is receiving compensation for permanent partial disability pursuant to section 8(c-21) and thereafter dies from causes unrelated to the injury, survivors shall receive death benefits as provided in section 9(b)-(g), except that the percentage figures therein shall be applied to the weekly compensation payable to the employee at the time of his death multiplied by 1.5, rather than to his average weekly wages.

"(4) An award for disability may be made after the death of the injured employee. Except where compensation is payable under 8(c-21), if there be no survivors as prescribed in this section, then the compensation payable under this subsection shall be paid to the special fund established under section 44(a) of this Act."

"(d) The first phrase of section 9 of such Act, preceding the first colon, is amended to read as follows:

"If the injury causes death, or if the employee who sustains permanent total disability due to the injury thereafter dies from causes other than the injury, the compensation shall be known as a death benefit and shall be payable in the amount and to or for the benefit of the persons following:"

(e) Section 14 of such Act is amended by striking out subsection (m).

MEDICAL SERVICES

SEC. 6. (a) Section 7 of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

MEDICAL SERVICES AND SUPPLIES

"SEC. 7. (a) The employer shall furnish such medical, surgical, and other attendance or treatment, nurse and hospital service, medicine, crutches, and apparatus, for such period as the nature of the injury or the process of recovery may require.

"(b) The employee shall have the right to choose an attending physician authorized by the Secretary to provide medical care under this Act as hereinafter provided. If, due to the nature of the injury, the employee is unable to select his physician and the nature of the injury requires immediate medical treatment and care, the employer shall select a physician for him. The Secretary shall actively supervise the medical care rendered to injured employees, shall require periodic reports as to the medical care being rendered to injured employees, shall have authority to determine the necessity, character, and sufficiency of any medical aid furnished or to be furnished, and may, on his own initiative or at the request of the employer, order a change of physicians or hospitals when in his judgment such change is desirable or necessary in the interest of the employee. Change of physicians at the request of employees shall be permitted in accordance with regulations of the Secretary.

"(c) The Secretary may designate authorized physicians who are to render medical care under the Act. The names of physicians so designated in the community shall be made available to employees through posting or in such other form as the Secretary may prescribe.

"(d) The employee shall not be entitled to recover any amount expended by him for medical treatment or services unless he shall have requested the employer to furnish such services or to authorize provision of such services by the physician selected by the employee and the employer shall have refused or neglected to do so, or unless the nature of the injury required such treatment and services and the employer or his superintendent or foreman having knowledge of such injury shall have neglected to provide or authorize the same; nor shall any claim for medical or surgical treatment be valid and enforceable, as against such employer, unless within ten days following the first treatment the physician giving such treatment furnish to the employer and the Secretary a report of such injury and treatment, on a form prescribed by the Secretary. The Secretary may, however, excuse the failure to furnish such report within ten days when he finds it to be in the interest of justice to do so, and he may, upon application by a party in interest, make an award for the reasonable value of such medical or surgical treatment so obtained by the employee. If at any time the employee unreasonably refuses to submit to medical or surgical treatment, or to an examination by a physician selected by the employer, the Secretary may, by order, suspend the payment of further compensation during such time as such refusal continues, and no compensation shall be paid at any time during the period of such suspension, unless the circumstances justified the refusal.

"(e) In the event that medical questions are raised in any case, the Secretary shall have the power to cause the employee to be examined by a physician employed or selected by the Secretary and to obtain from such physician a report containing his estimate of the employee's physical impairment and such other information as may be appropriate. Any party who is dissatisfied with such report may request a review or reexamination of the employee by one or more different physicians employed or selected by the Secretary. The Secretary shall order such review or reexamination unless he finds that it is clearly unwarranted. Such review or reexamination shall be completed within two weeks from the date ordered unless the Secretary finds that because of extraordinary circumstances a longer period is required. The Secretary shall have the power in his discretion to charge the cost of examination or review under this subsection to the employer, if he is a self-insurer, or to the insurance company which is carrying the risk, in appropriate cases, or to special fund in Sec. 44.

"(f) An employee shall submit to such physical examination at such place as the Secretary may require. The place, or places, shall be designated by the Secretary and shall be reasonably convenient for the employee. No physician selected by the employer, carrier, or employee shall be present at or participate in any manner in such examination, nor shall conclusions of such physicians as to the nature or extent of impairment or the cause of impairment be available to the examining physician unless otherwise ordered, for good cause, by the Secretary. Such employer or carrier shall, upon request, be entitled to have the employee examined immediately thereafter and upon the same premises by a qualified physician or physicians in the presence of such physician as the employee may select, if any. Proceedings shall be suspended and no compensation shall be payable for any period during which the employee may refuse to submit to examination.

"(g) All fees and other charges for medical examinations, treatment, or service shall be limited to such charges as prevail in the community for such treatment, and shall be subject to regulation by the Secretary. The Secretary shall issue regulations limiting the nature and extent of medical expenses chargeable against the employer without authorization by the employer or the Secretary.

"(h) The liability of an employer for medical treatment as herein provided shall not be affected by the fact that his employee was injured through the fault or negligence of a third party not in the same employ, or that suit has been brought against such third party. The employer shall, however, have a cause of action against such third party to recover any amounts paid by him for such medical treatment in like manner as provided in section 33(b) of this Act.

"(i) Unless the parties to the claim agree, the Secretary shall not employ or select any physician for the purpose of making examinations or reviews under subsection (e) of this section who, during such employment, or during the period of two years prior to such employment, has been employed by, or accepted or participated in any fee relating to a workmen's compensation claim from any insurance carrier or any self-insurer."

DISFIGUREMENTS

SEC. 7. Section 8(c)(20) of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

"(20) Disfigurement: Proper and equitable compensation not to exceed $3,500 shall be awarded for serious disfigurement: (A) of the face, head, or neck; or (B) of other normally exposed areas likely to handicap the employee in securing or maintaining employment."

SPECIAL FUND

SEC. 8. (a) Section 44(a) of the Longshoremen's and Harbor Workers' compensation Act is amended by adding a period after the word "fund" in the first sentence thereof and deleting the remainder of the sentence.

(b) Section 44(c) of such Act is amended to read as follows:

"(c) Payments into such fund shall be made as follows:

"(1) Whenever the Secretary determines that there is no person entitled under this Act to compensation for the death of an employee which would otherwise be compensable under this Act, each appropriate employer shall pay $5,000 as compensation for the death of such an employee.

"(2) At the beginning of each calendar year the Secretary shall estimate the probable expenses of the fund during that calendar year and each carrier or self-insurer shall make payments into the fund on a prorated assessment by the Secretary in the proportion that the total compensation and medical payments made on risks covered by this Act by each carrier and self-insurer bears to the total of such payments made by all carriers and self-insurers under the Act in the prior calendar year in accordance with a formula and schedule to be determined from time to time by the Secretary of Labor to maintain adequate reserves in the fund.

"(3) All amounts collected as fines and penalties under the provisions of this Act shall be paid into such fund.

"(4)(A) For the purpose of making rules, regulations, and determinations under this section under and for providing enforcement thereof, the Secretary may investigate and gather appropriate data from each carrier and self-insurer. For that purpose, the Secretary may enter and inspect such places and records (and make such transcriptions thereof), question such employees, and investigate such facts, conditions, practices, or matters as he may deem necessary or appropriate.

"(B) Each carrier and self-insurer shall make, keep, and preserve such records, and

make such reports and provide such additional information, as prescribed by regulation or order of the Secretary, as the Secretary deems necessary or appropriate to carry out his responsibilities under this section.

"(C) For the purpose of any hearing or investigation related to determinations or the enforcement of the provisions of this section, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1941, as amended (U.S.C., title 15, secs. 49 and 50), are hereby made applicable to the jurisdiction, powers, and duties of the Secretary of Labor."

(c) Section 44 of such Act is further amended by adding the following new subsection (d), and renumbering the subsequent subsections:

"(d) There is hereby authorized to be appropriated to the Secretary the sum of $2,000,000 which the Secretary shall immediately deposit into the fund. Upon deposit in the fund such monies shall be treated as the property of such fund. This sum without additional payments for interest shall be repaid from the money or property belonging to the fund on a schedule of repayment set by the Secretary, provided that full repayment must be made no later than five years from the date of deposit into the fund. Each such repayment, as made, shall be covered into the Treasury of the United States as miscellaneous receipts."

(d) Section 44 of such Act is further amended by adding the following new subsections (i) and (j):

"(i) The proceeds of this fund shall be available for payments:

"(1) Pursuant to section 10 and 11 with respect to initial and subsequent annual adjustments in compensation for total permanent disability or death which occurred prior to the effective date of this subsection.

"(2) Under section 8 (f) and (g), under section 18(b), and under section 39(c).

"(3) To repay the sums deposited in the fund pursuant to subsection (d).

"(4) To defray the expense of making examinations as provided in section 7.

"(j) At the close of each fiscal year the Secretary of Labor shall submit to the Congress a complete audit of the fund."

INJURY FOLLOWING PREVIOUS IMPAIRMENT

SEC. 9. (a) Section 8(f)(1) of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows: "(1) In any case in which an employee having an existing permanent partial disability suffers injury, the employer shall provide compensation for such disability as is found to be attributable to that injury based upon the average weekly wages of the employee at the time of the injury. If following an injury falling within the provisions of section 8(c)(1)–(20), the employee is totally and permanently disabled, and the disability is found not to be due solely to that injury, the employer shall provide compensation for the applicable prescribed period of weeks provided for in that section for the subsequent injury, or for one hundred and four weeks, whichever is the greater. In all other cases of total permanent disability or of death, found not to be due solely to that injury, of an employee having an existing permanent partial disability, the employer shall provide in addition to compensation under paragraphs (b) and (e) of this section, compensation payments or death benefits for one hundred and four weeks only. If following an injury falling within the provisions of 8(c)(1)–(20), the employee has a permanent partial disability and the disability is found not to be due solely to that injury, and such disability is materially and substantially greater than that which would have resulted from the subsequent injury alone, the employer shall provide compensation for the applicable period of weeks provided for in that section for the subsequent injury, or for one hundred and four weeks, whichever is the greater.

"In all other cases which the employee has a permanent partial disability, found not to be due solely to that injury, and such disability is materially and substantially greater than that which would have resulted from the subsequent injury alone, the employer shall provide in addition to compensation under paragraphs (b) and (e) of this section, compensation for one hundred and four weeks only. After cessation of the payments for the period of weeks provided for herein, the employee or his survivor entitled to benefits shall be paid the remainder of the compensation that would be due out of the special fund established in section 44."

(b) Section 8(f) of such Act is further amended by striking out paragraph (2).

DEATH BENEFITS

SEC. 10. (a) Section 9(a) of the Act is amended by striking out "$400" and inserting in lieu thereof "$1,000".

(b) Sections 9(b) and (c) of such Act are amended by striking "35" and "15" wherever they appear, and substituting "50" and "16⅔" respectively.

(c) The first sentence of section 9(d) of such Act is amended to read as follows: "If there be no surviving wife or husband or child, or if the amount payable to a surviving wife or husband and to children shall be less in the aggregate than 66⅔ per centum of the average wages of the deceased; then for the support of grandchildren or brothers and sisters, if dependent upon the deceased at the time of the injury, and any other persons who satisfy the definition of the term 'dependent' in section 152 of title 26 of the United States Code, but are not otherwise eligible under this section, 20 per centum of such wages for the support of each such person during such dependency and for the support of each parent, or grandparent, of the deceased if dependent upon him at the time of the injury, 25 per centum of such wages during such dependency.

(d) Section 9(e) of such Act is amended to read as follows:

"(e) In computing death benefits the average weekly wages of the deceased shall be considered to have been not less than the applicable national average weekly wage as prescribed in section 6(b) but the total weekly benefits shall not exceed the average weekly wages of the deceased."

DETERMINATION OF PAY

SEC. 11. Section 10 of the Act is amended by adding the following new subsections:

"(f) Effective October 1 of each year, the compensation or death benefits payable for permanent total disability or death arising out of injuries sustained after the date of enactment of this subsection shall be increased by a percentage equal to the percentage (if any) by which the applicable national weekly wage for the period beginning on such October 1, as determined under section 6(b), exceeds the applicable national average weekly wage, as so determined, for the period beginning with the preceding October 1.

"(g) The weekly compensation after adjustment under subsection (f) shall be fixed at the nearest dollar. No adjustment of less than $1 shall be made, but in no event shall compensation or death benefits be reduced.

"(h)(1) Not later than ninety days after the date of enactment of this subsection, the compensation to which an employee or his survivor is entitled due to total permanent disability or death which commenced or occurred prior to enactment of this subsection shall be adjusted. The amount of such adjustment shall be determined in accordance with regulations of the Secretary by designating as the employee's average weekly wage the national average weekly wage and (A) computing the compensation to which such employee or survivor would be entitled if the disabling injury or death had occurred on the day following such enactment date and (B) subtracting therefrom the compensation to which such employee or survivor was entitled on such enactment date; except that no such employee or survivor shall receive total compensation amounting to less than that to which he was entitled on such enactment date. Notwithstanding the foregoing sentence, where such an employee or his survivor was awarded compensation as the result of death or permanent total disability at less than the maximum rate that was provided in this Act at the time of the injury which resulted in the death or disability, then his average weekly wage shall be determined by increasing his average weekly wage at the time of such injury by the percentage which the national average weekly wage has increased between the year in which the injury occurred and the first day of the first month following the enactment of this section. Where such injury occurred prior to 1947, the Secretary shall determine, on the basis of such economic data as he deems relevant, the amount by which the employee's average weekly wage shall be increased for the pre-1947 period.

"(2) Fifty per centum of any additional compensation or death benefit paid as a result of the adjustment required by paragraphs (1) and (3) of this subsection shall be paid out of the special fund established under section 44 of such Act, and 50 per centum shall be paid from appropriations.

"(3) For the purposes of subsections (f) and (g) an injury which resulted in permanent total disability or death which occurred prior to the date of enactment of this subsection shall be considered to have occurred on the day following such enactment date."

TIME FOR NOTICE AND CLAIMS

SEC. 12. (a) Section 12(a) of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

"SEC. 12. (a) Notice of an injury or death in respect of which compensation is payable under this Act shall be given within thirty days after the date of such injury or death, or thirty days after the employee or beneficiary is aware or in the exercise of reasonable diligence should have been aware of a relationship between the injury or death and the employment. Such notice shall be given (1) to the deputy commissioner in the compensation district in which the injury occurred, and (2) to the employer."

(b) Section 13(a) of such Act is amended to read as follows:

"SEC. 13. (a) Except as otherwise provided in this section, the right to compensation for disability or death under this Act shall be barred unless a claim therefor is filed within one year after the injury or death. If payment of compensation has been made without an award on account on such injury or death, a claim may be filed within one year after the date of the last payment. Such claim shall be filed with the deputy commissioner in the compensation district in which such injury or death occurred. The time for filing a claim shall not begin to run until the employee or beneficiary is aware, or by the exercise of reasonable diligence should have been aware, of the relationship between the injury or death and the employment."

FEES FOR SERVICES

SEC. 13. Section 28 of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

"(a) If the employer or carrier declines to pay any compensation on or before the thirtieth day after receiving written notice of a claim for compensation having been filed from the deputy commissioner, on the ground that there is no ability for compensation within the provisions of this Act, and the person seeking benefits shall thereafter have utilized the services of an attorney at law in the successful prosecution of his claim, there shall be awarded, in addition to the award

of compensation, in a compensation order, a reasonable attorney's fee against the employer or carrier in an amount approved by the deputy commissioner, Board, or court, as the case may be, which shall be paid directly by the employer or carrier to the attorney for the claimant in a lump sum after the compensation order becomes final.

"(b) If the employer or carrier pays or tenders payment of compensation without an award pursuant to section 14 (a) and (b) of this Act, and thereafter a controversy develops over the amount of additional compensation, if any, to which the employee may be entitled, the deputy commissioner shall set the matter for an informal conference and following such conference the deputy commissioner shall recommend in writing a disposition of the controversy. If the employer or carrier refuse to accept such written recommendation, within fourteen days after its receipt by them, they shall pay or tender to the employee in writing the additional compensation, if any, to which they believe the employee is entitled. If the employee refuses to accept such payment or tender of compensation, and thereafter utilizes the services of an attorney at law, and if the compensation thereafter awarded is greater than the amount paid or tendered by the employer or carrier, a reasonable attorney's fee based solely upon the difference between the amount awarded and the amount tendered or paid shall be awarded in addition to the amount of compensation. The foregoing sentence shall not apply if the controversy relates to degree or length of disability, and if the employer or carrier offers to submit the case for evaluation by physicians employed or selected by the Secretary, as authorized in section 7(e) and offers to tender an amount of compensation based upon the degree or length of disability found by the independent medical report at such time as an evaluation of disability can be made. If the claimant is successful in review proceedings before the Board or court in any such case an award may be made in favor of the claimant and against the employer or carrier for a reasonable attorney's fee for claimant's counsel in accord with the above provisions. In all other cases any claim for legal services shall not be assessed against the employer or carrier.

"(c) In all cases fees for attorneys representing the claimant shall be approved in the manner herein provided. If any proceedings are had before the Board or any court for review of any action, award, order or decision, the Board or court may approve an attorney's fee for the work done before it by the attorney for the claimant. An approved attorney's fee, in cases in which the obligation to pay the fee is upon the claimant, may be made a lien upon the compensation due under an award; and the deputy commissioner, Board or court shall fix in the award approving the fee, such lien and manner of payment.

"(d) In cases where an attorney's fee is awarded against an employer or carrier there may be further assessed against such employer or carrier as costs, fees and mileage for necessary witnesses attending the hearing at the instance of claimant. Both the necessity for the witness and the reasonableness of the fees of expert witnesses must be approved by the hearing officer, the Board or court, as the case may be. The amounts awarded against an employer or carrier as attorney's fees, costs, fees and mileage for witnesses shall not in any respect affect or diminish the compensation payable under this Act.

"(e) Any person who receives any fees, other consideration, or any gratuity on account of services rendered as a representative of claimant, unless such consideration or gratuity is approved by the deputy commissioner, Board, or court, or who makes it a business to solicit employment for a lawyer or for himself in respect of any claim or award for compensation, shall upon conviction thereof, for each offense be punished by a fine of not more than ($1,000) or by imprisonment for not more than (one year), or by both such fine and imprisonment."

HEARING PROCEDURE

SEC. 14. Section 19(d) of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

"(d) Notwithstanding any other provisions of this Act, any hearing held under this Act shall be conducted in accordance with the provisions of section 554 et seq. of title 5 of the United States Code. Any such hearing shall be conducted by a hearing examiner qualified under section 3105 of that title. All powers, duties, and responsibilities now vested by this Act in the deputy commissioners with respect to such hearings shall be vested in such duly appointed hearing examiners.

REVIEW BOARD

SEC. 15. (a) Section 21(b) of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

"(b)(1) There is hereby established a Benefits Review Board which shall be composed of three members appointed by the Secretary from among individuals who are especially qualified to serve on such Board. The Secretary shall designate one of the members of the Board to serve as chairman."

"(2) For the purpose of carrying out its functions under this Act, two members of the Board shall constitute a quorum and official action can be taken only on the affirmative vote of at least two members.

"(3) The Board shall be authorized to hear and determine appeals raising a substantial question of law or fact taken by any party in interest from decisions with respect to claims of employees under this Act and the extensions thereof. The Board's orders shall be based upon the hearing record. The findings of fact in the decision under review by the Board shall be conclusive if supported by substantial evidence in the record considered as a whole. The payment of the amounts required by an award shall not be stayed pending final decision in any such proceeding unless ordered by the Board. No stay shall be issued unless irreparable injury would otherwise ensue to the employer or carrier.

"(4) The Board may, on its own motion or at the request of the Secretary, remand a case to the hearing examiner for further appropriate action. The consent of the parties in interest shall not be a prerequisite to a remand by the Board.

"(c) Any person adversely affected or aggrieved by a final order of the Board may obtain a review of that order in the United States Court of Appeals for the circuit in which the injury occurred, by filing in such court within sixty days following the issuance of such Board order a written petition praying that the order be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court, to the Board, and to the other parties, and thereupon the Board shall file in the court the record in the proceedings as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall have jurisdiction of the proceeding and shall have the power to give a decree affirming, modifying, or setting aside, in whole or in part, the order of the Board and enforcing same to the extent that such order is affirmed or modified. The orders, writs, and processes of the court in such proceedings may run, be served, and be returnable anywhere in the United States. The payment of the amounts required by an award shall not be stayed pending final decision in any such proceeding unless ordered by the court. No stay shall be issued unless irreparable injury would otherwise ensue to the employer or carrier. The order of the court allowing any stay shall contain a specific finding, based upon evidence submitted to the court and identified by reference thereto, that irreparable damage would result to the employer, and specifying the nature of the damage."

(b) Redesignate subsections (c) and (d) of such Act as (d) and (e), respectively.

(c) Section 2 of such Act as amended by this Act is further amended by redesignating paragraph 21 as paragraph 22 and inserting after paragraph 20 the following new paragraph:

"(21) The term 'Board' shall mean the Benefits Review Board."

(d) Section 14(f) of such Act is amended by striking everything after the words "section 21" and adding in lieu thereof the following: "and an order staying payment has been issued by the board or court."

(e) Sections 23 and 27 of such Act are each amended by adding "or Board" after every reference to "deputy commissioner".

(f) Section 28(b) of such Act is amended by adding the term "or Board" after the words "deputy commissioner".

(g) Section 33(b) of such Act is amended by adding the term "or Board" after the term "deputy commissioner".

(h) Section 33(e)(1)(A) of such Act is amended by adding the words "or Board" after the term "deputy commissioner".

(i) Section 33(g) of such Act is amended to read as follows:

"(g) If compromise with such third person is made by the person entitled to compensation or such representative of an amount less than the compensation to which such person or representative would be entitled to under this Act, the employer shall be liable for compensation as determined in subdivision (f) only if the written approval of such compromise is obtained from the employer and its insurance carrier by the person entitled to compensation or such representative at the time of or prior to such compromise on a form provided by the Secretary and filed in the office of the deputy commissioner having jurisdiction of such injury or death within thirty days after such compromise is made."

(j) Section 35 of such Act is amended by adding the words "the Board" after the words "deputy commissioner".

(k) Section 40(f) of such Act is amended by adding the words "or Board member" before the words "deputy commissioner," whenever they occur.

(l) Section 44(c)(1) of such Act is amended by adding the words "or Board" after the words "deputy commissioner".

APPEARANCE FOR SECRETARY OF LABOR

SEC. 16. Section 21(a) of the Act is amended to read as follows:

"SEC. 21a. Attorneys appointed by the Secretary shall represent the Secretary, the deputy commissioner, or the Board in any court proceedings under section 21 or other provisions of the Longshoremen's and Harbor Workers' Compensation Act except for proceedings in the Supreme Court."

CLAIMANT ASSISTANCE

SEC. 17. (a) Section 39(c) of the Longshoremen's and Harbor Workers' Compensation Act is amended by redesignating subsection (c) as paragraph (2) of such subsection and by inserting after subsection (b) thereof the following paragraph:

"(1)(c) The Secretary shall, upon request, provide persons covered by this Act with information and assistance relating to the Act's coverage and compensation and the procedures for obtaining such compensation including assistance in processing a claim. The Secretary may, upon request, provide persons covered by this Act with legal assistance in processing a claim. The Secretary shall also provide employees receiving compensation information on medical, manpower, and vocational rehabilitation services and assist such employees in obtaining the best such services available."

THIRD-PARTY LIABILITY

SEC. 18. (a) Section 5 of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

EXCLUSIVENESS OF REMEDY AND THIRD-PARTY LIABILITY

"SEC. 5. (a) The liability of an employer prescribed in section 4 shall be exclusive and in place of all other liability of such employer to the employee, his legal representative, husband or wife, parents, dependents, next of kin, and anyone otherwise entitled to recover damages from such employer at law or in admiralty on account of such injury or death, except that if an employer fails to secure payment of compensation as required by this Act, an injured employee, or his legal representative in case death results from the injury, may elect to claim compensation under the Act, or to maintain an action at law or in admiralty for damages on account of such injury or death. In such action the defendant may not plead as a defense that the injury was caused by the negligence of a fellow servant, nor that the employee assumed the risk of his employment, nor that the injury was due to the contributory negligence of the employee.

"(b) In the event of injury to a person covered under this Act caused by the negligence of a vessel, then such person, or anyone otherwise entitled to recover damages by reason thereof, may bring an action against such vessel as a third party in accordance with the provisions of section 33 of this Act, and the employer shall not be liable to the vessel for such damages directly or indirectly and any agreements or warranties to the contrary shall be void. If such person was employed by the vessel to provide stevedoring services, no such action shall be permitted if the injury was caused by the negligence of persons engaged in providing stevedoring services to the vessel. If such person was employed by the vessel to provide ship building or repair services, no such action shall be permitted if the injury was caused by the negligence of persons engaged in providing ship building or repair services to the vessel. The liability of the vessel under this subsection shall not be based upon the warranty of seaworthiness or a breach thereof at the time the injury occurred. The remedy provided in this subsection shall be exclusive of all other remedies against the vessel except remedies available under this Act."

(b) Section 2 of such Act as amended by this Act is further amended by redesignating paragraph 22 as paragraph 23 and inserting after paragraph 21 the following new paragraph:

"(22) The term 'vessel' means any vessel upon which or in connection with which any person entitled to benefits under this Act suffers injury or death arising out of or in the course of his employment, and said vessel's owner, owner pro hac vice, agent, operator, charter or bare boat charterer, master, officer, or crew member."

PROHIBITION AGAINST CERTAIN DISCRIMINATION AGAINST EMPLOYEES

SEC. 19. The Longshoremen's and Harbor Workers' Compensation Act is further amended by redesignating sections 49 and 50 as sections 50 and 51, respectively, and by inserting immediately after section 48 the following new section:

"DISCRIMINATION AGAINST EMPLOYEES WHO BRING PROCEEDINGS

"SEC. 49. It shall be unlawful for any employer or his duly authorized agent to discharge or in any other manner discriminate against an employee as to his employment because such employee has claimed or attempted to claim compensation from such employer, or because he has testified or is about to testify in a proceeding under this Act. Any employer who violates this section shall be liable to a penalty of not less than $100 or more than $1,000, as may be determined by the deputy commissioner. All such penalties shall be paid to the deputy commissioner for deposit in the special fund as described in section 44, and if not paid may be recovered in a civil action brought in the appropriate United States district court. Any employee so discriminated against shall be restored to his employment and shall be compensated by his employer for any loss of wages arising out of such discrimination: *Provided*, That if such employee shall cease to be qualified to perform the duties of his employment, he shall not be entitled to such restoration and compensation. The employer alone and not his carrier shall be liable for such penalties and payments. Any provision in an insurance policy undertaking to relieve the employer from the liability for such penalties and payments shall be void."

MISCELLANEOUS PROVISIONS

SEC. 20. (a) Section 8(1) of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

"(i)(A) Whenever the Deputy Commissioner determines that it is for the best interests of an injured employee entitled to compensation, he may approve agreed settlements of the interested parties, discharging the liability of the employer for such compensation, notwithstanding the provisions of section 15(b) and section 16 of this Act: *Provided*, That if the employee should die from causes other than the injury after the Deputy Commissioner has approved an agreed settlement as provided for herein, the sum so approved shall be payable, in the manner prescribed in this subsection, to and for the benefit of the persons enumerated in subdivision (d) of this section;

"(B) Whenever the Secretary determines that it is for the best interests of the injured employee entitled to medical benefits, he may approve agreed settlements of the interested parties, discharging the liability of the employer for such medical benefits, notwithstanding the provisions of section 16 of this Act: *Provided*, That if the employee should die from causes other than the injury after the Secretary has approved an agreed settlement as provided for herein, the sum so approved shall be payable, in the manner prescribed in this subdivision, to and for the benefit of the persons enumerated in subdivision (d) of this section."

(b) Section 17 of such Act is amended by inserting "(a)" immediately after the section designation and by adding at the end thereof the following new subsection:

"(b) Where a trust fund which complies with section 302(c) of the Labor-Management Relations Act of 1947 (29 U.S.C. 186 (c)) established pursuant to a collective bargaining agreement in effect between an employer and an employee entitled to compensation under this Act has paid disability benefits to an employee which the employee is legally obligated to repay by reason of his entitlement to compensation under this Act, the Secretary may authorize a lien on such compensation in favor of the trust fund for the amount of such payments."

(c) Section 2 of the Longshoremen's and Harbor Workers' Compensation Act as amended by this Act is further amended by striking out subsections (16) and (17) and inserting in lieu thereof the following new subsection (16) and by redesignating subsections 2 (18), (19), (20), (21), (22), and (23) as 2 (17), (18), (19), (20), (21), and (22), respectively.

"(16) The term 'widow or widowers' includes only the decedent's wife or husband living with or dependent for support upon him or her at the time of his or her death; or living apart for justifiable cause or by reason of his or her desertion at such time."

(d) Sections 8 and 9 of the Longshoremen's and Harbor Workers' Compensation Act, as amended by this Act, further amended by striking the phrase "surviving wife or dependent husband" each time it appears and insert in lieu thereof the phrase "widow or widower".

TECHNICAL AMENDMENT

SEC. 21. Section 3(a)(1) of the Longshoremen's and Harbor Workers' Compensation Act is amended by striking out the word "nor" and inserting in lieu thereof the word "or".

EFFECTIVE DATE

SEC. 22. The amendments made by this Act shall become effective thirty days after the date of enactment of this Act.

The amendment was agreed to.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF DIRECTOR OF SELECTIVE SERVICE

A letter from the Acting Director, Selective Service, for the 6-month period ended June 30, 1972 (with an accompanying report); to the Committee on Armed Services.

REPORT ON FACILITIES PROJECT PROPOSED TO BE UNDERTAKEN FOR THE ARMY NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on a facilities project proposed to be undertaken for the Army National Guard; to the Committee on Armed Services.

REPORTS OF COMPTROLLER GENERAL

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Need to Improve Accuracy of Air Force Requirements System for Reparable Parts." Department of the Air Force, dated September 13, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Lack of Authority Limits Consumer Protection: Problems in Identifying and Removing From the Market Products Which Violate the Law", Food and Drug Administration, Department of Health, Education, and Welfare, dated September 14, 1972 (with an accompanying report); to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Military Order of the World Wars, Washington, D.C., supporting the space shuttle program; to the Committee on Aeronautical and Space Sciences.

Four resolutions adopted by the Military Order of the World Wars, Washington, D.C., in support of strong and ready reserve forces, and so forth; to the Committee on Armed Services.

A resolution adopted by the Military Order of the World Wars, Washington, D.C., in support of the interim agreement on certain measures with respect to the limitation of strategic offensive arms between the United States of America and the Union of Soviet Socialist Republics; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

H.R. 14267. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Tribe of Indians in Indian Claims Commission Docket Numbered 298, and the Absentee Delaware Tribe of Western Oklahoma, and others, in Indian Claims Commission Docket Numbered 72, and for other purposes (Rept. No. 92–1126).

By Mr. CRANSTON, from the Committee on Labor and Public Welfare, with amendments:

H.R. 15927. An act to amend the Railroad Retirement Act of 1937 to provide a temporary 20 per centum increase in annuities, and for other purposes (Rept. No. 92–1127).

EXECUTIVE REPORTS OF COMMITTEES

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

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

George Bush, of Texas; Christopher H. Phillips, of New York; and Jewel Lafontant, of Illinois, to be Representatives of the United States of America to the 27th session of the General Assembly of the United Nations; and

W. Tapley Bennett, Jr., of Georgia; Julia Rivera de Vincenti, of Puerto Rico; Gordon H. Scherer, of Ohio; Bernard Zagorin, of Virginia; and Robert Carroll Tyson, of New York, to be Alternate Representatives of the United States of America to the 27th session of the General Assembly of the United Nations.

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore today, September 14, 1972, signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 9222. An act to correct deficiencies in the law relating to the crimes of counterfeiting and forgery; and

H.R. 10670. An act to amend chapter 73 of title 10, United States Code, to establish a Survivor Benefit Plan, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. TOWER:

S. 3983. A bill to amend the Securities Act of 1933 to provide for the regulation of pyramid sales schemes, to further define the term "security," and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BROCK:

S. 3984. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes. Referred to the Committee on Government Operations.

By Mr. MONDALE:

S. 3985. A bill for the relief of Miss Nenita Corpuz. Referred to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 3986. A bill to authorize the burial of the remains of Marie E. Newman in Arlington National Cemetery, Va. Referred to the Committee on Veterans' Affairs.

By Mr. RANDOLPH (for himself, Mr. CRANSTON, Mr. STAFFORD, Mr. WILLIAMS, Mr. JAVITS, Mr. TAFT, Mr. BEALL, Mr. KENNEDY, Mr. MONDALE, Mr. PELL, and Mr. STEVENSON):

S. 3987. A bill to replace the Vocational Rehabilitation Act, to extend and revise the authorization of grants to States for vocational and comprehensive rehabilitation services, to authorize supplementary funds for vocational and comprehensive rehabilitation services to severely handicapped individuals, to expand special Federal responsibilities and research and training with respect to handicapped individuals, to establish an Office for the Handicapped within the Department of Health, Education, and Welfare, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MONDALE:

S. 3988. A bill to establish a temporary commission to conduct a comprehensive study of certain matters relating to the national security of the United States. Referred to the Committee on Armed Services.

By Mr. BENTSEN (for himself and Mr. HUMPHREY):

S.J. Res. 267. A joint resolution providing for a special deficiency payment to certain wheat farmers. Referred to the Committee on Agriculture and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TOWER:

S. 3983. A bill to amend the Securities Act of 1933 to provide for the regulation of pyramid sales schemes, to further define the term "security," and for other purposes. Referred to the Committee on Banking, Housing, and Urban Affairs.

PYRAMID SALES VENTURES

Mr. TOWER. Mr. President, in recent years there has been a development in the financial and investment field that comes under the heading of "pyramid sales ventures," which are now absorbing hundreds of millions of dollars of Americans' savings, promising riches in return, and yielding very little return in actuality. The schemes that are promoted in this area are essentially "chain-letter" investments, where the investor pays the seller of a franchise of some nature for an equity interest, and thereafter has to subdivide and sell the franchising interest to other investors in order to make any money. The substantive business with which the franchise is supposed to be involved is not really important to the original promoter or to the unsuspecting investors, who are persuaded that great profits are to be made in merely being an intermediary in the further distribution of the franchise.

This factor, the distribution of transferable interests, automatically strikes a chord with lawyers and those familiar with the securities industry. This practice is nothing less than the sale and distribution of securities, which brings these practices and these franchises under the scope of the securities laws. The securities laws are designed to obtain the full disclosure of information relevant to the investment merits of securities issues and to require the regulation of the individuals and firms involved in the securities distribution and transfer process. The ultimate purpose of these laws is to assure the American investor, by means of information about securities and by means of the policing of activities of securities industry operatives, that his investment in securities is made with adequate knowledge and through reputable and honest intermediaries. These laws are not, of course, intended to guarantee that an investor will make money on an investment, or that it is riskless. They simply seek to give him a fair chance to evaluate his investment and to know that the intermediaries involved are not acting against his interests.

In the case of pyramid sales schemes, the investor is investing essentially in a security, and may be in some cases acting as an unwitting underwriter under the securities laws. The SEC has approached the promoters of these schemes to obtain voluntary compliance with the securities laws, and has not received a great deal of cooperation. They are now beginning court action to compel compliance in certain cases and thereby to establish case law authority which will presumably bring other offenders into compliance.

However, there are so many ramifications of these types of schemes that case law coverage of them will be a long time in being fully developed. Therefore, I am today introducing a bill to clarify the statutory coverage of these types of securities, so that court action can hopefully be prosecuted more expeditiously and with less contention about what is and what is not a security. Too many people are losing money now because they do not understand what they are getting in these sales ventures, and this amendment should help curtail this problem at the earliest possible time, if Congress can act on it this year.

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

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

S. 3983

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

SECTION 1. Section 2(1) of the Securities Act of 1933 (15 U.S.C. § 77b(1)) is amended by adding at the end thereof the following: "As used in this paragraph the term 'investment contract' shall include, without limitation, any program, contract, or other arrangement in which persons invest in a common enterprise the returns of which depend upon inducing other persons to participate or invest in the enterprise."

SEC. 2. This Act shall become effective on the date of its enactment.

By Mr. BROCK:

S. 3984. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes. Referred to the Committee on Government Operations.

Mr. BROCK. Mr. President, I am today introducing legislation to provide Congress with a mechanism to establish national priorities and control Federal expenditures.

Our Nation is faced with a national crisis brought about by uncontrolled and misdirected spending.

This fiscal crisis affects every American:

In the past 10 years, the average family's share of our national budget will have risen by 82 percent from $2,022 to a projected level of $3,681. Over 10 percent of the family's taxes go down the drain to pay for the annual interest on the national debt—a debt which is approaching one-half trillion dollars.

Excessive spending continues to push the cost of food so high that even meat is almost out of reach of the average family.

The cost of housing has escalated to the point that the average family finds it virtually impossible to own its own home without public subsidy.

And now we are faced with a new kind of inflation. Just starting to take hold are fresh pressures that push up living costs. They center on the expense of cleaning up air and water, fostering consumerism, and meeting other social goals. Social programs account for about half the proposed spending for the 1973 fiscal year which starts July 1. Costs of such programs in the areas of education, manpower, health, income security, housing, civil rights, and crime reduction are estimated at $122 billion in the coming year out of total projected outlays of $246 billion.

The problem of Federal spending is compounded by the diversity of roles the Federal Government is being asked to play in the Nation's economy. Setting priorities no longer involves simply a determination of how much of the Nation's resources should be devoted to a particular purpose; it also requires a human audit about how each purpose can best be accomplished.

At present, however, Congress lacks procedures for determining spending goals and priorities. As a first step to remedy this, Congress should:

First. Project all major Federal expenditures over a 5-year period;

Second. Evaluate all major Federal programs at least once every 3 years—zero based budgeting;

Third. Pilot test every proposed major Federal program;

Fourth. Designate a joint congressional committee to evaluate the Federal budget in terms of priorities; and

Fifth. Subject Federal programs financed through trust funds to the annual appropriation process just as other tax-supported programs.

WHY IS THE FEDERAL BUDGET OUT OF CONTROL?—PRESENT CONGRESSIONAL BUDGETARY PROCESS

The present congressional budgetary process is totally incapable of responding cohesively to either the Nation's fiscal problems or the obvious need to establish responsive national priorities. It is amazing that the Federal Government's legislative branch, with the biggest budget in the world, has such poor control over its fiscal process.

Even though the first day of the current fiscal year was July 1, it may be months before some agencies or departments will know how much they can spend. The "continuing resolution" is used as a crutch to permit agencies to carry on while Congress catches up with what it should have done in the previous year. For example, one bill for fiscal year 1971 was not passed until March 8, almost 9 months after the beginning of the 1972 fiscal year.

Under present budgetary procedure, the administration submits a detailed budget in January, but no single committee chairman or congressional committee ever considers the Federal budget in its entirety. Congress will vote on expenditures in more than a dozen separate appropriation bills this year.

This year, Congress has passed or considered benefits for coal miners, ex-servicemen, retired military personnel, pensioners, and local school districts. Each of these items was considered in separate legislative actions without any coordination. The Congress treats the entire budget as if it were a mass of unrelated items.

Added to this, over $128 billion for open ended programs and fixed costs will be expended through the permanent appropriation process this year. No appropriation bills are necessary.

A recent example of this practice is a 1967 law to set up a Federal matching grant program for social services. One dollar of State money could get $3 of Federal money. Without any congressional scrutiny, the $1.5 billion expended in this program last year has jumped to applications for over $4.7 billion in the current fiscal year. Their funding is automatic, whether they are valid or not. Congress should avoid setting up such permanent and uncontrollable mechanisms. All expenditures should come under the normal appropriation process.

Congress refuses to consider the Federal budget as an important instrument of economic policy. It merely sets up programs without any meaningful legislative review. We need a systematic budgeting process to coordinate Federal expenditures.

DOMESTIC ASSISTANCE PROGRAMS

The Federal Government today has lost its sense of direction and purpose in developing governmental programs. New programs are set up with little or no regard to programs already in existence.

There are today over 1,050 Federal domestic assistance programs in existence, and it is possible for some families to be eligible for and to receive assistance under as many as 16 different categories. This type of duplication makes it almost impossible to determine the number of persons actually receiving aid, and the amount of aid received by each. Predictably, it leads to a great deal of waste and inefficiency in administration at all levels of government. Worse, some who do not deserve aid obtain it while others who do deserve it do not—increasing alienation and frustration.

Moreover, results of programs generally are not evaluated in any meaningful way. For example, a welfare program is not evaluated in terms of its success in rehabilitating individuals and reducing welfare roles. Instead, results are measured by the number of persons on welfare. Incredibly, success is associated with more recipients, rather than less.

We must understand that not all problems can or will be solved by either public or private activities. But it is equally important to insist that whenever government at any level gets involved in handling a problem, it should be solution-oriented in its approach, and people-oriented in its implementation. This simply is not the case today in program after program.

Federal agencies should be required to present reports demonstrating whatever substantive progress they have made in solving problems before they are granted further public support. Billions of dollars spent with no results are evidence of either ineptitude on the part of administrators or programs that miss the target. In either case the Congress has failed in its oversight responsibility. It is evident that some changes must be made. Programs should be solution-oriented and self-liquidating.

EXCESS GOVERNMENT EXPENDITURES

Total expenditures by government at all levels in the United States will exceed $370 billion this year. The Federal Government alone will spend over $250 billion of this amount. In the past quarter of a century, total government expenditures—Federal, State, and local—have gone from about 18 percent of the gross national product to over 33 percent of the gross national product. What this means is that the governmental sector of the American economy is growing more than twice as fast as the private sector.

Today, government expenditures have become an important factor during periods of inflation. When it is necessary to reduce inflationary pressures on the economy, some lawmakers try to place the entire burden on the private sector by calling for tax increases. Instead, reducing the size, number, or scope of public programs of questionable value or marginal value would have a far greater effect.

THE EFFECTS OF THE GROWTH OF GOVERNMENT EXPENDITURES

The question is: What is the consequence of this growth of uncontrolled government expenditures?

First, as government commands an ever-increasing portion of total economic resources, the private sector is deprived of access to these funds. The increased proportion of funds diverted from private to public use deprives the private sector of important discretionary income, which is needed to create new jobs, improve productive capacity, and promote technological progress. The end result is excessive unemployment, or underemployment, a slower rate of growth, and a generally lower standard of living for society. And slower growth produces less tax revenue to finance essential government programs; thus, the disease is self-perpetuating.

A second result of the increased growth of government expenditures is inflation in the private economy. Government decisions are generally not based upon the economic return that will result from a

given expenditure. Therefore, the price that government will pay has no limit. The more inroads government makes into the economy, the greater the competition becomes, forcing prices up.

The third result of higher expenditures ultimately is higher taxes. This causes an immediate reduction in the income of some—or all—segments of society.

As taxes increase, people are seldom content to cut back on their personal consumption. Then, the pressure becomes more intense for increases in wages, salaries, and dividends, merely to maintain previous levels of real income. Therefore, in this case, every increase in taxes becomes a stimulant to inflation.

While some Members of Congress believe the answer to uncontrollable government expenditures is higher taxes, I am of the firm conviction the answer lies in better control over the budgetary process.

Proponents of increased government expenditures are quick to point out that government spending and taxes are lower as a proportion of the gross national product in the United States than in some other western countries. What a phoney argument. Must we continue to export jobs until our standard of living is as low as our competitors? Must stagnation, or worse, be the price of following the path trod by others?

Too, such a comparison implies that there is still room for more expansion of the government sector without hindering the economy. Such reasoning conveniently overlooks the fact that these countries generally have an even worse case of inflation than we are encountering—and lower real income. It fails to recognize that had it not been for vast amounts of foreign aid and American investment, these nations probably would never have experienced the type of growth they have enjoyed during the past quarter of a century. No, we must chart our own course.

The last consequence of uncontrolled expenditures is the failure of essential governmental services. We, the Congress, and the voters must realize that the Federal Government just cannot throw more money at a problem to make it go away. It is essential that the old ideas hidden in wornout programs give way to a new process.

Some of the framers of the so-called Great Society, in a recent report issued by the Brookings Institution, disavowed that social experiment. They called for the Federal Government to change its emphasis from providing goods and services and other complex schemes for aiding the poor to "increasing equality of opportunity, improving the quality of public services, and rescuing the environment." If the framers of the Great Society are able to acknowledge the failure of its methodology, perhaps it is time that we, the Members of Congress who appropriate the funds for these programs, also take another look at them.

It is quite apparent that we have reached a crisis stage because of the growth of Government expenditures. It is time to try a new approach. We must subject all governmental programs to a reexamination. A sound budgetary process is the prime requisite to provide essential social needs within an expanding economy.

A BILL TO CONTROL THE FEDERAL BUDGET

I receive letters regularly asking me to do something about putting controls into the congressional budgeting process. People just cannot comprehend how the Federal Government can spend so much money with so few tangible results. Nor can I.

Because of this pressure to do something positive to control Federal expenditures, I am introducing the "Federal Act To Control Expenditures and Upgrade Priorities."

The provisions of this bill to restrain Federal spending include adoption of a congressional budgeting system which facilitates establishment of national goals and priorities and the development of a method of reviewing existing programs to insure their effectiveness for achieving the objectives for which they were created.

JOINT COMMITTEE AND A LEGISLATIVE BUDGET

Titles I and VI of this bill amend the House and Senate rules to create a Joint Committee on the Budget. This joint committee would develop a legislative budget of a guideline nature to discourage uncontrolled Federal spending and foster proper implementation of national goals and priorities.

Such a joint committee is essential because no congressional committee today considers the relationship of Federal receipts and expenditures in the budgetary process.

A joint congressional committee and a legislative budget is not a new idea. The Legislative Reorganization Act of 1946 enacted both concepts. But the joint committee under the 1946 act proved unworkable. The 102-member committee was too large and understaffed, and its legislative budget proved unworkable because of inadequate time for its formulation.

The joint committee or the legislative budget provided for in this legislation remedies earlier defects in attempts to reform the congressional budgetary system. Title I provides for a standing joint committee with adequate time to formulate a legislative budget. The joint committee is streamlined to be composed of 18 members represented by three members from the Senate Appropriations and Finance Committees; three members from the House Appropriations and Ways and Means Committees; and three members at large from the House and Senate.

Furthermore, the joint committee will be a permanent part of the budgetary process and adequately staffed.

The legislative budget provided for in this bill is a viable mechanism because it establishes budgetary guidelines without formal enactment. The legislative budget is to be submitted to Congress not later than May 31 of each year. Legislative and appropriations committee work will not be hindered, but a systematic analysis of the Federal budget will be made before any expenditure is authorized or appropriated.

The legislative budget is to include—but is not limited to—the estimated receipts and proposed expenditures for the forthcoming fiscal year; the maximum amount of proposed expenditures for each major category of expenditures; 5-year projections of estimated receipts and expenditures in the aggregate and in program detail for each major category of expenditures; and, a recommendation for a reduction in taxes or in the public debt if estimated receipts exceed expenditures in any fiscal year.

Neither the House nor the Senate is to consider any bill reported out by a committee of Congress unless a statement from that committee accompanies the bill as to whether an authorization or appropriation is within the Legislative Budget limits.

FIVE-YEAR BUDGET PROJECTIONS

Title II requires 5-year budget projections in program detail for every major functional category of Federal spending. Full recognition of the long-range costs of expenditure programs will provide a better basis for decisionmaking on the part of the administration and Congress.

Because of the ballooning costs of Federal programs in years following their enactment, it is no longer acceptable to evaluate and plan expenditures on a 1-year horizon.

This title repeals an existing section of the Legislative Reorganization Act of 1970 which only superficially attempts to overcome this problem. In its place, title II provides that the executive budget and bills involving spending reported out by committees of Congress—except the Committees on Appropriations of each house—must contain a statement of the 5-year projected costs; a comparison of projected costs with estimates by any Federal agency, and a list of existing or proposed programs with similar objectives.

The idea of comprehensive 5-year budget projections has broad support. The recent House Ways and Means Committee Report No. 92–1128 which accompanied H.R. 14390 expressed a deep concern with increasing expenditure levels and recommended that budget and program expenditures should be projected on a 5-year basis. The Brookings Institution study of the 1973 budget also endorses this idea of detailed 5-year budget projections.

THREE-YEAR LIMITATION ON AUTHORIZATIONS FOR APPROPRIATIONS AND CONGRESSIONAL REVIEW OF MAJOR FEDERAL PROGRAMS

Title III requires that all authorizations for any major Federal expenditure programs—except those funded by user taxes—must expire no less than once every 3 years—this is zero-based budgeting. The trend today is to add on to old existing programs without the objective of terminating outmoded and useless programs. We must force program administrators to justify their existence.

This title requires a detailed evaluation of each program before further au-

thorizations can be made. In the last fiscal year of a program, the committee with jurisdiction in the Senate and House is to hold public hearings to conduct a review of that program.

The committee report is to contain an evaluation of the overall success or failure of the program. This report is to include—but is not limited to—a cost-benefit analysis of the program; a determination of whether the program objectives are still relevant and whether the program has adhered to its intended purpose and achieved its objectives in solving the problem; whether the program has impinged on the functions and freedoms of the private sector of the economy; the feasibility of alternative ways of dealing with the problem; the program's relationship with similar programs and an examination of related pending and proposed legislation and private efforts; and whether the program will help or hinder any private efforts to solve the problem.

PILOT TESTING

Title IV requires consideration of at least 2-year pilot testing of every proposed major program. This will provide a better estimate of costs and would permit a complete evaluation before national implementation.

Today, many Federal programs are no longer forecast in thousands, but rather in billions of dollars. Authorizations and appropriations run for many years.

Congress must introduce objectivity in determining which projects are best served through Federal tax money.

Pilot testing is to be conducted under conditions similar to those if the program were enacted. Multiple pilot testing is encouraged and the testing is to be monitored by the Comptroller General of the United States.

Each committee in both Houses, after holding public hearings with a thorough evaluation, is to submit a report on the results of the pilot test. The report shall include—but is not limited to—the suitability of implementing the program on a national scale; a cost-benefit analysis; and in the event the program would change a current method of dealing with a specific problem, a comparison of the current method and the method used in the test to carry out the program.

REQUIREMENT OF ANNUAL APPROPRIATIONS

Title V provides that all Federal expenditures—including those made by the trust funds—must be appropriated annually by Congress. Currently there are over 800 Federal trust funds with a permanent budgeting authority that do not come under a thorough annual appropriations review.

Payment of interest on the national debt and refund overpayments of taxes are exempted. Appropriation acts may stipulate that funds made available for a fiscal year can remain available until expended.

Mr. President, the five points contained in this bill that I am introducing today will bring about long-needed reform in the budgetary process. This bill permits congressional control over Federal expenditures and at the same time permits a reordering of national priorities.

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Federal Act to Control Expenditures and Upgrade Priorities".

(b) The Congress declares that because it is imperative to establish national goals and priorities for the maximum allocation of Federal expenditures, and because it is imperative to regain effective control over the budgetary process so Congress may determine those priorities, therefore it is deemed necessary—

(1) to establish a congressional budgeting system which facilitates establishment of national goals and priorities to meet the needs of a modern society and economy,

(2) to create a joint committee with responsibility to oversee and establish fiscal guidelines for the proper implementation of national goals and priorities, and

(3) to develop a means for a constant and systematic review of existing programs to be certain that they are achieving the National objectives for which they were created.

TITLE I—LEGISLATIVE BUDGET

SEC. 101. (a) There is established a joint committee of the Congress which shall be known as the Joint Committee on the Budget (hereinafter referred to as the "joint committee"). The joint committee shall be composed of eighteen members as follows—

(1) nine members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, three of whom shall be members of the Committee on Ways and Means and three of whom shall be members of the Committee on Appropriations; and

(2) nine members of the Senate, to be appointed by the President of the Senate, three of whom shall be members of the Committee on Finance and three of whom shall be members of the Committee on Appropriations.

Of the members appointed from each House, five shall be from the majority party and four from the minority party.

(b) The joint committee shall select a chairman and vice chairman each year from among its members. In each odd-numbered year the chairman shall be a Member of the House of Representatives and the vice chairman shall be a Member of the Senate. In each even-numbered year the chairman shall be a Member of the Senate and the vice chairman shall be a Member of the House of Representatives.

(c) A quorum of the joint committee shall consist of five Members of the Senate and five Members of the House of Representatives.

(d) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee and shall be filled in the same manner as in the case of the original appointment.

(e) The joint committee, or any subcommittee thereof, is authorized, in its discretion (1) to make expenditures, (2) to employ personnel, (3) to adopt rules respecting its organization and procedures, (4) to hold hearings, (5) to sit and act at any time or place, (6) to subpena witnesses and documents, (7) with the prior consent of the agency concerned, to use on a reimbursable basis the services of personnel and facilities of any such agency, (8) to procure printing and binding, (9) to procure the temporary services (for periods not in excess of one year) or intermittent services of individual consultants, or organizations thereof, and to provide assistance for the training of its professional staff, in the same manner and under the same conditions as a standing committee of the Senate may procure such services and provide such assistance under subsections (i) and (j), respectively, of section 202 of the Legislative Reorganization Act of 1946, and (10) to take depositions and other testimony. No rule shall be adopted by the joint committee under clause (3) providing that a finding, statement, recommendation, or report may be made by other than a majority of the members of the joint committee then holding office.

(f) Subpenas may be issued over the signature of the chairman of the joint committee or by any member designated by him or the joint committee, and may be served by such person as may be designated by such chairman or member. The chairman of the joint committee or any member thereof may administer oaths to witnesses. The provisions of sections 102–104 of the Revised Statutes (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with a subpena or to testify when summoned under authority of this section.

(g) With the consent of any standing, select, or special committee of the House or Senate, or any subcommittee thereof, the joint committee may utilize the services of any staff member of such House or Senate committee or subcommittee whenever the chairman of the joint committee determines that such services are necessary and appropriate.

(h) The head of each department and agency of the executive branch (including the Office of Management and Budget) shall furnish to the joint committee such information and data as the joint committee may request.

(i) The expenses of the joint committee shall be paid from the contingent fund of the Senate from funds appropriated for the joint committee, upon vouchers signed by the chairman of the joint committee or by any member of the joint committee authorized by the chairman.

(j) Members of the joint committee, and its personnel, experts, and consultants, while traveling on official business for the joint committee within or outside the United States, may receive either the per diem allowance authorized to be paid to Members of the Congress or its employees, or their actual and necessary expenses if an itemized statement of such expenses is attached to the voucher.

SEC. 102. (a) Upon the submission of the Budget of the United States Government by the President for each fiscal year (beginning with the fiscal year ending June 30, 1974), the joint committee shall promptly review the Budget for the purpose of formulating and submitting to the Senate and the House of Representatives a Legislative Budget for that fiscal year. The Legislative Budget for each fiscal year shall be in such detail as the joint committee may prescribe, but shall include—

(1) the total estimated receipts of the Government during the fiscal year, the total proposed expenditures by the Government during the fiscal year, and the total proposed appropriations for the fiscal year,

(2) the maximum amount of proposed expenditures in each major category during the fiscal year and the maximum amount of proposed appropriations for each major category for the fiscal year.

(3) estimated receipts of the Government and proposed expenditures and appropriations, in the aggregate and in program detail for each major category, for the fiscal year

and the four fiscal years immediately following the fiscal year, and

(4) if total estimated receipts in the general fund of the Treasury exceed the proposed expenditures out of the general fund during the fiscal year, recommendations for reductions in taxes or in the public debt (including a reduction in the public debt limit), or a combination thereof.

(b) The joint committee shall, as soon as practicable each year but not later than May 31, submit to the Senate and the House of Representatives the legislative budget for the ensuing fiscal year together with a report thereon.

SEC. 103. (a) It shall not be in order in either the Senate or the House of Representatives to consider any bill or joint resolution making appropriations for any fiscal year (beginning with the fiscal year ending June 30, 1974) or any bill or joint resolution authorizing appropriations for any such fiscal year, until the joint committee has submitted the legislative budget for that fiscal year.

(b) The committee report accompanying any bill or joint resolution making appropriations or authorizing appropriations for any fiscal year (beginning with the fiscal year ending June 30, 1974) shall contain a comparison of the amounts appropriated or authorized therein, in the aggregate and in each major category, with the amounts set forth in the legislative budget for that fiscal year. If any such amount appropriated or authorized exceeds the amount set forth in the Legislative Budget, such report shall contain an explanation of the excess. It shall not be in order in either the Senate or the House of Representatives to consider any bill or joint resolution unless the committee report accompanying it complies with the requirements of this subsection.

SEC. 104. For purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member of the joint committee, or as chairman of the joint committee, shall not be taken into account.

TITLE II—FIVE-YEAR BUDGET PROJECTIONS

SEC. 201. (a) Section 201(a) of the Budget and Accounting Act, 1921 (31 U.S.C. 11) is amended—

(1) by inserting after "ensuing fiscal year" in paragraph (5) "and the four fiscal years immediately following the ensuing fiscal year";

(2) by striking out "such year" in paragraph (5) and inserting in lieu thereof "such years";

(3) by inserting after "ensuing fiscal year" in paragraph (6) "and the four fiscal years immediately following the ensuing fiscal year".

(b) Section 201 of such Act is amended by adding at the end thereof the following new subsections:

"(d) The Budget shall include (1) an examination of proposed expenditures and appropriations and estimated receipts within a comprehensive framework of existing and proposed programs and (2) the bases used for the proposed expenditures and appropriations and estimated receipts.

"(e) The President shall transmit to Congress during the first fifteen days of each regular session, in addition to the budget required under subsection (a), alternative budgets taking into account contingency plans in the event of either major national disasters or economic or strategic dislocations."

(c) The amendments made by this section shall apply with respect to the fiscal year ending June 30, 1974, and each fiscal year thereafter.

SEC. 202. (a) The committee report accompanying each bill or joint resolution of a public character reported by any committee of the Senate or the House of Representatives (except the Committee on Appropriations of each House) shall contain—

(1) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is to become effective and in each of the four fiscal years following such fiscal year, together with the basis for each such estimate;

(2) a comparison of the estimate of costs described in paragraph (1) made by such committee with any estimate of costs made by any Federal agency; and

(3) a list of existing and proposed Federal programs which provide or would provide financial assistance for the objectives of the program or programs authorized by the bill or joint resolution.

(b) It shall not be in order in either the Senate or the House of Representatives to consider any bill or joint resolution if such bill or joint resolution was reported in the Senate or House, as the case may be, after the date of the enactment of this Act and the committee report accompanying such bill or joint resolution does not comply with the provisions of subsection (a) of this section.

(c) Section 252 of the Legislative Reorganization Act of 1970 is repealed.

TITLE III—THREE-YEAR LIMITATION ON AUTHORIZATIONS FOR APPROPRIATIONS; CONGRESSIONAL REVIEW OF MAJOR EXPENDITURE PROGRAMS

SEC. 301. (a) All provisions of law in effect on the date of the enactment of this Act which authorize appropriations for any major expenditure program for a period of more than three fiscal years, beginning with the first fiscal year which commences after such date, shall cease to be effective at the end of the third fiscal year commencing after such date.

(b) Subsection (a) shall not apply to any major program funded in whole or major part by user taxes.

SEC. 302. (a)(1) During the period prescribed in subsection (b), each committee of the Senate and the House of Representatives which has jurisdiction to report legislation authorizing appropriations for a major expenditure program shall conduct a comprehensive review and study of such program and shall submit a report thereon to the Senate or the House, as the case may be. In conducting such review and study, the committee shall receive testimony and evidence in hearings open to the public.

(2) Prior to the beginning of the period during which any committee of the Senate or the House of Representatives is to conduct a comprehensive review and study of a major expenditure program, the head of the department or agency of the Government which administers the program (or any part thereof) shall submit to the committee a cost-benefit analysis of the program.

(b) The period referred to in subsection (a) for the review and study of a major expenditure program is the last fiscal year for which appropriations are authorized for such program.

(c) Insofar as possible, the committees of the Senate and the House of Representatives which have jurisdiction over a major expenditure program shall conduct the review and study required by subsection (a) at the same time. Such committees may conduct the open hearings required by such subsection jointly.

(d) The report of a committee on a review and study of a major expenditure program shall contain a cost-benefit analysis of the program and the committee's evaluation of the overall success or failure of the program, and shall include (but not be limited to) the following matters—

(1) Whether the program objectives are still relevant.

(2) Whether the program has adhered to the original and intended purpose.

(3) Whether the program has had any substantial impact on solving the problems and objectives dealt with in the program.

(4) The impact of the program on the functions and freedom of the private sector of the economy.

(5) The feasibility of alternative programs and methods for dealing with the problems dealt with in the program and their cost effectiveness.

(6) The relation of all government and private programs dealing with the problems dealt with in the program.

(7) An examination of proposed legislation pending in either House dealing with the problems being dealt with in the program, including an examination of each proposed legislation in the context of—

(A) existing laws,

(B) other proposed legislation,

(C) private efforts, and

(D) whether public efforts will hinder or help private efforts.

SEC. 303. It shall not be in order in either the Senate or the House of Representatives to consider—

(1) any bill or joint resolution which authorizes appropriations for any major expenditure program for any fiscal year beginning after the period within which the committee of that House which has jurisdiction over the program is required to submit a report with respect to the program under section 302 until that committee has submitted such report, or

(2) any bill or joint resolution which authorizes appropriations for any major expenditure program for more than three fiscal years.

TITLE IV—PILOT TESTING OF NEW MAJOR EXPENDITURE PROGRAMS

SEC. 401. (a) Except as provided in subsection (b), it shall not be in order in either the Senate or the House of Representatives to consider any bill or joint resolution—

(1) which establishes a new major expenditure program unless such bill or joint resolution provides (or a prior law has provided) for a pilot test of such program which meets the requirements of this title, or

(2) which authorizes appropriations to implement any major expenditure program established by law passed by the Congress after the date of the enactment of this Act (other than appropriations to carry out a pilot test of such program which meets the requirements of this title) until the appropriate committee of the Senate or the House, as the case may be, has submitted to that House a report on the pilot test of the program pursuant to section 403 (a) and a report to the Joint Committee on the Budget pursuant to section 403(c).

(b) Subsection (a) shall not apply to a bill or joint resolution if the committee report accompanying it contains a statement, together with an explanation, that the committee has given full consideration to pilot testing and, in its judgment, pilot testing would not be feasible or desirable for the program established, or for which appropriations are authorized, by the bill or joint resolution.

SEC. 402. (a) In order to meet the requirements of this title, a pilot test of a major expenditure program must—

(1) entail a test of the program which consists of a replica, as nearly as possible, of the conditions that would exist if the program were implemented on a permanent basis,

(2) be conducted for at least two complete fiscal or calendar years (excluding any period for planning and preparation),

(3) be conducted by a department or agency of the Government or a public or private organization specified in the law providing for the pilot test, and

(4) require the department, agency, or organization which conducts the test, and the Comptroller General of the United States, to report the results of the test, as soon as practicable after its conclusion, to the committees of the Senate and the House of Representatives which have jurisdiction to report legislation authorizing appropriations to implement the program.

(b) Nothing contained in this title shall preclude simultaneous multiple pilot tests of a major expenditure program to determine the most feasible alternative before national implementation.

(c) The Comptroller General of the United States shall have full authority to monitor any pilot test conducted pursuant to the requirements of this title.

SEC. 403. (a) Upon receipt of the reports of a pilot test of a major expenditure program, each committee to which the reports are submitted shall conduct a comprehensive study to evaluate the results of the pilot test and shall, as soon as practicable, submit a report thereon to the Senate or the House of Representatives, as the case may be. In conducting such study, the committee shall receive testimony and evidence in hearings open to the public. The committees of the two Houses may conduct such hearings jointly.

(b) The report of a committee on the evaluation of a pilot test of a major expenditure program shall include (but not be limited to) the following matters:

(1) Suitability of the Federal Government to implement such a program on a national scale.

(2) A cost-benefit analysis of the program in relation to other alternative measures.

(3) In the event the program would change a current method of dealing with a specific problem, a comparison of the current method used and the method used in the test, and an analysis in terms of relative effectiveness.

(c) In addition to the report required by subsection (a), the committee shall submit to the Joint Committee on the Budget a separate report containing a detailed cost-benefit analysis.

TITLE V—REQUIREMENT OF ANNUAL APPROPRIATIONS

SEC. 501. (a) Except as provided in subsection (b), effective July 1, 1973—

(1) all provision of law permanently appropriating moneys out of the Treasury (including Trust Funds) shall have no force nor effect, and

(2) moneys may be paid out of the Treasury (including Trust Funds) to defray expenditures incurred in any fiscal year only pursuant to appropriation Acts enacted for that fiscal year.

(b) Subsection (a) shall not apply to provisions of law which permanently appropriate moneys—

(1) to pay interest on obligations constituting a part of the public debt of the United States, or

(2) to refund overpayments of taxes made to the United States.

Subsection (a) shall not preclude the appropriation of funds for a fiscal year with the stipulation that such funds remain available until expended.

SEC. 502. It shall not be in order in either the Senate or the House of Representatives to consider any bill or joint resolution, or any amendment thereto, which appropriates moneys out of the Treasury (including Trust Funds) for a period of more than one fiscal year, except that funds may be appropriated for a fiscal year with the stipulation that they remain available until expended.

TITLE VI—EXERCISE OF RULE-MAKING POWER

SEC. 601. (a) Sections 103, 104, 202, 302 (except subsection (a)(2), 303, 401, 402 (except subsection (c)), 403, and 502 of this Act are enacted by the Congress—

(1) as an exercise of the rule-making powers of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

(b) For purposes of such sections, the members of the Joint Committee on Atomic Energy who are Members of the House of Representatives shall be deemed to be a committee of the House and the members of such Joint Committee who are Members of the Senate shall be deemed to be a committee of the Senate.

By Mr. RANDOLPH (for himself, Mr. CRANSTON, Mr. STAFFORD, Mr. WILLIAMS, Mr. JAVITS, Mr. TAFT, Mr. BEALL, Mr. KENNEDY, Mr. MONDALE, Mr. PELL, and Mr. STEVENSON):

S. 3987. A bill to replace the Vocational Rehabilitation Act, to extend and revise the authorization of grants to States for vocational and comprehensive rehabilitation services, to authorize supplementary funds for vocational and comprehensive rehabilitation services to severely handicapped individuals, to expand special Federal responsibilities and research and training with respect to handicapped individuals, to establish an Office for the Handicapped within the Department of Health, Education, and Welfare, and for other purposes. Referred to the Committee on Labor and Public Welfare.

THE REHABILITATION ACT OF 1972

Mr. RANDOLPH. Mr. President, I am gratified to introduce S. 3987, the Rehabilitation Act of 1972. This is no ordinary bill, if any measure introduced by a Member of Congress can be called ordinary, and it is not the product of my labors alone. I introduce this legislation as chairman of the Subcommittee on the Handicapped of the Committee on Labor and Public Welfare with the recognition that many other Senators and their staffs have given much time in the shaping of the measure.

Mr. President, I make special mention of the work of the ranking majority member of the subcommittee, Senator ALAN CRANSTON. At my request, he acted as chairman of the subcommittee during the 5 days of thorough hearings on revision of the Vocational Rehabilitation Act. His careful preparation, obvious deep interest, and penetrating questions aided immeasurably in the development of a hearing record which formed the solid foundation for this legislation.

Although he represents what is perhaps the most heavily populated State, with the duties and responsibilities that a Senator from such a State must accept, the senior Senator from California gave the time and exerted the effort to explore the field of vocational rehabilitation in great depth. Without the ability and leadership of Senator CRANSTON, this measure could not have been introduced.

The bill I am introducing, Mr. President, is a measure which has been agreed to in both substance and form by the Subcommittee on the Handicapped. The subcommittee acted favorably on these provisions on Wednesday, September 13. It is my hope that the measure can be ordered reported by the Committee on Labor and Public Welfare without an excessive number of changes. It is, in my opinion, an excellent measure, and it is one which will bring new hope and dignity to many thousands of handicapped Americans.

The number of handicapped individuals in the United States who could be aided by vocational rehabilitation services is not precisely known. It is estimated by those who are experts in the field that between 7 and 12 million people could be helped by a vocational rehabilitation program. Neither authorization levels, appropriations, nor the Federal-State program as presently constituted can do much more than make a dent in this vast problem.

Many persons who are handicapped are on the welfare roles for the sole reason that they have not been rehabilitated to engage in gainful employment. Many more have become handicapped through automobile accidents or disabling diseases which have left these people and their families destitute. The result of these tragic cases is unnecessary poverty to those involved, and a tremendous drain on the Federal, State, and local governments because of lost tax revenue and increased welfare expenditures.

Aside from the obvious need to exercise compassion and understanding for our fellow man, we must help the handicapped to break out of the monstrous circle which binds them to lives of frustration and dependency.

The legislation I introduce today will provide a bright, new beginning on the road to meeting the goal of self-sufficiency, hope, and dignity for millions of handicapped Americans.

S. 3987, in a fashion similar to that proposed in the measure adopted by the House of Representatives, H.R. 8395, provides special emphasis and separate identifiable fund for services to severely handicapped individuals. Persons with the most severe handicaps have, in the past, generally been denied vocational rehabilitation services because services to these individuals, by the very reason of the severity of their handicaps, are more costly and of greater duration than services provided to the average vocational rehabilitation recipient. In order to stretch the limited funds available and to make the most productive use of scarce dollars, States in many instances try to serve the easier cases.

The incentive to serve the easier cases to the exclusion of those who need more

services has been eliminated in this bill. The incentive will be to emphasize services to severely handicapped including availability of funds for providing comprehensive rehabilitation services to individuals without a vocational goal, but whose ability to live independently and function normally within family and community can be improved.

The measure is a long and complex one. In order to acquaint my colleagues with the flavor and thrust of the bill, I briefly indicate its composition.

Title I of S. 3987 contains the core of the legislation. It includes State plan requirements for providing vocational and comprehensive rehabilitation services to handicapped and severely handicapped individuals, describes the services to be provided, authorizes funds, and specifies the formulas for allotment of funds to the States. It also authorizes innovation and expansion grants.

Title II proposes a number of special Federal responsibilities, including some categorical programs in areas which have not in the past received adequate attention. Provision is made for construction of rehabilitation facilities, training grants for handicapped individuals, loan guarantees and annual interest grants, and special project and demonstration grants. The categorical programs include centers for spinal cord injuries, a center for deaf-blind individuals, centers and other assistance for deaf individuals, services for victims of end-stage renal disease, and services to older blind individuals. The title also establishes a National Advisory Council on Rehabilitation of the Handicapped, and authorizes State advisory councils.

Title III provides authorizations for research and training, which programs under existing law are dispersed among several provisions. The title specifically authorizes the establishment of rehabilitation research and training centers, rehabilitation engineering research centers, research in spinal cord injury, and a program of international exchange of experts, studies, and data in the field of rehabilitation.

Title IV of the bill provides administrative and project evaluation guidelines, including studies and reports. The title also requires a study of sheltered workshops, including a study of wage payments.

Title V establishes an Office for the Handicapped within the office of the Secretary of Health, Education, and Welfare, whose function will be to gather and disseminate information on, to, and about handicapped individuals, and to coordinate the programs within the Department which relate to such individuals.

Title VI contains miscellaneous provisions, including repeal of, and transition from, the Vocational Rehabilitation Act, and establishment of a Federal Interagency Committee on Handicapped Employees and an Architectural and Transportation Barriers Compliance Board. The title also requires Government contractors to take affirmative action to employ qualified handicapped individuals, and prohibits any kind of discrimination against handicapped individuals with respect to any program receiving Federal financial assistance.

Title VII amends the Randolph-Sheppard Act for the Blind to make a number of improvements and modernizations in that law.

The Rehabilitation Act of 1972 also provides a statutory basis for the Rehabilitation Services Administration and requires its Commissioner to administer and supervise the provisions of titles I, II, and III.

This is a measure which will have far-reaching and beneficial implications for that substantial segment of our population who are handicapped. It deserves the support of all who are interested in bringing dignity and full citizenship to handicapped individuals.

Mr. CRANSTON. Mr. President, I am pleased to join with the chairman of the Subcommittee on the Handicapped, the distinguished Senator from West Virginia, Mr. RANDOLPH, in introducing S. 3987, the proposed "Rehabilitation Act of 1972." I was privileged to act as the chairman of the subcommittee for the purpose of holding hearings on this most significant piece of legislation. I wish to thank Senator RANDOLPH for the opportunity that he gave me to do this.

As acting chairman, I conducted 5 days of extensive hearings. The subcommittee heard testimony from the Department of Health, Education, and Welfare, and from all groups having an interest in vocational rehabilitation requesting to be heard, as well as from individual experts in all fields of rehabilitation, including medicine, training, and research. It was the committee's intent to ascertain from those who truly know the needs within the program just what should be done. We learned a great deal during these long and substantive hearings and have applied this knowledge to the development of S. 3987. I believe we have developed an excellent bill which has as its major premise to do the very best for the individuals that the system serves.

The legislation we are introducing today represents the bipartisan efforts of six Senators who gave of their time and staffs most generously in order to develop this most comprehensive bill. I refer specifically, in addition to Senator RANDOLPH, to the distinguished ranking minority member of the subcommittee (Mr. STAFFORD), the chairman of the full Labor and Public Welfare Committee (Mr. WILLIAMS) and its ranking minority member (Mr. JAVITS), and the Senator from Ohio (Mr. TAFT), who introduced the administration bill—S. 3368.

This bill is a milestone in legislation for Americans who suffer from a mental or physical handicap. The program which is authorized by this legislation will provide the most comprehensive range of services and a true opportunity for these individuals to enter or reenter society on a competitive basis with their fellow Americans who have not suffered the same misfortune. It is also the first time, in the almost 50 years of this program, that services will be provided to those whose handicap prevents them from competing in the labor market to achieve a status of more independent living. Part of the benefit of this new provision is that other members of the family on whom such severely handicapped individuals may have had to depend in the past, may be able now to return to jobs with the result that additional tax revenues will be available. Most important, the standard of living of the entire family may then be raised.

The Rehabilitation Act of 1972 will repeal and replace all of the present Vocational Rehabilitation Act which became law in 1965. It authorizes, for 3 years, a program of service to the people in America who have a substantial handicap to employment. I would like to note, Mr. President, that this is the only federally funded program that provides for the vocational rehabilitation of these individuals. Estimates of their numbers vary greatly from 6 to 12 million. The Rehabilitation Services Administration in HEW indicates that the present vocational rehabilitation program is reaching only 1 million of those who need services. We have attempted to tailor the program in this bill so that more people can be reached, first, by increasing the authorization levels substantially. Second, we have also done our utmost to assure by statute that severely handicapped individuals will be reached and served.

My colleagues and I who have cosponsored this measure realize, Mr. President, that we are barely going to scratch the surface of the vast need for services. We will only begin to recognize the needs, and provide satisfaction for those needs, through the services provided.

But we have, I believe, begun.

We have begun to move toward more comprehensive and especially compassionate programs. I hope that in the years to come this direction will be sustained and we will be more and more concerned with handicapped individuals who have suffered so long in silence, and so long with only token acknowledgement of the tremendous problems that confront them.

I for one, Mr. President, feel that they have been underserved long enough. I am sure my colleagues who lent their able assistance to the formulation of this measure, and those who join in cosponsorship, agree fully.

I sincerely hope, Mr. President, that what we are showing the people of America who have the misfortune to be handicapped, that we are here to serve them along with the rest of the American people. That we will serve them, not out of pity, but with the dignity and compassion that they deserve.

Mr. President, at this time I ask unanimous consent that a summary and explanation of the basic provisions of S. 3987 be set forth in the RECORD at this point.

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

EXPLANATION AND SUMMARY OF SENATE BILL S. 3987: REHABILITATION ACT OF 1972

I. PURPOSE

The basic purpose of the Senate Bill is to continue and expand rehabilitation serv-

ices to handicapped individuals by providing an expansion of authorization and changes in legislative authority which will ensure full services to handicapped individuals, and will better enable this program to serve more severely handicapped individuals. Recognizing that the final goal of all rehabilitation services must be to better the lives of the individuals served, this bill places particular emphasis on a method of providing services which will be responsive to individual needs, and will ensure that no individual will be excluded from the program merely because his handicap is too severe. The Senate Bill follows House intent to provide an emphasis on services to severely handicapped individuals, by expanding the range of services that may be provided and by earmarking funds out of the basic program so that the States will be better able to provide the services severely handicapped individuals will need. Included in the expansion of services are comprehensive rehabilitation services which include services which will enable severely handicapped individuals to achieve either a vocational goal or to prepare them to live more independently. However, the Senate Bill, recognizing that a productive and financially independent life is of primary importance, insures that no individual may be excluded from vocational training, counseling and related rehabilitation services aimed at a vocational goal without thorough and detailed evaluation of his rehabilitation potential, and an explicit statement by the rehabilitation counselor encompassing the reasons why he has concluded beyond a reasonable doubt that a vocational goal is not appropriate.

In addition, the Senate Bill places greater emphasis on research and on the development of innovative rehabilitation techniques, equipment and devices which will ameliorate the effects of handicapping conditions and make employment more feasible for a severely handicapped individual. By increasing funding and authority available for these purposes, and giving statutory responsibility to the Commissioner of Rehabilitation Services for all vocational rehabilitation services, research, and training in connection with services to handicapped individuals, the Committee substitute seeks to place greater emphasis on expanding and improving services to handicapped individuals, with particular emphasis on the needs of more severely handicapped individuals.

The Senate Bill also responds to the need for services within certain target populations (including spinal cord injured individuals, those suffering from end-stage renal disease, severely handicapped deaf, deaf-blind and older blind individuals and handicapped migrants) for whom services are presently inadequate, by providing special Federal categorical programs to serve these persons. The Senate Bill also deals with problems such as discrimination in Federal employment and Federal grants, architectural barriers, and the coordination and improvement of programming for handicapped individuals, which because of their complex nature and wide-ranging effects cannot be dealt with only by the Rehabilitation Services Administration but have a profound effect on the delivery of relevant and effective services to handicapped individuals, by establishing a number of agency-wide and Executive Branch-wide special programs to meet the needs of handicapped individuals.

II. BACKGROUND

House bill

The House Committee in reviewing this legislation earlier this year attempted to deal with the problems mentioned above. Their bill, therefore, includes a special section for grants for supplementary services to severely handicapped individuals, and emphasis on the severely handicapped individual under the basic program. The House bill provides a statutory basis for the Rehabilitation Services Administration, and the Committee report directs that administration to be responsible for research and training authorized under the Vocational Rehabilitation Act. Finally, the House bill included a number of new target programs such as: Centers for the low-achieving deaf, a Commission on Transportation and Housing, Centers for Spinal Cord Injury, and grants for services for end-stage renal disease.

III. BRIEF SUMMARY

1. Services to the severely handicapped

a. Rather than set up a separate authorization and supplementary services for the severely handicapped as was done by the House, the Senate bill earmarks 15% of the authorization under the basic vocational rehabilitation program (part B) to be used as supplementary funds (part C) for vocational and comprehensive rehabilitation services. Vocational services are those services which are aimed at employment; comprehensive services include all vocational services and other services which may be necessary to enable severely handicapped individuals to achieve a vocational goal or live more independently and self-sufficiently.

b. In order to ensure that emphasis is put on developing vocational goals for severely handicapped individuals, a 10% limitation is put on the expenditure of funds under part B and part C for severely handicapped individuals who do not have a vocational goal.

c. Supplementary funds under part C can be used only after the agency has exceeded twice the average cost in providing services to an individual. This provision was included to try to insure that agencies have the additional funds needed to provide full services to severely handicapped individuals, thus providing an incentive to these agencies to undertake to serve them. At the same time it is required that the basic costs for services (vocational or comprehensive rehabilitation) will be paid from part B funds.

d. Provisions have been included in the State plan requirements to ensure that planning for severely handicapped individuals is undertaken, and to require a special emphasis on serving these individuals.

e. An important procedural provision has been included in the Senate bill requiring an individualized written rehabilitation program be drawn up for every handicapped individual served, and to be drawn up in consultation with that individual. The counselor is required to explore every means for establishing a vocational or job-oriented goal for each individual, and to specify fully in the written program the reasons why this was impossible if he finds beyond a reasonable doubt that the individual does not have a vocational goal.

2. Research and training

a. The Senate bill provides a statutory basis for the Rehabilitation Services Administration, and provides to the Commissioner of RSA all authority for the carrying out of functions under the Act. In addition, the bill sets up within RSA a Division of Research, Training and Evaluation, and within that Division a Center for Technology Assessment and Evaluation; the Division is assigned 10 personnel positions to carry out purposes related to research, training and evaluation.

b. The bill places a great deal of emphasis on applied research and the development of technology and devices to aid in solving rehabilitation problems of handicapped individuals. Besides the general research authority, the bill directs RSA to establish and operate Rehabilitation Engineering and Research Centers in order to aid in the development of this technology. In addition, for the first time, telecommunication, sensory, and other technological devices are specified as services under the basic vocational rehabilitation program (part B, state plan).

c. A program of International Research and Exchange of personnel and technical assistance is also included so that the United States may more fully make use of the many developments that have been made overseas.

3. Other provisions

a. The Senate bill includes special programs for spinal cord injury, end-stage renal disease, severely handicapped deaf individuals, deaf-blind, and older blind individuals, and an earmarking of money under special projects for migratory agricultural workers.

b. The Senate bill creates a Federal Interagency Committee on Handicapped Employees (and directs it to undertake an affirmative action program for hiring in each Federal agency, an Architectural and Transportation Barriers Compliance Board, requires affirmative action in employment of handicapped individuals in employment under Federal contracts, and prohibits discrimination against the handicapped under Federal grants.

c. The Senate bill includes in title VII certain provisions amending the Randolph-Sheppard Act with regard to vending machines in Federal facilities, which have already been ordered reported from the Subcommittee on the Handicapped.

DETAILED EXPLANATION

Sections 1–8

1. Provides statutory basis for the Rehabilitation Services Administration and, unlike the House bill, creates within such Administration a new Division of Research, Training and Evaluation, and within such Division, a new Center for Technology Assessment and Application; and provides that the Commissioner of the Rehabilitation Services Administration shall administer all programs for which authority is provided to the Secretary under titles I through III of the bill.

2. Specifies new definitions, not contained in the House bill or existing law, for the Act which may be summarized as follows: defines "handicapped individual" to mean any individual who has a substantal mental or physical handicap to employment and who can be expected to benefit from vocational or comprehensive rehabilitation services; defines "comprehensive rehabilitation services" as vocational rehabilitation services and any other goods or services which will make a substantial contribution in helping a severely handicapped individual to improve his ability to live independently or function normally with his family and community; and defines "severely handicapped individual" as any handicapped individual whose ability to engage in employment or to function normally is so limited by the severity of his disability that services appreciably more costly and of greater duration are required to improve his ability to engage in employment or live independently or function normally in his community or family.

TITLE I: VOCATIONAL AND COMPREHENSIVE REHABILITATION SERVICE

Part A—General provisions

1. Requires the State in the state plan to include a description of the method to be used to expand services to the severely handicapped, and to provide that an order of selection be included if services cannot be provided to all eligible handicapped individuals, but differs from the House bill by specifying, that this order must place special emphasis on severely handicapped individuals; requires the State plan to contain policy, plans and methods to be followed in delivering comprehensive rehabilitation services to severely handicapped individuals; in a change from existing law, redefines serv-

ices to be provided free to all handicapped individuals as evaluation of rehabilitation potential for up to 18 months duration, counseling, guidance, referral, placement and client advocacy services, vocational and other training services and family services where necessary to the adjustment or rehabilitation of a handicapped individual, physical and mental restoration services, and maintenance payments during the process of rehabilitation; and expands from existing law and the House bill the scope of vocational and comprehensive services to include as a discretionary service the provision of telecommunication sensory and other aids and devices; requires the vocational rehabilitation counselor or coordinator to develop for each individual and individualized rehabilitation written program which will be reviewed on an annual basis by the counselor and the client (or where appropriate, his parent or guardian), and will contain a statement of long-range rehabilitation goals and intermediate objectives for the individual. Primary emphasis in the development of this program must be the determination and achievement of a vocational rehabilitation goal. The decision that this goal is not possible can only be made in full consultation with the individual (or his parent or guardian) that such a goal is not then possible for the individual.

2. Increases the authorization for basic vocational and comprehensive rehabilitation services (see separate chart on authorization levels), and earmarks 15% of all appropriations as supplementary funds for the provision of vocational and comprehensive rehabilitation services for a severely handicapped individual which may be used for that individual only after the cost of purchase and provision of such services (including counseling) exceeds 200% of the average cost per individual of the purchase and provision of such services for all handicapped individuals rehabilitated in the State in the preceding fiscal year. In addition, a 10% limitation is placed on funding under the basic program from supplementary funds for the provision of services to individuals who do not have a vocational goal. This is a major change from the House bill which provides a separate title for services to the severely handicapped, and emphasized through report language a priority for the severely handicapped under the basic program.

3. Contains a new provision of law not contained in the House bill which would limit the amount of money under this Act spent for alcohol and drug abuse disabilities by ensuring that either reimbursement was available for such services, or that first-dollar funding was provided by programs which are designed specifically to provide for treatment and rehabilitation, prevention or control of alcoholism, drug addiction, or alcohol or drug abuse disability; the intent of this provision is not to exclude individuals suffering from such disabilities from services, but rather to tap resources from specific programs which are responsible for providing such services. The Senate bill also differs from the House bill by consolidating the provision of evaluation of rehabilitation potential for handicapped individuals contained in section 15 of existing law (title II of the House bill) as a mandatory basic service under title I, and eliminates the provision of such services for disadvantaged individuals who do not fit the basic definition of handicapped individuals as contained in the same section. Similar to the House bill, the Senate bill consolidates grants on a population/PCI formula basis to the States for innovation and expansion of services to classes of individuals with particularly difficult problems, 50% of such funding to be available for State purposes, and 50% to be used to carry out programs of Federal priority.

4. Established a new mandatory program of client advocacy systems within each State which will provide ombudsman to seek to resolve complaints of clients and client applicants, and authorize the Secretary to carry out experimental client appeal and review systems. Neither provision is contained in existing law or in the House bill.

5. The Senate bill proposes to change the State allotment formula for the basic program (Part B) by distributing all funds up to the guaranteed FY 1972 level according to the existing Hill-Burton formula which magnifies the weight of per capita income and distributing the remainder of the appropriations on a new formula which weights more heavily population. This formula would provide a protection to States with a low per capita income by guaranteeing them at least the amount they received in FY 1972, but would more equitably distribute appropriations above the FY 1972 level in order to provide greatly needed funds to larger, more populous States for expansion of programs and services. This change is not contained in the House bill.

Title II—Special Federal responsibilities

Establishes new authority, similar to the House bill, for annual interest grants for rehabilitation facilities, for Rehabilitation Centers for severely handicapped deaf individuals, funds for the establishment and operation of centers for Spinal Cord Injury, and grants for services for individuals suffering from end-stage renal disease; for services to older blind individuals; and provides for the establishment of State Advisory Councils on Rehabilitation of the Handicapped, a provision not contained in the House bill; provides for an expanded program of grants for special projects and demonstrations including an expansion of the special grant program for rehabilitation services for handicapped migratory or agricultural workers and their families, a provision similar to the House provision; continues authority from existing law for grants for construction of rehabilitation facilities, construction and operation of the National Center for Deaf-Blind Youths and Adults, grants for vocational training for handicapped individuals (including weekly allowances for maintenance); expands the size and broadens the authority of the National Advisory Council on Rehabilitation of the Handicapped.

Title III—Research and training

1. Consolidates all research and training authority (to be exercised by the Commissioner of Rehabilitation Services Administration through a Division of Research and Training) in present law in one title similar to the House bill; follows the intent of the House bill to provide greater emphasis on research and training relating directly to the rehabilitation of handicapped individuals by providing that all such activities shall be carried out and administered by the Commissioner of Rehabilitation Services Administration; and further identifies priorities for research by providing for the establishment and support of new Rehabilitation Research and Training Centers, the establishment and support of Rehabilitation Engineering Research Centers, grants for spinal cord injury research, and grants for international rehabilitation research and exchange of personnel and technical assistance.

Title IV—Program and project evaluation

Expands upon similar provisions in the House bill to provide a Federal program of program and project evaluation of the impact and effectiveness of all programs authorized under the Act, and to determine priorities for research, demonstration and related activities; and upon the House provision under which the Secretary would undertake a comprehensive study of the role of sheltered workshops, including a study of wage payments.

Title V—Office for the handicapped

Establishes an Office for the Handicapped in the Office of the Secretary to develop a Federal five-year plan for delivery of services to handicapped individuals and to coordinate, evaluate and review existing Federal programs for handicapped individuals; and incorporates in this Office the function of the National Information and Resource Center for the Handicapped contained in the House bill to evaluate existing data and information systems and to develop a coordinated system of information and data retrieval and dissemination relating to services, programs and information for handicapped individuals.

Title VI—Miscellaneous

Provides for agency-wide programs, not contained in the House bill, of action and focus on problems of the handicapped, including the establishment of an Interagency Committee on Handicapped Employees to ensure the adequacy of hiring, placement and advance practices in the Federal government in relation to handicapped employees and applicants, including the requirement of an affirmative action program to employ qualified handicapped employees by all Federal contractors and of non-discrimination by all Federal grantees.

Title VII—Amendments to Randolph Sheppard Act

Contains amendments to the Randolph Sheppard Act for the Blind, which were ordered reported to the full Committee by the Subcommittee on the Handicapped in S. 3507 earlier this year (not part of the Rehabilitation Act).

By Mr. MONDALE:

S. 3988. A bill to establish a temporary commission to conduct a comprehensive study of certain matters relating to the national security of the United States. Referred to the Committee on Armed Services.

A COMMISSION ON NATIONAL SECURITY

Mr. MONDALE. Mr. President, today, I am introducing legislation to establish a Commission on National Security. This Commission would be charged, over a period of 2 years, with studying all matters it deems relevant to the present and future national defense of the United States; examining the long-term implications of all decisions related to the national defense; and advising both the President and the Congress on these matters.

The American people want a strong national defense. But they do not want—and they should not have to pay for—waste and needless escalation in the military budget.

Beyond this basic consensus, disagreements inevitably arise both over the nature of the national security and over the best means of insuring it. Recent congressional debates on such basic questions as appropriate U.S. troop levels in Europe and on a variety of weapons systems—ranging from the ABM to the Trident program—have dramatized these differences. Regardless of one's views on the merits of each of these issues, I think most of us can agree that the assumptions and objectives underlying the defense budget and defense planning have often been obscured.

I think we can also agree with former

Budget Director Charles Shultz, who once observed that:

> The benefits and costs of proposed military programs cannot be viewed in isolation. They must be related to and measured against those other national priorities which, in the context of limited resources, their adoption must necessarily sacrifice.

As Mr. Shultz suggests, the national defense is a major aspect of our national welfare, and military programs must be evaluated in that perspective. It has been observed that our national security interests are best served by efficiency in the forces we buy; inefficiency will require us to spend more than is necessary and will inevitably detract from our commitments to our children, our cities and towns, our farms and our natural environment.

For a significant change in public attitudes toward our national priorities has occurred over the past decade. This phenomenon is described and discussed in detail in the excellent report recently published by the Brookings Institution, "Setting National Priorities." Into the early sixties, according to this study, government programs were relatively uncomplicated activities; and it is only over the past 10 years that Americans have reached a widespread consensus, transcending party lines, that certain goals—improving the quality of public services, increasing equality of opportunity, rescuing the environment, for example—are properly the concern of the Federal Government.

This revolution in attitude toward the role of government has had a major impact on the Federal budget. Indeed, if we survey the pattern of Federal expenditures over the past 10 years, we find a shift in emphasis away from defense and toward domestic needs. Overall, the budget has increased approximately 130 percent in the 1963–73 period. This figure obscures the fact, however, that defense spending increased approximately 50 percent, while spending on domestic programs more than tripled.

The rise in Federal expenditures, and the heavy emphasis on spending for purely domestic purposes, are both trends unlikely to be reversed. They occur in conjunction with a third trend—a relatively slower rate of increase in Federal revenues, the consequence of the tax policies of the past decade.

Taken together, the tendency of Federal expenditures to out pace revenues and the growing emphasis on spending for domestic purposes, have profound implications for our defense and national security policies.

For now, more than ever before, we must be efficient in the forces we buy. Spending for national defense—as well as spending to meet urgent domestic needs—must be carefully scrutinized and justified.

In addition to this increasing demand on limited Federal resources, issues involving national defense are today more complex and difficult as a result of recent developments of major significance—such as the successful negotiations of a first round of arms limitations and the reassessments of our policies toward both the Soviet Union and the People's Republic of China.

Yet despite the urgent necessity of avoiding costly errors of judgment, and despite the increasing complexity of the problems facing us, the debate on national security issues is regrettably clouded with confusion and uncertainty. In particular, Congress is too often in the position of making crucial decisions on the basis of inadequate information—without careful examination of the implications of the decision for future defense and budgetary policies, without adequate investigation of alternative proposals, and in isolation from relevant diplomatic considerations.

It may be tempting in such circumstances for the Congress automatically to approve or oppose whatever a particular administration is seeking in the name of national security. In doing so, however, we abdicate our constitutional responsibility to provide for the common defense.

It is for this reason, Mr. President, that I urge the creation of a Commission on National Security. I am not the first to make this proposal; it was put forth by James Killian, the former president of Massachusetts Institute of Technology, at a hearing of the Senate Foreign Relations Committee in 1969, and again last year by Francis O. Wilcox, dean of the Johns Hopkins SAIS, in his book entitled "Congress, the Executive and Foreign Policy." I believe the recent SALT agreements have given new strength to the arguments for the commission.

The bill I am introducing establishes a commission with 15 members—five appointed by the President, five by the majority leader of the Senate, and five by the Speaker of the House.

The bill requires that all those appointed to the commission must be qualified on the basis of their experience in matters relating to military planning, budget management and analysis, foreign affairs, and arms control and disarmament. It is anticipated that this commission will consist of seasoned and experienced individuals from a variety of backgrounds in the private and public sectors—persons who, in the course of their careers, have dealt with problems involving our national security.

Such individuals, of course, will come to this commission with divergent views on the critical issues of national defense. But, hopefully, those appointed to the commission will be persons with a recognized reputation for fairness, integrity, balance, and openmindedness—qualities which will enable them to make their final judgments and recommendations on the basis of all the evidence before the commission. I believe that the reports submitted by a commission composed of such individuals will help make the debate over national security more reasoned and more dispassionate.

This Commission would have full access to classified documents, with the authority necessary to carry out its responsibilities, including the power of subpena. The Commission's existence is limited to 2 years, and it would be required to submit an official report within that time. An interim report is required within the first year of the Commission's existence.

The Commission's mandate is a broad one. The bill states that the Commission's duty shall be:

> To conduct a comprehensive study and investigation of any and all matters it deems relevant to the present and future national defense of the United States.

In conducting this study and investigation, the Commission will be required to consider, among other questions—

The nature and magnitude of external threats to the national security of the United States and the adequacy of present and projected military forces to meet such threats;

The alternative uses of manpower, including the respective uses of military and civilian personnel in the Department of Defense, the relationship of combat to support forces, and the role of reserves in national security planning;

The nature and mission of the strategic and tactical weapon systems employed, and of those planned to be employed, by the United States;

The relationship of defense expenditures and programs to arms limitation agreements;

The relationship of the military capabilities of U.S. allies to the structure of U.S. forces;

The relationship of foreign military assistance, including sales, to the national security of the United States;

The reform of the national security and defense planning process to provide a longer-range perspective than that imposed by the annual authorization and appropriations processes; and

Such other relevant questions of policy and practice related to the defense posture of the United States and the national security as the Commission deems appropriate.

Given this mandate, the Commission will certainly evaluate those weapons systems presently the subject of intense controversy, such as the Trident, the attack carrier, and the B–1 bomber. Behind each of these systems, however, lies a complex network of assumptions concerning basic security and defense requirements, which would also require careful study. In the case of strategic offensive planning, for example, the Commission inquiry would not be limited to the Trident or the B–1, or even to possible alternatives to these two systems; the Commission should deal with all aspects of the tripartite deterrent, including the future of and potential alternatives to the triad.

The Commission, of course, will have to do more than simply examine the merits of particular weapons systems. It is now clear that major proposals for new defense expenditures must also be evaluated in light of existing and future arms limitation agreements.

Decisions on specific military expenditures may well have a decisive impact on the success or failure of future arms limitations talks. Therefore, it will be extremely important for this Commission to evaluate such expenditures not just in

terms of their military utility—but also in terms of their potential diplomatic impact.

I believe, as President Nixon believes, that meaningful arms limitations agreements are a crucial aspect of national security. I also believe that there is always the danger of producing and developing weapons at the expense of future arms limitation agreements—a course which in the long run will mean less rather than more security.

Another important area for the Commission's consideration will involve manpower questions. Manpower costs today are the single most important factor in the defense budget, having increased sharply over the past 5 years. In this period, average military pay has doubled and average civilian employees' pay has increased approximately 50 percent. Payroll and other personnel costs have thus risen by $10 billion, while total military and civilian manpower has declined by almost 1.5 million.

We are now committed to replacing the draft with an all-volunteer army, and this fact has cost and other implications which are not yet clear. Comparability legislation insures that Government salaries will keep pace with pay in the private sector, which will rise at a modest rate even in the absence of inflation. As yet, we have no assurance that even today's better military pay scales will enable us to meet the projected 2.3 million force level; we may therefore find that incentive pay increases are unavoidable.

This Commission should therefore monitor the initial experience with an all-volunteer army and report on its implications. In addition, it should investigate the critical problems of achieving force levels and structure that will offer maximum efficiency in the use of manpower and that will lead to the most advantageous balance of manpower and weapons systems.

The Commission should also study ways to provide a longer-range perspective on defense planning than that imposed by the annual authorization and appropriations process. Both the executive branch and the congressional committees with jurisdiction over national security issues must operate under the constraints of determining annual budgets and disposing of a crowded legislative calendar. It is particularly difficult for the Congress to undertake the broader and longer-range studies that lie outside the scope of pressing legislative responsibilities. The recent Brookings study, Setting National Priorities, observed:

> While every new budget affords at least some room for the administration and the Congress to indicate their changing priorities, only a perspective that covers a number of years can illuminate the really large changes taking place in the scope and emphasis of federal activities.

This is certainly true of defense planning, where the perspective of the annual budget may obscure or distort long term, fundamental trends. Hopefully, this Commission will recommend ways to broaden that perspective.

At the same time, it should be emphasized that the Commission would in no sense determine national security and defense policies. Its recommendations would not be binding, nor would a commission report end the debate over a variety of national security and defense questions. Differences of opinion will certainly persist, but I believe the Commission can perform the invaluable service of helping to sharpen the focus of the debate. Its work would thus provide a framework for making defense policies.

No set of issues that we face is more important to our constituents, yet more obscured than the questions of how to defend our country.

National defense is not a partisan issue. No one in the Congress or the Executive Branch would willfully weaken this country or wantonly underestimate the dangers abroad in a harsh world. Most of us are from generations that have seen the awful price of unpreparedness, from Pearl Harbor to the bloody retreat to Pusan.

However, too often, in the name of national defense, bureaucratic infighting causes waste and a misalloaction of limited resources, weakening rather than strengthening the vitality of our Nation's security. It is because I believe in a strong and unassailable national defense that I—along with many of my colleagues—have criticized certain aspects of the military budget in the past.

Defending this country is not the issue. The issue is the foresight and efficiency that a government of imperfect men bring to a task where the cost of imperfection is so high.

We can do nothing less than apply to the national security—our Nation's most important business—the same standards of good planning and effective management that stock holders demand of any corporation.

We can demand no less care and honesty and objectivity in the making of our military budget than each of us applies to our family budgets.

In national defense, unlike so many issues that face us, there is no one special interest, no one region or group to be served. Our constituency is all America, and at stake is the future of our children and the peace of the world.

That is why I think Senators and Congressmen of both parties should be able to agree that we need a dispassionate and fresh look at where we are going in national defense. And that is why I think the next administration, whatever its composition, should welcome an independent and fair analysis of the fateful choices before it.

Mr. President, I am asking that we put aside partisanship where the stakes are too high for anything but the freest judgment that free men can make.

I therefore propose the creation of this Commission on National Security as one means of helping us make decisions on defense policy issues which will best serve the needs of this Nation.

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

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

S. 3988

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

ESTABLISHMENT OF COMMISSION

SECTION 1. There is hereby established a temporary commission to be known as the Commission on National Security (hereinafter referred to as the "Commission").

MEMBERSHIP OF COMMISSION

SECTION 2. (a) The Commission shall be composed of fifteen members appointed as follows—

(1) five to be appointed by the President;

(2) five to be appointed by the Speaker of the House of Representatives, not more than two of whom may be from the House of Representatives and not more than three of whom may be members of the same political party; and

(3) five to be appointed by the Majority Leader of the Senate, not more than two of whom may be from the Senate and not more than three of whom may be members of the same political party.

Persons shall be appointed to the Commission who are qualified for appointment by reason of their experience in matters relating to military planning, budget management and analysis, foreign affairs, and arms control and disarmament.

(b) The Commission shall elect a chairman and vice chairman from among its members.

(c) Eight members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

DUTIES OF THE COMMISSION

SEC. 3. (a) It shall be the duty of the Commission to conduct a comprehensive study and investigation of any and all matters it deems relevant to the present and future national defense of the United States. In conducting such study and investigation the Commission shall consider—

(1) the nature and magnitude of external threats to the national security of the United States and the adequacy of present and projected military forces to meet such threats;

(2) the alternative uses of manpower, including the respective uses of military and civilian personnel in the Department of Defense, the relationship of combat to support forces, and the role of reserves in national security planning;

(3) the nature and mission of the strategic and tactical weapon systems employed, and of those planned to be employed, by the United States;

(4) the relationship of defense expenditures and programs to arms limitation agreements;

(5) the relationship of the military capabilities of U.S. allies to the structure of U.S. forces;

(6) the relationship of foreign military assistance, including sales, to the national security of the United States;

(7) the reform of the national security and defense planning process to provide a longer-range perspective than that imposed by the annual authorization and appropriations processes; and

(8) such other relevant questions of policy and practice related to the defense posture of the United States and the national security as the Commission deems appropriate.

(b) The Commission shall submit to the President and the Congress a detailed report of the results of the study and investigation conducted by it under this Act not later than two years after the date of enactment of this Act, together with such recommendations as it deems appropriate. The Commis-

sion shall submit an interim report to the President and the Congress on the results of its study and investigation not more than one year after the date of enactment of this Act.

POWERS OF THE COMMISSION

SEC. 4. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpoenas may be issued under the signature of the chairman of the Commission, of any such subcommittee, or any designated member, and may be served by any person designated by such chairman or member. The provisions of sections 102 through 104 of the Revised Statutes (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section.

(b) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purposes of this Act. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman or vice chairman.

(c) The Commission shall establish appropriate measures to insure the safeguarding of all classified information submitted to or inspected by it in carrying out its duties under this Act.

COMPENSATION OF COMMISSION

SEC. 5. Each member of the Commission who is not otherwise employed by the United States Government shall receive an amount equal to the daily rate paid a GS–18 under the General Schedule contained in section 5332 of title 5, United States Code, (including travel time) during which he is engaged in the actual performance of his duties as a member of the Commission. A member of the Commission who is an officer or employee of the United States Government shall serve without additional compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

STAFF OF THE COMMISSION

SEC. 6. (a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at GS–18.

EXPIRATION OF COMMISSION

SEC. 7. Ninety days after the submission of its final report to the President and the Congress the Commission shall cease to exist.

EXPENSES OF THE COMMISSION

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. BENTSEN (for himself and Mr. HUMPHREY):

S.J. Res. 267. A joint resolution providing for a special deficiency payment to certain wheat farmers. Referred to the Committee on Agriculture and Forestry.

Mr. BENTSEN. Mr. President, today the distinguished Senator from Minnesota (Mr. HUMPHREY) and I introduce a joint resolution to provide special deficiency payments to wheat producers who will receive less than parity on the domestic production of their wheat as a result of the recent large wheat sales to the Soviet Union.

Congressman GRAHAM PURCELL, chairman of the House Agricultural Subcommittee on Livestock and Grains is introducing an identical resolution in the House to make this a joint effort. The House subcommittee began hearings today on the impact of these recent sales on farmers and others; however, some injury is already apparent.

Producers who sold their wheat prior to any knowledge of the sale to the Soviet Union were handicapped in making marketing decisions. Since the first wheat in the Nation is harvested beginning as early as May and continuing into July, a great deal of production was harvested before the sale to the Soviet Union was announced on July 8. Traditionally, most of this early wheat crop is sold at time of harvest.

The Agricultural Act of 1970, at the urging of the Nixon administration, provided that the wheat certificate paid to farmers on their share of domestic consumption would be calculated to reflect the difference between the average market price for the first 5 months of the marketing year, July 1–November 30, and the parity price as of July 1—$3.02 per bushel.

The sale of wheat to the Soviet Union has resulted in increases in the market price. Everything being equal, such an increase is good for wheat producers. However, since the increase in wheat market prices will reduce the amount of the certificate paid to farmers on the domestic portion of their wheat, only those farmers who sold at or above the 5 months' average market price will receive the parity price of $3.02 per bushel. Those farmers who sold below the 5 months' average market price will receive less than the parity price by whatever amount their sale price was below the 5 months' average market price. Farmers in Texas, New Mexico, Arizona, Colorado, Kansas, Missouri, and other States in the early wheat harvest area sold wheat at prices below the anticipated 5 months' average market price and they will not be able to get parity price for their production.

The evidence is clear that there was heavy early selling in these and other wheat-producing areas. As of July 31, only 59.4 million bushels of wheat were under loan for support price purposes as against 77.1 million bushels on July 31, 1971. In Kansas, for example, where the harvest was completed by July 31, 36.8 million bushels were under loans as compared to 51.9 million on the same date in 1971.

Let me cite an example of how farmers who sold wheat before the market prices advanced in response to Soviet Union wheat sales will lose unless the current provision of law is changed, as provided in the resolution I introduced today. The average market price in July was $1.32; in August $1.51. It is anticipated that there will be further market price increases in September, October, and November which could result in an average market price during those months of $1.75. Averaging the prices for the 5-months brings the market average for wheat to $1.62 per bushel.

This $1.62 per bushel price under the 1970 Agricultural Act is the point at which the USDA begins to calculate the amount of wheat certificate. Since the parity price was $3.02 on July 1, the wheat certificate paid to producers on their domestic production will amount to $1.42 per bushel.

But, it can be clearly seen that these farmers who sold below the estimated 5 months; average market price of $1.62 per bushel, would lose the difference between their sales price and the 5 months' average market price. Let us take the specific case of a Texas farmer who sold his wheat at $1.32 per bushel. Since this sales price is below the average market price of $1.62, he would lose 30 cents per bushel. Instead of receiving the parity price of $3.02 per bushel, he would receive only $2.72 per bushel.

Mr. President, the inequity in this situation is apparent. My position simply is to bring equity in the payment by the Government to producers who are eligible for wheat certificates. No farmer in this Nation should be penalized in the amount of the wheat certificate he receives by his geographic location in the Nation.

In summary, the resolution, would authorize the Secretary of Agriculture to make special deficiency payments to wheat producers who sold all or any portion of his 1972 crop of wheat for less than the average price for the first 5 months of the marketing year—July 1–November 30, 1972. The deficiency payment would be calculated as I have indicated above—the difference between the average 5 months' market price and the price the producer received in the sale of his 1972 crop of wheat.

The effect of the bill would be to assure that no producer receives less than the parity price of $3.02 because he was not unaware of the pending Soviet wheat agreement which would increase the market price.

When major U.S. exporters were caught in a somewhat similar bind in August of this year a special export subsidy payment was administratively approved. If administrative action can be taken to avoid undue loss by the exporting companies in a surging market surely America's wheat growers should receive similar relief.

ADDITIONAL COSPONSOR OF A BILL

S. 3827

At the request of Mr. GURNEY, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 3827, a bill to amend the Service Contract Act of 1965

to revise the method of computing wage rates under such Act, and for other purposes.

SENATE RESOLUTION 363—SUBMISSION OF A RESOLUTION TO COMMEND THE ADMINISTRATION AND AMERICAN AGRICULTURE

(Referred to the Committee on Agriculture and Forestry.)

Mr. BELLMON. Mr. President, during the recent weekend I was in Oklahoma and spent considerable time with Oklahoma wheat growers. I was greatly impressed and pleased by the good spirits and optimism which this group now exhibits in light of the healthy improvement in wheat prices.

Mr. President, as a wheat grower I know from first hand experience of the disastrous cost-price squeeze which the American wheat growers have faced through the last decade. In my own farming operation the income from wheat has not been sufficient to meet costs of production for many years. Therefore, the improvement in wheat prices which has occurred since the signing of the wheat agreement with Russia on July 8 is vitally important to getting this basic industry, which provides much of the food for our Nation and the world, into a profitable position.

At the local elevator where I do business, last Saturday the price for hard red winter wheat was $1.85 per bushel. This is up roughly 50 cents since the day in June when I sold my wheat for $1.37. This healthy increase in price still leaves the price of wheat well below the parity price of $3.03. However, the increase may lift wheat growers incomes into the black when combined with the certificate payments.

Mr. President, Members of the Senate have long bemoaned the plight of American agriculture. We have on many occasions undertaken to legislate a solution to the farm problem. The present farm bill, which was passed in 1969, is in my view the best farm legislation Congress has ever passed, but even, that law had not been able to improve farm income sufficiently until the consummation of the Russian grain arrangements. There are many additional benefits which are likely to come from this trade between these two nations, and I believe those who successfully concluded these difficult and delicate negotiations deserve the commendation of Congress.

For that reason, I am today submitting the resolution of commendation. In this I have been joined by the distinguished Senator from Oregon (Mr. HATFIELD), the distinguished Senator from Wyoming (Mr. HANSEN), the distinguished Senator from Nebraska (Mr. HRUSKA), the distinguished Senator from Idaho (Mr. JORDAN), the distinguished Senators from Kansas (Mr. PEARSON and Mr. DOLE), the distinguished Senator from North Dakota (Mr. YOUNG), and the distinguished Senator from Colorado (Mr. DOMINICK).

Mr. President, the resolution states:

S. RES. 363

Whereas, this nation has long been troubled by surpluses of farm commodities and Congress and past administrations have repeatedly made unsuccessful efforts to bring supply and demand into balance; and

Whereas, the existence of these agricultural surpluses had seriously depressed farm income and their management has proved costly to American taxpayers; and

Whereas, the recent sale of large quantities of wheat, corn and soybeans to Russia has had the immediate impact of dramatically reducing these agricultural surpluses and improving farm prices; and

Whereas, this sale was possible only through the skillful and tenacious efforts of leaders in the Administration and in the agricultural community: Now, therefore, be it

Resolved, That the Senate of the United States hereby commends the Administration and American agriculture for the successful consummation on July 8, 1972 of arrangements which make possible these transactions which hold great hope for permanent improvement of income to American farmers, substantial savings to the U.S. Treasury, significant reductions in the imbalance of payments, creation of thousands of new jobs for American workers and normalization of peaceful relations between the United States and the USSR.

Mr. President, in light of the popularity and importance of the Russian grain sales with farmers, I am greatly surprised and somewhat confused by the attitude being expressed by the Democratic Presidential nominee. His critical statements and unfounded charges cannot help but make future sales more difficult. Also, they raise the question: Does Senator McGOVERN want the sale canceled? Does he want wheat, feed grain, and soy bean prices to fall back to the pre-Russian sales levels? Is he telling consumers that in the unlikely event of a McGovern victory there would be no large exports of unneeded surplus American farm commodities? I believe Mr. McGOVERN needs to make clear his position to both farmers and consumers. Does he favor export sales which increase U.S. farm income, decrease the U.S. imbalance of payments, provide thousands of jobs for U.S. workers and decrease the cost of the farm program to the U.S. Treasury?

Mr. President, in making his wild and unfounded charges, the Democratic Presidential nominee has demonstrated abysmal ignorance of international grain trading. Also, he has shown a total lack of understanding of the conditions which led up to this particular sale. To help set the record straight, I ask unanimous consent that a letter from Secretary Butz, an article from Feedstuffs magazine dated September 4, and a memo from Glenn A. Weir, Acting Administrator of the Agricultural Stabilization and Conservation Service be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BELLMON. Mr. President, I would like to highlight this information for the Senate. In his letter, Secretary Butz sets out the conditions which led up to the Russian grain sales. He cites three major factors:

1. A warming of friendly relationships between the two nations with a mutual expression of interest in cooperating in cultural and scientific exchanges, and in greater economic trade to the benefit of both nations. This was greatly accelerated by President Nixon's visit to Russia in May.

2. A commitment on the part of the Soviet government to increase the protein component of the diet of its people by 25 percent during the current five-year plan. In order to achieve that goal, the Soviet government has indicated that it would import food and feed grains from the United States.

3. A severe winter with limited snow cover led to heavy winterkill of fall-planted grains in Russia. The Soviets planted more spring grains to compensate, but these spring-planted grains ran into a hot, dry summer. No one, including the Russians, could assess the effect on their grain production until the summer weather unfolded day-by-day.

The Secretary goes on to say:

If we had had a choice, we would have much preferred to have reached a trade agreement in Moscow in early April during my visit. This would have made the terms available to all U.S. farmers before any of the wheat harvest had started. However, the only way that that could have been achieved would have been for the United States to make concessions to the Soviet government that it is not making to other nations that have been long-time customers for our wheat and feed grain. We did not want to do that and held firm.

The next move was entirely up to the Soviet government. They decided to agree to our terms on their own time schedule, which became more urgent for them, and no doubt moved up their time-table of agreement, when they began to assess the damage to their grain from the unusually hot and dry summer weather.

As the severity of their weather damage began to unfold, the Soviets came to this country in late June and early July to negotiate further. At this time, they agreed to our regular CCC terms of credit. As soon as this agreement was reached, and was signed on Saturday, July 8, the terms were announced to the world in a press statement by President Nixon from the Western White House and then at a joint press conference on the same day by myself and Secretary of Commerce Peter G. Peterson at the White House in Washington, D.C.

We held the signings and made the announcements on a Saturday because we believed that there should be no delay in making the information available to farmers, to the trade, to the nation's citizens, and to the world.

The Secretary further states:

The Department of Agriculture only knows how much the Russians are booking for credit when the transaction is completed and the commercial paper comes to the Department for credit. The purchases for cash which the Soviets make do not clear through the Department of Agriculture until the private trader applies for subsidy.

It is accurate to say that the size of the Soviet purchases caught everyone by surprise, including the Russians themselves. Soviet grain purchasers were in this country dealing with the private export trade in July and went home. Unexpectedly, they came back in a few days—apparently after getting a further assessment of the damage that had been done to their wheat crop by the hot, dry weather.

It is unfortunate that some U.S. farmers sold their wheat before the full extent of the upward influence on price was known. But it should be clear that the Department of Agriculture did all it could to make the terms of trade available to farmers promptly. This is something that the Department insisted upon in making the agreement with the Soviets.

On the other hand, the Russians didn't want to pay more than they had to for grain, so they weren't broadcasting to all what their

requirements would be. And in mid-stream, they had to hike their requirements—which is something that they, no doubt, would have preferred not to do. At the same time, private traders who had made commitments of sale to Russia didn't want to pay more than they had to for the grain, so they weren't broadcasting the size of their purchases.

We all recognize that these are the usual conditions of trade. At no time are private traders required to report currently to the Department of Agriculture on what they are selling.

Mr. President, the importance of and the popularity of this transaction with wheat farmers and to producers of soybeans and feed grains cannot be denied. Graingrowers, for the first time in over a decade, are optimistic and are looking to the future with hope and confidence. Major credit for this new attitude must be given to the President and officials of the Nixon administration. Their diplomacy and skillful negotiating has succeeded in bringing a new day to American agriculture.

Mr. President, the charges that insiders benefited by advance knowledge of this wheat sale are plainly discredited by a review of the grain market. I ask unanimous consent that a table, showing wheat, corn, and soybean prices before and in the week following the announcement of this sale on July 8 be printed at this point in the RECORD:

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

	Wheat
July 7 (Chicago)	1.50¾
July 10	1.49½
July 11	1.54
July 12	1.49½
July 13	1.49⅝
July 14	1.48¾
July 17	1.48¼
July 18	1.52
July 19	1.54½

	Corn	*Soybeans*
July 7	1.23¾	3.52¾
July 10	1.23¾	3.50½
July 11	1.25¼	3.49⅝
July 12	1.24½	3.51⅝
July 13	1.25	3.47⅛
July 14	1.24⅛	3.52
July 17	1.24⅛	3.49¾
July 18	1.24	3.50¾
July 19	1.24½	3.49¾

Mr. BELLMON. Mr. President, this table plainly shows that the commodity markets were relatively stable during this period, so that even if an individual had advance knowledge there would have been no way for him to have profited by this information.

The dramatic improvement in the grain prices shown by the present markets occurred long after the public announcement of this sale on July 8.

Mr. President, I note in the morning newspaper that apparently mainland China is now about to conclude a sizable purchase of American wheat with this country. The article says:

According to the Southwestern Miller Report, a grain trade journal in Kansas City, which reported today the imminent opening of grain sales to China, the initial sale is 400,000 to 500,000 tons, or 14.5 million to 18 million bushels.

Thus, it appears that the initiatives taken by the administration in opening negotiations which led to sizable grain sales to Russia are now going to produce important sales to China and again result in sizable improvement in the prices received by producers of American grains.

Mr. President, I ask unanimous consent to have an excerpt from the article printed in the RECORD.

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

[From the New York Times, Sept. 14, 1972]

MAINLAND CHINA REPORTED BUYING FIRST U.S. WHEAT

(By E. W. Kenworthy)

WASHINGTON, September 13.—Secretary of Agriculture Earl L. Butz is expected to announce tomorrow the first sale of American wheat to China.

Representative Graham Purcell, Democrat of Texas, said that he would not be surprised if Mr. Butz announced the sale at the opening of hearings tomorrow by the House Agriculture Subcommittee on Livestock and Grains into possible windfall profits by exporters from the Soviet-American wheat deal.

ONLY "TOKEN SALE NOW"

According to The Southwestern Miller Report, a grain trade journal in Kansas City, which reported today the imminent opening of grain sales to China, the initial sale is 400,000 to 500,000 tons, or 14.5 million to 18 million bushels.

Mr. BELLMON. Mr. President, I believe that the resolution which I have today submitted calls attention properly to the successful efforts of the administration and to the negotiating skill of those who have made this transaction possible. I hope that the Senate will act promptly and approve the resolution.

EXHIBIT 1

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 6, 1972.

Hon. HENRY BELLMON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BELLMON: This is in response to your request for information relating to the timing and significance of the purchase of grain by the Soviet Union.

As you know, a marketing team from the Department of Agriculture accompanied me on a trip to Russia in April to negotiate terms of trade for the possible sale of grain to the Soviet Union.

This meeting was a follow-up to the grain sale that had been made to Russia last fall, and it followed an indication of interest in further trade by the Soviet Minister of Agriculture, Vladimir Matskevich, when he visited this country last December.

President Nixon, when he visited Russia in May, further enhanced the prospect for trade between the two countries as a result of the Summit Conference.

There are three major factors involved in the sharply increased grain trade with the Soviet Union:

1. A warming of friendly relationships between the two nations with a mutual expression of interest in cooperating in cultural and scientific exchanges, and in greater economic trade to the benefit of both nations. This was greatly accelerated by President Nixon's visit to Russia in May.

2. A commitment on the part of the Soviet government to increase the protein component of the diet of its people by 25 percent during the current five-year plan. In order to achieve that goal, the Soviet government has indicated that it would import food and feed grains from the United States.

3. A severe winter with limited snow cover led to heavy winterkill of fall-planted grains in Russia. The Soviets planted more spring grains to compensate, but these spring-planted grains ran into a hot, dry summer. No one, including the Russians, could assess the effect on their grain production until the summer weather unfolded day-by-day.

That was the setting for the grain negotiations between the two countries. In April, the Russians did not appear interested in our regular terms of CCC trade, including three-year credit and going interest rates. They wished to negotiate for better terms.

If we had had a choice, we would have much preferred to have reached a trade agreement in Moscow in early April during my visit. This would have made the terms available to all U.S. farmers before any of the wheat harvest had started. However, the only way that that could have been achieved would have been for the United States to make concessions to the Soviet government that it is not making to other nations that have been long-time customers for our wheat and feed grain. We did not want to do that and held firm.

The next move was entirely up to the Soviet government. They decided to agree to our terms on their own time schedule, which became more urgent for them, and no doubt moved up their time-table of agreement, when they began to assess the damage to their grain from the unusually hot and dry summer weather.

As the severity of their weather damage began to unfold, the Soviets came to this country in late June and early July to negotiate further. At this time, they agreed to our regular CCC terms of credit. As soon as this agreement was reached, and was signed on Saturday, July 8, the terms were announced to the world in a press statement by President Nixon from the Western White House and then at a joint press conference on the same day by myself and Secretary of Commerce Peter G. Peterson at the White House in Washington, D.C.

We held the signings and made the announcements on a Saturday because we believed that there should be no delay in making the information available to farmers, to the trade, to the nation's citizens, and to the world.

When the three-year agreement was signed on July 8, the Soviets agreed to purchase no less than $200 million of grain during the first year. United States farmers, and traders, knew then that Soviet purchases would equal at least that amount. What nobody knew then, including the Russians, was how much more they might buy in the first year, and of which grains.

At the time the agreement was signed, the Russians were already actively making commitments with private United States traders to cover their requirements. I emphasize that nobody knew then—neither the Department of Agriculture nor the trade—just how much the Russians would buy. The export traders were not telling each other how much the Soviets were booking with them. The exporters did not tell the Department of Agriculture. Nor were the Russians talking.

The Department of Agriculture only knows how much the Russians are booking for credit when the transaction is completed and the commercial paper comes to the Department for credit. The purchases for cash which the Soviets make do not clear through the Department of Agriculture until the private trader applies for subsidy.

It is accurate to say that the size of the Soviet purchases caught everyone by surprise, including the Russians themselves. Soviet grain purchasers were in this country dealing with the private export trade in July and went home. Unexpectedly, they came back in a few days—apparently after getting a further assessment of the damage that had

been done to their wheat crop by the hot, dry weather.

It is unfortunate that some U.S. farmers sold their wheat before the full extent of the upward influence on price was known. But it should be clear that the Department of Agriculture did all it could to make the terms of trade available to farmers promptly. This is something that the Department insisted upon in making the agreement with the Soviets.

On the other hand, the Russians didn't want to pay more than they had to for grain, so they weren't broadcasting to all what their requirements would be. And in midstream, they had to hike their requirements—which is something that they, no doubt, would have prefered not to do. At the same time, private traders who had made commitments of sale to Russia didn't want to pay more than they had to for the grain, so they weren't broadcasting the size of their purchases.

We all recognize that these are the usual conditions of trade. At no time are private traders required to report currently to the Department of Agriculture on what they are selling.

There are many pluses to this trade with the Soviet Union:

1. Many farmers have already benefitted from higher prices for their grain this year; and they will continue to benefit in the months ahead from the buoyancy that the sale has brought to the market.

Farmers carried over 415 million bushels of old crop wheat into the new marketing year on July 1. This, added to the expected 1972 harvest of 1.543 billion bushels gives total supplies of 1.958 billion bushels. Of this amount, it is estimated that farmers sold 330 million bushels prior to July 15. On July 15, farmers still retained 83 percent of the new crop and old-crop carryover. The increased market value of this amount of wheat can be estimated in excess of $400 million for farmers.

There also has been a substantial boost to corn prices well in advance of the harvest of the crop. Since late June, cash corn has moved up 15 cents per bushel. Soybean futures prices for November, which in the middle of June were at $3.18 per bushel are now $3.42. These increased prices for wheat, corn, grain sorghum, barley, oats and soybeans will add significantly to farmers' net income.

2. The wheat futures market has moved up sharply, making it possible for farmers to either contract with their elevators now at favorable prices for selling next year's crop, or they can use the futures market themselves.

3. We have announced a wheat program for next year that gives farmers added flexibility in their planting, management and marketing.

4. We have demonstrated to the Soviet government that we do have the supplies and the capability to provide them with grain on a long-term basis and in whatever quantities they might require.

5. We have increased the amount of money that United States grain growers get from the market, which is in their best long-term interests.

6. We have drawn down the size of the surplus supplies of grain in government hands which over time have a tendency to depress farmers' prices. More of the future grain supply will be in farmers' hands and under their marketing control.

7. We have enhanced the value of the grain that was in government-held stocks, which has reduced the cost to taxpayers of our government farm programs. Rather than U.S. taxpayers subsidizing the sale to Russia, the subsidy cost of wheat exports to Russia has been offset almost four to one in reduced treasury costs for this year and next year as a result of the sale to the Soviet Union.

Sincerely,

EARL L. BUTZ, *Secretary.*

[From Feedstuffs, Sept. 4, 1972]

BRUNTHAVER: USDA LEAKED NO INFORMATION ON WHEAT SALES

(By Jack Kiesner)

WASHINGTON.—Assistant Secretary of Agriculture Dr. Carroll G. Brunthaver labeled as "absolutely not true" assertions by National Farmers Union that large U.S. grain exporters had advance information concerning the extent of government subsidy and credit arrangements on recent export sales of wheat to the USSR. NFU said the exporters were able to purchase wheat before prices went up and to speculate in the wheat futures market on the basis of advance information they had.

Brunthaver told Feedstuffs that the exact details of the USSR grain agreement were made public within an hour of the time the deal was signed on July 8. Prior to that time, no information had been made available to any representatives of grain export firms, he said. Brunthaver explained that there were no "side agreements" as part of the July 8 pact in which the Russians agreed to buy $750 million in grains over a three year period, and the U.S. agreed to extend up to $500 million credit at any one time for Russian grain sales. Since that time, about $1 billion in grain sales have been made to the Russians for delivery during the year ending next June 30.

"It's possible the USSR may have contacted some individual firms before the July 8 agreement," Brunthaver said.

On another point, he said the export wheat subsidy program has remained unchanged since 1955, and open to any buyer. For the last two years, wheat for export has been available for $1.65 bu. at the gulf. This arrangement was changed in no way to accommodate the Russian sales, he contended. It is known that several of the exporting companies asked the U.S. Department of Agriculture if it were to be changed. Brunthaver said they were not given advance information. On Aug. 25, USDA announced that it was changing its wheat export program to meet the wheat supply and price situation created by the sales of 400 million bushels of wheat to the USSR in the 1972–73 marketing year. USDA said it may no longer be able to hold U.S. export prices at world market levels that have prevailed so far in the marketing year if domestic prices increase further.

Brunthaver said the U.S. taxpayer was not subsidizing the USSR food bill, as had been alleged. The Russians were given no preference, he said. "For every $1 we put out in an export subsidy, we get back $2–$3 in tax savings." He said the value of commodity credit corp. stocks is enhanced by export sales. The 50¢ runup in domestic wheat prices also allowed CCC to sell 100 million bushels of wheat in recent weeks. Brunthaver said virtually all of the CCC stocks of 300 million bushels will be sold.

He added that for every 1 cent the farmer's market price is increased, the government saves $5.3 million in certificate costs.

USDA indicated that wheat supplies are ample to meet all needs during the present marketing year and to provide an adequate carryover next year. The supply available for the year is estimated at 2.4 billion bushels. Domestic disappearance of around 800 million bushels would leave 1.6 billion bushels for exports and carryover. Even if exports reach the now-projected 1 billion bushels, carryover next June 30 would be about 600 million bushels, equivalent to a one year's domestic food use. Largely as a result of the recent large export sales, the value of the 1972 wheat crop is now estimated at about $2.2 billion, up from $1.9 billion in 1968, a year when the crop was almost identical in size.

If the USSR buys $1 billion in U.S. farm products in the current fiscal year, total farm exports should approach the President's goal of $10 billion a year.

Another consideration is that as the market prices escalate, farmers will be inclined to participate less in the 1973 wheat program. ASCS estimates it will spend $200 million less than originally anticipated because of lower participation in the 1973 wheat program.

USDA will not adjust the 1973 wheat program to provide for higher production, Brunthaver said. The USDA official feels farmers will respond in their production planning to the higher prices. Some will drop out of the program completely, or perhaps participate only to the minimum requirements.

Feed grain program options for 1973 will not be announced by USDA until October. It is likely some changes will be made to encourage more soybean production perhaps on feed grain set-aside. Observers consider it unlikely that the department will increase the 1973 soybean support from the present 42.25 bu. ($2.25 bu.).

MEMO FROM THE ADMINISTRATOR—THE GRAIN EXPORT SITUATION

August 20, 1972.

To State Committeemen, State Executive Directors.

From Glen A. Weir, Acting Administrator.

The purpose of this Memorandum is to transmit background information on the sale of U.S. grain to the Soviet Union and explain the changes in the wheat export payment program announced by USDA on August 25.

A. GENERAL BACKGROUND INFORMATION—ACTIONS LEADING TO SALES OF GRAIN TO RUSSIA

a. In the fall of 1971 President Nixon rescinded a directive requiring 50 percent use of U.S. flag vessels in exporting grain to the USSR. This action led to purchases by the Soviet Union of approximately $150 million in U.S. corn, barley and oats, which was shipped to Russia in late 1971 and early 1972.

b. In April, 1972 Secretary Butz led a team of USDA officials on a trade development trip to Moscow. The Soviets were seeking favorable credit terms and assurance of substantial future supplies of feed ingredients.

c. On July 8, 1972 President Nixon announced an agreement between the two governments. The Soviets agreed to buy not less than $750 million worth of U.S. grain (wheat, corn, barley, grain sorghum, rye and oats) during the period ending July 31, 1975, and to purchase at least $200 million of U.S. grain during the first year of the agreement. The United States, in turn, agreed to make credit available under the CCC Export Credit Sales Program up to a maximum of $750 million, of which not more than $500 million was to be outstanding at any one time.

HOW THE SALES WERE MADE

The actions summarized above set the stage for private negotiations between the buyers and the sellers. While the trade agreement was made between the two governments, government-to-government sales are not involved. All sales are being made by U.S. firms directly to Exportkhleb, the Soviet international trading agency. Under the CCC Export Credit Sales Program, the U.S. Government provides credit to foreign buyers at going interest rates.

After the U.S.-Soviet Union grain purchase agreement was announced, a Russian purchasing mission, already in the United States, began buying grain in substantial quantities. On the basis of registrations under the CCC

Credit Program, early sales amounted to at least 3 million tons. The Russians had been expected to buy chiefly feed grains; however, well over half the early purchases were wheat.

In late July the Russian buying mission returned to Moscow, but was back in the United States in direct contact with the trade early in August. It soon became apparent because of climbing wheat prices and because suppliers began booking export payments in record volume, that the Soviet mission was placing additional large orders for wheat with the U.S. trade.

From July 1 through August 24, exporters booked export payments for nearly 400 million bushels of wheat—almost equal to U.S. commercial wheat exports and about two-thirds of total wheat exports in FY 1972. Much of this presumably represented sales made or expected to be made to the USSR. The greater part of the wheat booked was of the class Hard Red Winter.

SALES MADE BY CCC

With wheat prices rising, CCC has been selling wheat in substantial quantities in order to maintain ample supplies of wheat stocks in the free market. From July 1 to August 18, CCC sales of wheat totalled 76 million bushels, chiefly wheat in terminal position and readily available for export or domestic use.

CCC has a substantial inventory of wheat remaining and will continue to offer it for sale. Government stocks on hand August 18 totalled 275 million bushels, consisting almost entirely of Hard Red Winter and Spring Wheat at terminal and country warehouse positions. In addition, nearly 320 million bushels of wheat remain under government loan on farms or in warehouses, and still further, individually-owned and commercially-owned stocks are on hand.

Present indications are that wheat supplies are ample to meet all needs during the present marketing year and provide an adequate carryover next year. The supply available for the year is estimated at 2.4 billion bushels. Domestic disappearance of around 800 million bushels would leave 1.6 billion bushels for exports and carryover. Even if exports reach an all-time high of a billion bushels—which now seems likely—we should end the year with a June 1973 carryover of 600 million bushels of wheat, which has long been considered a substantial carryover, and is equivalent to one year's domestic food use.

PROSPECTS FOR INCREASED TRADE

While the great bulk of sales to Russia to date has been wheat, the increasing demands of the Russian population for livestock and poultry products indicate that Russia may be a growing customer for feed grains. The Russians are also recognizing the importance of soybean meal in boosting production efficiency and extending grain supplies. One U.S. firm has already publicly announced the sale to Russia of a substantial quantity of soybeans, which are not eligible for credit and were not included in the bilateral agreement.

Prospects for increased trade in feed ingredients are also good with other East European Nations, notably Poland, Yugoslavia and Rumania. All are believed on the verge of breakthroughs in livestock production. This means these nations will need to import increased quantities of feed grains and protein supplements.

WHAT THE SALES MEAN TO FARMERS AND THE ECONOMY

The Russian sale is a boon to American farmers, offering an unexpected market opportunity. The rise in wheat prices at harveset time means substantial additional farm income, and the higher market prices resulting from increases in exports are enabling farmers to secure a larger portion of their income from the market. The value of the 1972 wheat crop is now estimated at about $2.2 billion, compared with $1.9 billion in 1968—a year when the crop was almost identical in size.

Realized net farm income for this year is estimated at slightly above $18 billion, which would be an all-time record and approximately $2 billion higher than last year.

The new export business with Russia is reducing the U.S. grain stocks. Further, grain that might otherwise become part of the government inventory under provisions of the Federal farm programs is now moving directly into export market channels. This will result in substantial savings in storage, interest and handling costs.

In addition to these direct savings, the Russian sale will add a substantial plus to the U.S. trade balance. Last year our favorable balance in agricultural trade was over $2 billion. This year, it should be still higher. For the month of July, agricultural exports set a new record of $682 million—up 18 percent from the previous record in July last year.

If the USSR buys $1 billion in U.S. farm products in FY 1973, our total farm exports should approach the President's goal of $10 billion a year.

STATEMENT ON WHEAT SALES

Mr. HRUSKA. Mr. President, at a time when the American farmer was faced with record wheat surpluses and continued low prices, it is inconceivable to me that fault can be found with the recent and historic wheat sales to Russia.

In early July there was a wheat carryover of 900 million bushels. This will be supplemented by the estimated 1,450 million bushels the current crop is expected to bring.

With sales totaling 400 million bushels, surpluses necessarily will diminish.

The increase of price from 25 to over 40 cents a bushel speaks for itself.

Wheat sales at these quantities and prices will benefit not only the farmer but all other facets of the American economy as well.

Accusations of deals and inside information are absolutely unfounded and carry political overtones of the worst sort. These accusations result in nothing more than political and economic sabotage and could well jeopardize any future grain export negotiations. Failure of such future negotiations would hurt everybody, but no one worse than the American farmer.

The agreements to sell this wheat are good for the American farmer, good for our balance of trade, for our maritime workers, for the public and the taxpayer. They have enhanced the value of the farmers crops by nearly $1 billion. That is good now. Its thrust will be into the future by enhancing the prospects for stronger prices for 1973 and future years.

The alternatives are not to engage in such sales which would mean less income to the farmer, larger surpluses, lower farm prices, tighter controls on farmers, higher Government costs at the expense of the taxpayer, and no progress in the reduction of deficit in our foreign trade balance.

In fairness, hasty, intemperate critics should follow their sniping by frankly approving or rejecting such alternatives.

The facts are that the general and lasting benefits of the sales are a credit to those who worked diligently and with foresight to gain them for America.

Mr. BROCK. Mr. President, in May of this year, prior to President Nixon's Moscow trip, I spoke before this body in support of Soviet-American trade. For too long we have been locked in a struggle which led to the polarization and division of much of the world. As I said then, a degree of understanding is in our grasp through trade and economic development between the world's leading industrial powers.

President Nixon actively sought this understanding and has laid the foundation. On July 8 he successfully completed negotiations with the Soviet Union for the purchase of at least $750 million of U.S. grain over the next 3 years. He secured Russia's agreement to our credit terms and paved the way for purchase agreements between U.S. firms and the Soviet international trading agency—Exportkhleb.

The economic benefits are clear to all who will take the time to look.

The sales have increased the value of farmers' crops by nearly $1 billion.

Government-held stocks have been reduced. This enhances the prospect of stronger grain prices for farmers next year.

The sale to Russia has reduced the cost to U.S. taxpayers; the export subsidy payments which equalize high-priced U.S. wheat in competitive world markets with lower cost wheat from other exporting nations is now offset by dollar savings.

Efforts to discount the value of this agreement are totally irresponsible. Although the agreement was signed after some farmers had already sold their 1972 wheat crop, estimates indicate that by July 15, farmers had sold only 330 million bushels of wheat out of a total supply of 1,958 million bushels under farmers' control.

The whole world should rejoice over this historic grain sale. The key to the future peace and political stability rests with economic interdependency. By developing peaceful but binding trade links with the Soviet Union, the United States can accomplish through economic means that which we cannot accomplish with force at the present—a reduction of tension and an increase in understanding. Even more important, if we have the courage to pursue this process in a manner consistent with the principles and values of America, we can achieve our most fundamental objective—the extension of freedom.

Mr. HANSEN. Mr. President, I am pleased to join as a cosponsor of Senator BELLMON's resolution commending the administration and America's farmers for their ability to negotiate recent large sales of American wheat, corn, and soybeans to the Soviet Union, thereby improving the economic situation for this country's farmers.

In recent years as we have witnessed the decline in numbers of family farms and increasingly difficult circumstances for agricultural producers, politicians have become adept at giving lipservice to

rural problems, but devoting their energies to matters of impact in more urban areas where there are more people. The recent negotiations for the sale of agricultural products to the Soviet Union represent a concrete and important action to improve the lot of agricultural producers in this country.

The Russian sale is a boon to American farmers. Higher market prices resulting from greatly increased exports have given farmers a definite market advantage. The value of the 1972 wheat crop is now estimated at about $2.2 billion, compared with $1.9 billion in 1968—a year when the crop was almost identical in size.

Any reduction in the pressure on domestic supplies tends to strengthen prices of wheat in the U.S. markets. Domestic prices have moved up for wheat more than 40 cents.

I cannot conceive of these negotiations as anything but a plus for American agriculture, and I think it is most unfortunate that some have attempted to detract from this important and valuable transaction by making unfounded charges in a distinctly sour-grapes fashion.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS—AMENDMENTS

AMENDMENT NO. 1526

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

Mr. FULBRIGHT (for himself, Mr. MANSFIELD, Mr. CHURCH, Mr. SYMINGTON, Mr. MUSKIE, Mr. CRANSTON, Mr. AIKEN, Mr. CASE, Mr. COOPER, and Mr. JAVITS) submitted an amendment, intended to be proposed by them, jointly, to the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

AMENDMENTS NO. 1527 AND 1528

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

Mr. MUSKIE (for himself, Mr. CRANSTON, Mr. HART, Mr. STEVENSON, and Mr. SYMINGTON) submitted two amendments, intended to be proposed by them, jointly, to any pending amendment to Senate Joint Resolution 241, supra.

AMENDMENT NO. 1529

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

Mr. SYMINGTON submitted an amendment, in the nature of an amendment perfecting any pending amendment, intended to be proposed to Senate Joint Resolution 241, supra.

LAND AND RESOURCES PLANNING ACT OF 1972—AMENDMENTS

AMENDMENTS NOS. 1530 THROUGH 1532

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

Mr. JORDAN of Idaho (by request) submitted three amendments, intended to be proposed by him, to the bill (S. 632) to amend the Water Resources Planning Act (79 Stat. 244) to include provision for a national land use policy by broadening the authority of the Water Resources Council and river basin commissions and by providing financial assistance for statewide land use planning.

AMENDMENT NO. 1535

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

AMENDMENTS TO S. 632 JOINTLY AGREED TO BETWEEN THE CHAIRMEN OF THE PUBLIC WORKS AND INTERIOR COMMITTEES

Mr. JACKSON. Mr. President, the amendments I am sending to the desk to be printed are the product of 2 years of consultations between the staff of the Public Works Committee and the Interior Committee. The Senator from West Virginia (Mr. RANDOLPH) and Chairman of the Public Works Committee joins with me in endorsing these amendments.

The first amendment would effect a major change in the sanction provisions subsections (b) through (e) of section 307—of S. 632 the National Land Use Policy and Planning Assistance Act of 1972. No longer would the airport and airway development program, the primary and secondary Federal-aid highway programs, and the land and water conservation fund program be selected out and identified as the only programs to which the sanction—a phased withholding over a period of 3 years of a portion of each program's funds—would apply.

The concept of a phased withholding of funds from certain programs was first included in the original measure (S. 3354) which I introduced in the 91st Congress, and was subsequently dropped by the Interior Committee when it reported the measure in December 1970, and was again revived with the administration's amendment to its land-use policy bill (S. 992), introduced early this year.

Although less severe, the problems, first identified by the Interior Committee in the 91st Congress, with a sanction which proposes phased withholding of funds for other programs pertain as well to the sanction now contained in S. 632. First, there exists the jurisdictional problem of specifically identifying programs under the aegis of committees other than the Interior Committee and of departments other than the Interior Department. Second, there remains the question of singling out these specific three programs. The selection is reasonable—the two developmental programs, of all Federal programs, have the greatest potential impact upon land use patterns and the environmental program ensures that a balance of interests will work for S. 632's success. However, there are numerous programs not subject to the sanction which seriously affect land use patterns. It can be said that too great an onus is placed on the three programs identified for the sanction. Finally, there remains the difficult task of insuring that funds needed for health and safety purposes are not affected by the sanction. The administration assured us the 21-percent ceiling on withholding would not lower the funding level for airport development and primary and secondary highway work sufficiently to impede any project the primary purpose of which is safety or health. However, even if these withholding levels have been carefully selected with public health and safety in mind, the mix between safety projects and developmental projects could shift. And such a shift might make the ceiling restrictive enough to interfere with safety projects.

The sanction now proposed by me and endorsed by the chairman of the Public Works Committee is similar to the one contained in S. 3354, as reported in the last Congress, and in S. 632 as introduced. The new sanction would provide for a freeze on all new Federal actions, federally supported State-administered actions, and Federal loans and loan guarantees which might have a substantial adverse environmental impact or which would significantly affect land use. The sanction would apply after 5 fiscal years to a State which has not been found eligible for S. 632's grants. This freeze would be lifted for any project which is necessary for the public health, safety, or welfare upon request to the President from the Governor of the State or the head of a relevant agency.

This new sanction avoids the three problems of the old sanctions: Jurisdictional disputes would be mitigated as no specific program is identified and as the Executive Office of the President, not the Department of the Interior, is the final arbiter; the sanction applies equitably to all programs that have major land use impacts and thus no programs are singled out for special onus; and a special procedure for releasing all safety and health projects from the sanction is provided.

The second amendment agreed to between the chairman of the Public Works Committee and myself would remove identification of specific public projects from the definition of key facilities. Identified were such projects as airports, Interstate Highway System interchanges and frontage access highways, and major recreational facilities. This change is in the spirit of the act. S. 632 is written so as to allow the States to identify the specific land uses which are of distinctly more than local concern and are most troublesome. For one highly-urbanized State, highways may be such a use; for another State blessed with valuable scenic beauty, recreational facilities may be critical; and for another State, yet another set of public facilities may be of more than local concern. The States must undertake the task of identifying the key facilities; this amendment will insure that they will do so.

Two more amendments simply substitute the Advisory Commission on Intergovernmental Relations in place of the Secretary of the Interior as the party responsible for conducting the 2-year study of interstate coordination of land use policies and decisionmaking. These are particularly good amendments in that: First, they avoid the jurisdictional problems of having the Secretary of the Interior study interstate entities which participate in other Federal departments' programs; and second, the Commission has already proven its ability and expertise in this field with its recently

released report on interstate entities, entitled "Multistate Regionalism."

A fifth amendment specifically identifies flood-plain zoning plans prepared pursuant to the Flood Control Act of 1960, as amended, among the plans and programs with which the State landuse planning agency must coordinate its activities.

A sixth amendment adds advisory members from State and local governments and interstate and intrastate regional bodies to the National Advisory Board on Land Use Policy.

The seventh and most important amendment concerns the relationship of the air and water quality and other environmental laws with S. 632. The chairman of the Public Works Committee and I are agreed that S. 632 should not interfere with the effectiveness of those laws. I have assured the chairman that this measure would in no way adversely affect those laws, rather it would strengthen them. The chairman of the Council on Environmental Quality gave strong endorsement to this view in his letter to me of August 1, 1972. I quote Mr. Train:

> In no way do we view S. 632 as conflicting with existing air or water quality legislation or the goals of other environmental legislation. On the contrary, it is fully consistent with and supports them, and I am informed that the Environmental Protection Agency concurs in these views.

Specifically, S. 632 as reported gives preeminence to the air and water quality and other environmental laws over S. 632 and the land use programs prepared pursuant to it. Clause (E) on page 77 and clause (4) on page 75 accomplish this.

However, the chairman of the Public Works Committee and I have agreed to an amendment which will leave no doubt that the air and water laws and other environmental measures shall in no way be altered by this legislation and that, instead, an important purpose of S. 632 is to lend support to those laws. The amendment states that the Secretary of the Interior shall make no grant to a State after 5 years if that State's land use program: First, is not in compliance with the goals of the Federal Water Pollution Control Act, the Clean Air Act, and other Federal laws controlling pollution, or second, would, during the next annual review period, not be in compliance with the standards, criteria, emission or effluent limitations, monitoring requirements, or implementation plans required by those laws. The determination of compliance or lack of compliance rests not with the Secretary but with the Administrator of the Environmental Protection Agency.

This amendment, stronger than S. 632's language and much stronger than the Public Works Committee's amendments to the other major land use bill already passed by the Senate—the Magnuson Coastal Zone Management Act—will insure that S. 632 will reinforce all other environmental laws.

These seven amendments jointly supported by the chairmen of the Public Works and Interior Committees do strengthen S. 632. I commend them to my colleagues.

Mr. President, I ask unanimous consent that the amendments be printed at this point in the RECORD for the information and convenience of the Members of the Senate.

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

AMENDMENT No. 1535

(1) On page 68, between lines 3 and 4, insert a new subsection (e) as follows:

"(e) The Board shall have as advisory members two representatives each from State governments and local governments, and one representative each from regional interstate and intrastate entities which have land use planning and management responsibilities. Such advisory members shall be selected by a majority vote of the Board and shall each serve for a two year period."

(2) On page 69, line 7, strike "Secretary" and insert in lieu thereof the "Advisory Commission on Intergovernmental Relations".

(3) On page 69, line 14, strike "Secretary" and insert in lieu thereof "Advisory Commission".

(4) On page 75, line 23, after "agencies;" and before "the" insert "flood plain zoning plans approved by the Secretary of the Army pursuant to the Flood Control Act of 1960, as amended;".

(5) On page 81, between lines 20 and 21, insert a new clause (2), as follows:

"(2) The Secretary shall not make a grant pursuant to this Act until he has ascertained that the Administrator of the Environmental Protection Agency is satisfied that the State's land use program is in compliance with the goals of the Federal Water Pollution Control Act, the Clean Air Act and other Federal laws controlling pollution which fall within the jurisdiction of the Administrator, and that those portions of the land use program which will effect any change in land use within the next annual review period are in compliance with the standards, criteria, emission or effluent limitations, monitoring requirements, or implementation plans required by such laws. The Administrator shall be deemed to be satisfied if he does not communicate his views to the Secretary within sixty days of submission of the State land use program to him by the Secretary."

(6) On page 87, line 23 through page 91, line 9, strike subsections (b) (c) (d) and (e) of section 307 and insert in lieu thereof a new subsection (b), as follows:

"(b) (1). After five fiscal years from the date of enactment of this Act, no Federal department or agency shall, except with respect to Federal lands, propose or undertake any new action, financially support any new State-administered action, or approve any loan or loan guarantee which might have a substantial adverse environmental impact or which would significantly affect land use in any State which has not been found eligible for grants pursuant to this Act. Such actions shall be designated in the guidelines promulgated pursuant to section 502 of this Act.

"(2) Upon application by the Governor of the State or head of the Federal department or agency concerned, the President may temporarily suspend the operation of paragraph (1) of this subsection with respect to any particular action, if he deems such suspension necessary for the public health, safety or welfare: *Provided*, That no such suspension shall be granted unless the State concerned submits a schedule, acceptable to the Secretary, for meeting the requirements for eligibility for grants pursuant to this Act: *And provided further*, That no subsequent suspension shall be granted unless the State concerned has exercised good faith efforts to comply with the terms of such schedule."

(7) On page 100, lines 6 through 22, strike subsection (f) of section 501 and insert in lieu thereof a new subsection (f), as follows:

"(f) The term 'key facilities' means public facilities on non-Federal lands which tend to induce development and urbanization of more than local impact and major facilities on non-Federal lands for the development, generation, and transmission of energy."

AMENDMENTS NOS. 1536 AND 1537

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

THE ROLE OF LOCAL GOVERNMENTS IN S. 632 AND AMENDMENTS JOINTLY AGREED TO BY THE CHAIRMEN OF THE BANKING, HOUSING AND URBAN AFFAIRS AND INTERIOR COMMITTEES AND ENDORSED BY THE LEAGUE OF CITIES AND CONFERENCE OF MAYORS

Mr. JACKSON. Mr. President, S. 642, the National Land Use Policy and Planning Act in no way abrogates the traditional authority of units of local government to zone their land. The State land-use program to be developed pursuant to sections 303 and 304 of this act will affect local land-use decisions and controls only to a very limited extent. The Interior Committee believes that the greatest possibilities for effective State land use decisionmaking are in the "opportunity areas" of rural or lightly developed lands on or beyond the urban periphery. Furthermore, the State land-use program in no way concentrates land-use decisionmaking in the State. The State's program is specifically limited to five categories of critical areas and uses of distinctly greater than local concern. The great preponderance of land-use decisions made by local authorities are of only local concern and have no impact beyond the jurisdictions of those authorities. The reporters of the American Law Institute who developed the Model Land Development Code and the critical areas and uses concept have estimated that only 10 percent of public land-use decisions are of more than local concern. Thus even should State legislatures give generous definitions to those critical areas and uses to be subject to the State land-use program, easily 90 percent of all local land-use decisions and controls would remain untouched.

However, even the 10 percent of decisions—that is the potential substance of the State land-use program and the statewide land-use process which precedes it—is not regarded by the committee as solely the province or responsibility of the State but rather a shared responsibility between State and local governments. S. 632, as reported, contains specific provisions in sections 302, 303, and 304 for participation by and cooperation of local governments in all stages of the development of the process and the program.

In addition, Mr. President, the role of local governments is strengthened further in two sets of amendments: One agreed to between the chairman of the Banking, Housing, and Urban Affairs Committee and me and one I have decided to offer following discussions with representatives of the League of Cities and the Conference of Mayors.

Mr. President, I ask unanimous consent that a letter of August 22, 1972, to me from the League of Cities and Conference of Mayors endorsing those amendments be printed in the RECORD at the conclusion of my statements and amendments together with pertinent letters from the President, heads of Federal agencies, other Senators, Conference of Mayors, AFL–CIO, and conservation groups, and with editorials from several newspapers and magazines.

The major amendments endorsed by the League of Cities and Conference of Mayors would do the following:

First, they would provide for an advisory body to each State planning agency composed entirely of the chief elected officials of local government. This advisory body would have a significant voice in the development of the statewide land use process and State land-use program. In addition, in section 306, cities making applications for Federal assistance would file independent views as to the consistency of the activities to be financed with the State land-use program. This insures that the Federal agencies will not make determinations of the consistency of federally assisted activities with State land-use programs solely on the basis of State views on the matter.

Most important however, subsection (b) (2) of section 303 has been rewritten and a new subsection added to give statutory expression to the committee's intent that land-use planning and management by local governments is to be encouraged.

These subsections deal with the techniques of implementation of the State land-use program. Two alternative but not mutually exclusive techniques are given: Local implementation pursuant to State guidelines and direct State planning. However, the amendments add a specific directive that local government controls are to be encouraged. This gives clear indication of the committee's preference for the local implementation alternative.

The more innovative State land-use laws of recent years support this local governments-State government partnership. The authority of local governments—the level of government closest to the people—to conduct land-use planning and management is, in fact, bolstered in these laws. The localities are encouraged to employ fully their land-use State administrative review is provided only in accordance with State guidelines relating only to those decisions on areas and uses that are ndeed of more than local concern.

A strong role for local government is important as it is at the city and county level that many other federally assisted programs are initiated and implemented, and where such federally funded planning programs as the HUD 701 planning program and DOT 134 "3C" urban transportation planning process are focused. It is essential that local governments maintain their land use expertise and responsibilities so as to coordinate the Federal planning and functional programs which affect them. The approach favored in S. 632 would, indeed, strengthen the land-use decisionmaking of localities while protecting the wider constituency represented by the State.

Finally, consistency with the State's criteria and standards for land uses of statewide concern would be assured through an administrative review process which would be added to S. 632 by the amendments. Such administrative review would include the authority to disapprove local implementation plans or actions subject to the recommended administrative appeals mechanism. It is certainly not expected that disapproval would mean preemption, but rather that local governments would be informed as to the reasons for a finding of inconsistency and given an opportunity to comply with the State's criteria and standards. This type of procedure is already embodied in the laws of some 40 States concerning wetlands, coastal zones, flood plains, powerplant siting, et cetera.

The committee does not intend that S. 632 would preclude direct State implementation through State land-use planning and regulation. Hawaii and Vermont have already enacted legislation which in part calls for such direct State implementation. Other States are directly engaged in land-use planning for unincorporated areas. However, it is expected that direct State implementation, preempting local land-use planning and controls in certain respects should continue to be the exception rather than become the rule.

Where necessary, the State would also be required to include in its implementation methods the authority to prohibit, under State police power, land uses inconsistent with the requirements for areas and uses of the State land that has been identified as within areas or for uses designated in sections 302 and 402.

In addition to the amendments supported by the League of Cities and Conference of Mayors, local governments will benefit from several amendments agreed to between the chairman of the Banking, Housing and Urban Affairs Committee (Mr. SPARKMAN) and myself.

In briefest form, these amendments clarify both the Interior Committee's and the administration's intent that guidelines for the act be promulgated through an interagency process with the principal duties of formulating those guidelines going to the Executive Office of the President. This will insure that the Interior Department will be limited to program administration, not policy formation, duties. In addition, the amendments would strengthen the review authority of the Secretary of Housing and Urban Affairs. He would be required to indicate that the statewide land-use planning process or State land-use program, first, has been coordinated with relevant comprehensive planning assisted under 701 of the Housing Act of 1954 including the provision related to functional plans, and housing, public facilities, and other growth and development objectives, and, second, meets the requirements of S. 632 for large-scale development, development of regional benefit, large-scale subdivisions, and the urban development of lands impacted by key facilities.

All of the amendments developed through joint staff efforts of the Banking, Housing and Urban Affairs and Interior Committees and through discussions with the League of Cities and Conference of Mayors strengthen the role of local governments in the land-use decisionmaking encouraged by S. 632. I commend these amendments to my colleagues.

Mr. President, I ask unanimous consent that the two amendments be printed at this point in the RECORD for the information and convenience of the Members of the Senate.

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

AMENDMENT NO. 1536

(1) On page 66, lines 18 and 199, strike "agency designated pursuant to section 502" and insert in lieu thereof "Executive Office of the President."

(2) On page 80, line 15, after "participating" and before "in" insert "on its own behalf".

(3) On page 81, strike lines 6 and 7 and insert in lieu thereof "the enactment of this Act, the Secretary, before making a State land use".

(4) On page 81, line 20, strike "; and" and insert in lieu thereof a period ".".

On page 81, line 21 through page 82, line 7, strike clause 2 of subsection 305(b).

(5) On page 82, between lines 7 and 8 insert a new subsection (c) as follows:

"(c) The Secretary shall not make any grant pursuant to this Act unless he has been informed by the Secretary of Housing and Urban Development that he is satisfied that the statewide land use planning process or State land use program with respect to which the grant is to be made (1) has been coordinated with relevant comprehensive planning assisted under section 701 of the Housing Act of 1954 including the provisions related to functional plans, and housing, public facilities and other growth and development objectives, and (2) meets the requirements of this Act insofar as they pertain to large scale development, development of regional benefit, large scale subdivisions and the urban development of lands impacted by key facilities. The Secretary of Housing and Urban Development shall be deemed to be satisfied if he does not communicate his views to the Secretary within sixty days after the statewide land use planning process or State land use program has been submitted to him by the Secretary."

(6) On page 82, line 8 strike "(c)" and insert in lieu thereof "(d)".

(7) On page 82, line 13, strike "(d)" and insert in lieu thereof "(e)".

(8) On page 83, line 2, strike "(e)" and insert in lieu thereof "(f)".

(9) On page 83, line 11, strike "(f)" and insert in lieu thereof "(g)".

(10) On page 101 strike lines 17 and 18 and insert in lieu thereof:

"SEC. 502. (a) The Executive Office of the President shall issue guidelines to the Federal".

On page 101, line 20, strike "Such agency or agencies" and insert in lieu thereof "The Executive Office".

AMENDMENT NO. 1537

(1) On page 76, line 7, strike "and".

(2) On page 76, line 10, strike the period "." and insert in lieu thereof "; and".

(3) On page 76, between lines 10 and 11, insert a new clause (7), as follows:

"(7) be advised by any advisory council which shall be composed of chief elected officials of local governments in urban and nonurban areas. The Governor shall appoint a Chairman from among the members. The term of service of each member shall be two years. The advisory council shall, among other things, comment on all State guidelines, rules, and regulations to be promulgated pursuant to this Act, participate in the development of the statewide land use process and State land use program and make formal comments on annual reports which the agency shall prepare and submit to it, which reports shall detail all activities within the State conducted by the State government and local governments pursuant to or in conformity with this Act."

(4) On page 78, strike lines 3 through 16, and insert in lieu thereof the following:

(2) (A) Selection of methods of implementation of clause (1) of this subsection (b) shall be made so as to encourage the employment of land use controls by local governments.

(B) The methods of implementation of clause (1) of this subsection (b) shall include either one or a combination of the two following general techniques—

(i) implementation by local governments pursuant to criteria and standards established by the State, such implementation to be subject to State administrative review with State authority to disapprove such implementation wherever it fails to meet such criteria and guidelines; and

(ii) direct State land use planning and regulation.

(C) Any method of implementation employed by the State shall include, where necessary, the State's authority to prohibit, under State police powers, the use of land within areas which, under the State land use program, have been identified as areas of critical environmental concern or designated for key facilities, development and land use of regional benefit, large-scale development, or large-scale subdivisions, which use is inconsistent with the requirements of the State land use program as they pertain to areas of critical environmental concern, key facilities, development and land use of regional benefit, large-scale development, and large-scale subdivisions.

(D) Any method of implementation employed by the State shall include an administrative appeal procedure for the resolution of, among other matters, conflicts over any decision or action of a local government for any area or use under the State land use program and over any decision or action by the Governor or State land use planning agency in the development of, or pursuant to, the State land use program. Such procedure shall include representation on the appeals body of, among others, the aggrieved party of interest and the local government or the State government responsible for the decision or action which is the subject of the appeal.

(5) On page 86, line 3, strike "Secretary" and insert in lieu thereof "Office of Management and Budget".

(6) On page 86, line 8, strike "Secretary" and insert in lieu thereof "Office of Management and Budget".

(7) On page 86, lines 13 through 25; page 87, lines 1 through 8, strike subsection (b) and insert a new subsection (b), as follows:

(b) (1) Any State or local government submitting an application for Federal assistance for any activity having significant land use implications in an area or for a use subject to a State land use program in a State found eligible for grants pursuant to this Act shall transmit to the relevant Federal agency the views of the State land use planning agency and/or the Governor and, in the case of an application of a local government, the views of such local government and the relevant areawide planning agency designated pursuant to section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and/or Title IV of the Intergovernmental Cooperation Act of 1968, as to the consistency of such activity with the program: *Provided*, That, if a local government certifies that a plan or description of an activity for which application is made by the local government has lain before the State land use planning agency and/or the Governor for a period of sixty days without indication of the views of the land use planning agency and/or the Governor, the application need not be accompanied by such views.

(2) The relevant Federal agency shall, pursuant to subsections (a) and (b) (1) of this section, determine, in writing, whether the proposed activity is consistent or inconsistent with the State land use program.

(3) No Federal agency shall approve any proposed activity which it determines to be inconsistent with a State land use program in a State found eligible for grants pursuant to this Act.

ANNAPOLIS, MD.,
August 10, 1972.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SCOOP: I am writing to you as Chairman of the National Governors' Conference on behalf of all the Governors. At our June meeting, the Governors unanimously called for the enactment of a national program for land use management.

It is my belief that the land use policy adopted by the National Governors' Conference is substantially reflected in S. 632, and that this bill represents the best interests of the Administration, the Senate Interior Committee, the Governors, local officials, and the people all of us serve. Unfortunately, I understand that the legislation is currently being held up due to a Senate procedural question concerning committee jurisdiction.

The Governors, in cooperation with Mayors and County Officials, are ready to carry out the policies set forth in the land use bill now pending your decision. I hope this legislation can become a reality this year, and I urge your support for its passage.

Sincerely,

MARVIN MANDEL,
Chairman, National Governors' Conference.

SEPTEMBER 5, 1972.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: The Senate will soon consider S. 632, the Land Use Policy and Planning Assistance Act of 1972. This measure, the product of three years of extensive hearings and careful consideration by the Senate Interior Committee, is of critical importance to the maintenance of both a healthy environment and a healthy economy.

The lack of wise, democratic, and truly effective land use decisionmaking and procedures has resulted not only in a diminution of the quality of our environment, but also, through delays in the siting of important public and private developments, a waste of valuable economic and human resources. Better land use planning and management can and should reconcile competing environmental, economic, and social goals and requirements.

The AFL–CIO believes that S. 632 will lead to the development of State and local land use programs that will meet the ever increasing demands being placed upon the country's limited land resources. S. 632 will enable the communities and states of this Nation to plan and design a future which will provide a quality life in a quality environment for all Americans.

The AFL–CIO endorses S. 632 and urges its early enactment.

Sincerely yours,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

THE WHITE HOUSE,
Washington, D.C., April 24, 1972.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: There are three legislative proposals pending before your Committee I consider particularly important in this Nation's comprehensive effort to protect our environment. They are: the National Land Use Policy Act (S. 992), the Mined Area Protection Act (S. 993), and the National Resource Lands Management Act (S. 2401).

The first two proposals were among those which I set out in my environment message to the Congress of February 8, 1971; the National Resource Lands Management Act was submitted by the Interior Department later in 1971. In my environment message in February of this year, I proposed amendments to strengthen the National Land Use Policy Act. I am encouraged by the facts that hearings have been held by your Committee on all three bills and that all three have received strong public support. I am also pleased to note that the Committee has held several executive sessions on the Land Use Bill. However, none of these bills has yet been reported out of the Committee.

Over the past several years your Committee has consistently played an important role in this country's environmental awakening. I know, therefore, that you share my sense of the significance of this legislation.

As a Nation we have taken our land resources for granted too long. We have allowed ill-planned or unwise development practices to destroy the beauty and productivity of our American earth. Priceless and irreplaceable natural resources have been squandered. These three proposed laws are aimed at changing all this. Their common objective is to place decisions regarding land use in the broader perspective of environmental protection, and to assure maximum foresight and comprehensive planning in the utilization of our physical resources.

The proposed National Land Use Policy Act would restructure the institutions which govern land use in this country to better reflect regional considerations in those land use decisions—the great majority—whose impact spills over local jurisdictional boundaries. It would require States to control large scale development; to control development in areas of critical environmental concern and in areas impacted by such key growth-inducing facilities as highways, airports, and major recreation facilities; to guide the siting of highways and airports; and to insure that development of regional benefit is not unfairly excluded by local regulation.

The proposed Mined Area Protection Act would make land reclamation and environmental protection an integral part of all mining operations. States would be required to establish a permit program based on approval of a mining and reclamation plan in advance of operations.

The proposed National Resource Lands Management Act would establish a comprehensive policy, based on multiple use and environmental protection, for the management of 450 million acres of public land by the Bureau of Land Management in the Department of the Interior. It would give the Secretary of the Interior broad authority to implement the policy.

The country needs these bills urgently. And as you well know the time for action by the 92nd Congress is growing short. I urge your Committee to move ahead rapidly on this important legislation. The staff of

the Department of the Interior and the Council on Environmental Quality will continue to cooperate with your Committee in every way possible.

I am taking the liberty of forwarding a copy of this letter to Senator Allott.

Sincerely,

RICHARD NIXON.

EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C., August 1, 1792.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: You have requested in your recent letter the Council's comment on S. 632, the Land Use Policy and Planning Assistance Act of 1972, particularly with respect to its consistency with other environmental legislation and the Administration's proposals in the environmental area.

As you know, S. 632 incorporates the basic principles of the Administration's proposals for land use legislation announced in the President's Environment Messages last year and this year. This is extremely important legislation on which the Congress should act now. As you know, the Administration has worked closely with you and Senator Allott and other members of the Committee to arrive at a satisfactory land use bill. Although S. 632 in large part now conforms to the Administration's proposal, there are still some parts of the bill to which we will urge amendments, for example:

1. *The Planning Process.* The explicit requirements of S. 632 that the States prepare a complete inventory of their resources, compile extensive data and make projections of land needs, etc., within three years appears to conflict with the Administration's position that the States need not prepare a complete plan but instead simply have a *method* for carrying out a comprehensive planning process.

2. *Sanctions.* We are pleased that your Committee adopted the Administration's recommendations for a graduated reduction of funds from the Federal Highway, Airport, and Land and Water Conservation Funds for States without adequate land use programs. However, we would recommend deleting the "ad hoc hearing board," and also providing imposition of the sanctions after three instead of five years.

3. *Funding.* While adequate funding is necessary, we feel that the $100 million authorization is far in excess of what is reasonably needed. We recommend that the authorization be set at $40 million annually for the first two years on the basis of a two-thirds Federal share and $30 million annually for the next three years on the basis of a one-half Federal share.

The Administration will be furnishing you and Senator Allott promptly the language of the specific amendments to the bill.

However, despite the above changes to the bill which we consider highly desirable, I wish to reemphasize that your Committee has made great progress in reporting out this important legislation. In no way do we view S. 632 as conflicting with existing air or water quality legislation or the goals of other environmental legislation. On the contrary, it is fully consistent with and supports them, and I am informed that the Environmental Protection Agency concurs in these views.

Sincerely yours,

RUSSELL E. TRAIN,
Chairman.

WASHINGTON, D.C.,
August 21, 1972.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of July 31 asking for our comments on certain questions pertaining to S. 632, the proposed Land Use Policy and Planning Assistance Act of 1972.

I believe that S. 632 is basically consistent with the President's land use policy recommendations, although for more detailed comments on the bill as a whole I would defer to the Council on Environmental Quality and the Department of the Interior.

With respect to this Department's role and programs, I was most pleased to see that provisions were retained in the bill which would allow HUD to review and approve certain major elements of a State land use program. I note that the provision does not extend to the "key facilities" element of the program, as proposed in S. 992, and that it is technically operative only after five years have elapsed and States have developed their land use programs. In practice, however, we would expect to have a voice in review of State program development efforts in advance of the time our approval is formally required. Of course, at all stages of review it is important that Federal emphasis be placed on assuring existence of an equitable process for land use planning and to avoid placing in the Federal Government the responsibility for specific planning, zoning and variance decisions which are appropriately matters of local concern.

S. 632 includes provisions relating to a State "land use planning process" that did not appear in S. 992. Some of these suggest activities which should be closely coordinated with State and local planning carried on with HUD assistance under section 701 of the Housing Act of 1954. If this is effectively done I see no special problems arising under S. 632 that would adversely affect our program responsibilities.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

GEORGE ROMNEY.

WASHINGTON, D.C.,
August 11, 1972.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SCOOP: I have your letter of August 9, 1972 with reference to our agreement on an amendment to S. 632 which will remove my principal objections to the bill.

As I informed you earlier, Members of our Subcommittee believe that the major considerations of land use planning involve urban development and they would have preferred that the Secretary of HUD have the principal administrative responsibility under the legislation. However, in view of the President's decision to place that responsibility under the Secretary of Interior, I have agreed to support the bill only if HUD's specific area of jurisdiction in land use planning involving community development and related urban matters is properly protected. I am satisfied that the amendments referred to in your letter of August 9 meet this objective.

This is extremely significant legislation and I commend you for your efforts in bringing the bill to the Senate.

I wish you well in your continuing efforts toward developing a national land use policy for our nation.

With best wishes and kind regards, I am,

Sincerely,

JOHN SPARKMAN.

WASHINGTON, D.C.,
August 10, 1972.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SCOOP: Thank you for your letter of August 7, in which you review the agreements reached at a meeting of our staffs.

I am satisfied that the agreements reached at the meeting between the staffs, as represented in a draft amendment which I have been furnished will avoid my concerns with S. 632, the Land Use Policy and Planning Assistance Act of 1972.

With esteem and kind regards, I am,

Truly,

JENNINGS RANDOLPH,
U.S. Senator.

AUGUST 22, 1972.

Hon. HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, Washington, D.C.

DEAR SENATOR JACKSON: The major concern of the National League of Cities and the U.S. Conference of Mayors throughout the development of S. 632, the Land Use Policy and Planning Assistance Act of 1972, has been the relationship of cities to the State land use planning process and program elements of S. 632. A continuing and productive dialogue has taken place between our respective staff members concerning the most effective way to build up the strengths of local government to initiate and implement local land use plans and, at the same time, to develop and improve upon the capacity and institutional capability of State, regional and local government to initiate and implement cooperatively a land use planning process and program for matters which are of more than local significance. We understand that it is the Committee's intent, as stated in the Committee Report, that purely "local decisions should remain within the exclusive province of local public officials and local citizens" and, in terms of our concerns, the important role of local government in the planning process contemplated by S. 632 has not been at issue.

It is our view that the inclusion of amendments in S. 632, as reported, which were recommended in our June 7, 1971 testimony before the Committee on this measure, together with the adoption of some amendments we have discussed in recent weeks will assure that local government will be fully involved in the planning for land uses of Statewide concern. With the adoption of these amendments, S. 632 will be a more effective tool for coordinating State and local land use activities affecting interests of more than local concern. At the same time, the primary responsibility for local land use decisions would continue to be placed in the hands of elected local officials at the level of government closest to the people.

The National League of Cities and the U.S. Conference of Mayors wish to express our appreciation to you for your leadership and cooperation in seeking a positive approach to the many complex issues involved in land use planning. We hope that this close relationship will be continued in the future on other matters of mutual interest and concern.

Sincerely,

ALLEN E. PRITCHARD, Jr.,
Executive Vice President, National League of Cities.
JOHN J. GUNTHER,
Executive Director, U.S. Conference of Mayors.

AUGUST 4, 1972.

DEAR SENATOR: At our 50th Anniversary Convention in Chicago, Illinois, July 19–22, 1972 delegates of the Izaak Walton League of America addressed themselves to the urgent matter of a National Land Use Policy.

Because of the imminence of Senate consideration of such legislation, I am enclosing for your information the text of the Convention's Resolution. We trust it will be helpful to you.

LAND USE POLICY AND PLANNING ASSISTANCE

"The Izaak Walton League of America assembled in Convention at Chicago, Illinois, July 19–22, 1972 enthusiastically endorses and commends the efforts of the U.S. Con-

gress and the Administration to provide assistance and guidelines to the States for sound environmental planning of land uses. The League particularly supports Senate bill 632 providing for such a program under the Department of the Interior and urges the Department, upon enactment of this legislation, to administer the program in a multi-disciplinary and multi-agency direction. As a needed complement to S. 632, the League also urges prompt enactment of S. 921, the Public Domain Lands Organic Act giving the Bureau of Land Management basic statutory authority to manage 'national resource lands' under multiple-use principles.

"The Izaak Walton League notes that these concepts have been embodied in House bill 7211 but regrets that it must strongly oppose enactment of this version known as the National Land Policy Planning Act. Despite many commendable features, the League finds the public land provisions, specifically Title IV of H.R. 7211, prejudicial to the public interest and creating potential for set-backs in the management of the National Parks, National Forests, National Monuments and National Wildlife Refuges. In lieu thereof, the League urges the U.S. House of Representatives to adopt the Senate approach as expressed in S. 632 and S. 921."

Respectfully yours,

RAYMOND C. HUBLEY,
Executive Director.

AUGUST 4, 1972.

DEAR SENATOR: In response to widespread public concern over the protection of our natural resources, Congress has enacted far reaching legislation affecting nearly every aspect of the environment—water and air pollution, fisheries and wildlife protection, noise, toxic substances, and many others. Yet our most important and basic resource, the land itself, has gone virtualy unprotected in the face of uncontrolled abuse. For three years now, the Senate has heard overwhelming testimony documenting the critical need for prompt development of a *National Land Use Policy.*

In this respect, we are delighted that next week the Senate will finally consider S. 632, the Land Use Policy and Planning Assistance Act reported by the Interior Committee and pending on the calendar since June 1972.

The importance of enactment of this legislation by the Senate in this session of Congress cannot be over-stressed. S. 632 is the product of weeks of hearings involving the broadest range of environmental, economic, social and governmental interests in the Nation; of 12 different Committee prints; and of years of consensus building in support of the concept that the Federal government must exercise leadership and provide assistance to the States in land use planning. Consideration by the Senate now will allow for strengthening amendments, but delay of this essential measure will be a major set-back. In the words of Chairman Russell Train of the Council on Environmental Quality "It is a matter of urgency that we develop more effective nationwide land use policies and regulations . . . and that in no way do we (the Council) view S. 632 as conflicting with existing air and water quality legislation."

We view this bill as an essential supplement to the effective implementation of environmental legislation already enacted by Congress and we commend and urge your continued efforts to bring the Land Use Policy and Planning Assistance Act to the Senate for its prompt consideration. The following organizations have advised the Citizens Committee that they are in wholehearted agreement with this position:

The Sierra Club.
The Sport Fishing Institute.
Wilderness Society.
National Audubon Society.
Izaak Walton League of America.
National Wildlife Federation.
National Recreation and Park Association.
Friends of the Earth.
Wildlife Management Institute.
Environmental Policy Center.
Nature Conservancy.

Sincerely yours,

SPENCER M. SMITH, Jr.,
Executive Secretary.

JULY 26, 1972.

DEAR SENATOR: The Public Lands Conservation Coalition representing every major conservation organization has assigned number one priority to passage of S. 632, the Land Use Policy and Planning Assistance Act of 1972. This bill, reported by the Committee on Interior and Insular Affairs, has been pending on the Senate calendar for 45 days. We urgently request your personal support in bringing this bill to the floor within the next week.

Sincerely,

———— ————,
Public Lands Conservation Coalition.

(The Public Lands Conservation Coalition represents the views of these organizations: American Forestry Association, Citizens Committee on Natural Resources, Environmental Policy Center, Friends of the Earth, Izaak Walton League of America, National Audubon Society, National Parks and Conservation Association, National Wildlife Federation, Nature Conservancy, Sierra Club, Sport Fishing Institute, Trout Unlimited, the Wilderness Society, and Wildlife Management Institute.)

[From the New York Times, Aug. 15, 1972]

ENVIRONMENTAL PRIORITY

Rivalry between two leading Senate Democrats threatens to kill for the current session a major piece of environmental legislation supported by the Administration, the National Governors' Conference, environmentalists and a probable majority of Senators from both parties.

Senator Jackson of Washington, its prime sponsor, calls the imperiled measure—the Land Use Policy and Planning Assistance Act of 1972—"the most important and far-reaching environmental bill ever to be considered by the United States Congress." It provides Federal grants-in-aid and technical assistance to the states to help them develop land use programs for non-Federal lands. Some such revision of existing land use policies, based on haphazard local and private decisions, is essential to avert environmental chaos in the next three decades when the nation is expected to build as many new homes, schools, hospitals and other structures as have been built in the last three centuries.

The Jackson bill, the result of two-and-one-half-years of study and hearings by the Senate Interior Committee, was favorably reported on June 15 for the second time in two years. It is finally due to come to the floor this week but its fate is uncertain because of an expected move by Senator Muskie of Maine, a rival environmental champion, to seek the measure's referral to his Public Works Subcommittee on pollution. Mr. Muskie has indicated he fears the Jackson measure may adversely affect air and water quality legislation he has sponsored. But Russell E. Train, chairman of the President's Council on Environmental Quality, says the pending bill "in no way" conflicts with air and water quality laws now on the books. "On the contrary," Mr. Train insists, "it is fully consistent with and supports them."

No excuse justifies further delay in enacting this sound legislation, urgently needed to safeguard a growing nation's rapidly diminishing land resources.

[From the Boston Globe, July 3, 1972]

LAWS FOR THE LAND WE LOVE

In Maine it was the threat of a 202,000-barrels-a-day oil refinery on the fir-clad shores of Penobscot Bay. In Vermont it was the threat of a 20,000-acre vacation home development. In Massachuetts it was the near loss of an $80 million shellfish industry and the danger of falling inland water tables.

In each case the message was clear—that protection of the land itself is as vital to the health and happiness of the nation as clean air and clean water. And it was clear that, in a nation whose population is expected to increase by 100 million people in 30 years, local zoning boards are inadequate to protect the land and plan for its use in the regional and national interest.

As of this moment some 25 states have enacted legislation that gives them some form of control over land management within their boundaries above and beyond the municipal zoning function.

Statewide comprehensive plans are called for under laws passed in Hawaii in 1961 and in Vermont in 1970. More recently Maine, Colorado and Florida authorized the establishment of state guidelines to govern local planning and zoning. A more flexible approach is being tried by 18 states which control land use in areas of critical environmental concern such as flood plains and coastal wetlands. Critical uses of land for such functions as waste disposal, strip mining, scenic easements, mobile home siting and the siting of power plants and transmission lines are under state control elsewhere. And in Massachusetts, under the 1969 Zoning Appeals Law, the state is technically empowered to overrule local regulations on the distribution of low and moderate income housing.

But this is not enough. At best these regulations cover only half of the states and, where they do exist, they vary widely in range and approach. Constitutional questions have been raised by the wide scope of the Maine legislation. A 10-acre provision in the Vermont law fosters development by outsiders and encourages scattered housing. The Massachusetts law, now three years old, has yet to be implemented. Thus the need remains for a broad national policy to include non-federal lands. Two such proposals will be before Congress sometime this month.

Far and away the better of the two bills is S. 632, an intelligent meld of proposals made by Senator Henry M. Jackson of Washington in January 1970 with proposals made by the Council on Environment Quality (CEQ) on behalf of the Administration in February 1971. This bill, in contrast to the bill in the House, has the support of leading environmental groups.

Approved June 5 by a vote of 13 to 3 in the Senate Interior Committee, S. 632 authorizes state grants totaling $100 million each year for land use planning, with an "incentive" provision that such grants may be terminated at any time and that major highway, airport and conservation funds can be held in escrow after five years for failure to comply.

To ensure a balance of goals and values, the states are required to have comprehensive data on social, economic, environmental and recreational needs by the end of three years. Then, under broad guidelines to be set by an executive agency (probably the CEQ), the states shall establish the machinery for state jurisdiction in four areas of critical concern. These are the environment, key facilities such as highways and airports, large scale development (to be defined by the states), and development of regional benefit.

The state grants would be issued by a new Office of Land Use Policy Administration within the Department of the Interior, and an interagency advisory board, also under In-

terior, would be set up to further safeguard against the intervention of special interests and to minimize conflict and duplication by coordinating all existing federal land programs.

A major difference between the Senate and House bills is the proposed treatment of federally-held public lands which account for about one-third of all U.S. land and up to 90 percent of the lands in some Western states.

The House bill, sponsored by Rep. Wayne N. Aspinall of Colorado, (a charter member, incidentally, of Friends of Earth's "Dirty Dozen,") would review all such federal lands. This could seriously endanger existing national parks, forests, monuments and wildlife refugees and undo the recent land withholdings in Alaska. In contrast, the Jackson bill before the Senate calls for coordination of federal planning for existing federal lands with state and local planning for adjacent non-federal lands to ensure compatible use pending a review of public land laws later.

The state grant basis of the Senate land use legislation supports positive action already underway. The approach based on critical areas, taken from the Administration proposals, gives maximum scope and flexibility, recognizing the need for continued economic development as well as environmental protection.

As such, this first effort at an overall national land use policy contains the real ingredients for the salvation of the land—a fixed resource that is under dire threat from the conflicting demands for more power plants, more pure water, more housing, more open space, more billboards and more trees.

Land can no longer be treated as a commodity. It is a trust. And the whole nation shares a responsibility for its planning and preservation. Some states have already recognized this responsibility. Now it is high time the federal government did its share.

[From the Wall Street Journal, Aug. 15, 1972]

COPING WITH THE HASSLES

One of the characteristics of the 1970s is the increasing amount of strife that swirls around questions of land use—where to put power plants, airports, housing developments, parks and the like.

A sensible-sounding bill that would encourage better state and local level planning—and hopefully reduce the chances for monumental hassles—is awaiting congressional action. It would seem tc be a worthy thing if the Congress would overcome some procedural problems and make a special effort to pass the bill before it adjourns this year so that states can proceed towards a more orderly and uniform handling of land use problems.

The proposed legislation, Senate Bill 632, has had surprisingly little substantive opposition considering the amount of controversy this subject usually generates. It was shepherded through the Senate Interior and Insular Affairs Committee by Senator Jackson (D., Wash.) but also has the backing of a Republican administration. It appears to have the support of most environmentalists as well as industry groups such as the National Association of Manufacturers and the National Association of Electric Companies.

This bi-partisan backing from politicians and lobbies that often are at each others' throats suggests that there is a growing weariness among such interests with protracted hassles over the siting of vital services. Such delays are costly to the companies involved, particularly if they are blocked from using a facility after they have already invested heavily.

And sometimes the public suffers as well. Objections from environmentalists have for 10 years blocked the Storm King pumped storage hydroelectric plant that New York's Consolidated Edison Co. proposed to build on a bank of the Hudson River. The delay in adding new peak load capacity has contributed to New York's power shortage.

Moreover, environmentalists sometimes have won battles and lost the war. Such groups, for example, managed to block construction of a hydroelectric plant in the Grand Canyon only to see the power needs met by the Four Corners power plant near Farmington, N.M., which uses coal and spews out fly ash over the scenic landscape of that area.

The Jackson bill would bring under federal and state planning authority any private lands that are to be used for activities of more than local concern. It would direct states to establish comprehensive planning in four categories involving regions of environmental concern, large-scale developments, key facilities such as utilities and airports and developments of regional benefit. An "Office of Land Use Policy Administration" in the Interior Department would administer the program and a "National Advisory Board on Land Use Policy" would coordinate the program's activities with those of other departments of government.

Stephen P. Quarles, a counsel for Senator Jackson's Interior and Insular Affairs Committee, believes that the main benefit of the Jackson bill would be to set planning guidelines and give siting questions a public airing before projects actually get underway. Once approved, the project presumably would have controversy largely resolved and the state'e legal power behind it.

Mr. Quarles also estimates that the bill would not interfere unnecessarily with the zoning and planning powers of local governments, although it will necessarily do that to some degree. He estimates that some 90% of planning decisions will remain within the jurisdiction of local governments under the bill.

Another aim of the bill is to provide a means for heading off a lot of special purpose land use laws so that rational planning would not be blocked by new legal restrictions. It is estimated that there are some 200 land use bills of various types in various stages of deliberation in Congress and most of them are aimed at specific objectives, such as reserving certain lands for special purposes. The Jackson bill would hope to promote guidelines that would enable states to consider all factors, environment, aesthetics, economic need, etc., in land use planning with as little prior restriction as possible.

No one should assume that the Jackson bill is going to solve the nation's land use problems. As population expands and crowds into urban clusters these problems will no doubt be severe. But a start towards more rational planning should begin as soon as possible.

The Jackson bill faces a jurisdictional dispute in the Senate as a result of efforts by Sen. Muskie to put it through his Public Works Committee before it reaches the Senate floor. It faces trouble in the House from Rep. Aspinal (D., Colo.) who wants to piggyback a highly controversial public lands bill on whatever version of the Jackson bill comes out of the House.

If the Jackson bill fails to make it through this Congress it may be two years from now, in the second session of the new Congress, before it will have much chance. And since it will take the states some five years to work out their planning procedures under the bill, final implementation would be seven days away. Judging from the planning hassles that already are taking place around the country, that could prove to be too long to wait.

[From the Christian Science Monitor, July 31, 1972]

FOR A FEDERAL LAND-USE LAW

Congress finds itself at a crucial fork in the road as it considers how the United States should take its first historic step toward the rational use of land. How it votes on three bills now before it in both houses could make a vast difference in the shape of America tomorrow.

There are those who believe the federal government should not take that first step at all. These are the traditionalists who hew to the old pioneer ethic that a man should be free to use his land in any way he pleases. That viewpoint may have been excusable in an era when the vastness of virgin lands to the West seemed inexhaustible. Today, when environmental degradation and urban sprawl have become a nationally recognized threat, and when current population projections show the need to duplicate in the next 30 years all the homes, schools, and hospitals that America has built in the last 300, such shortsightedness is inexcusable.

Therefore the importance of the current legislation now before Congress. The three bills are S. 632, sponsored by Senator Henry Jackson; S 2401, sponsored by Senators Jackson and Gordon Allott; and HR 7211, sponsored by Rep. Wayne Aspinall, who is chairman of the House Interior and Insular Affairs Committee. S 632 and 22401 treat nonfederal and federal lands independently and are offered for separate consideration. The omnibus Aspinall bill lumps together both federal and nonfederal lands.

There is no great difference between the Jackson and the Aspinall bills as concerns regulation of nonfederal (that is, state and municipally owned lands). But there are vital differences between the two versions affecting federal lands. The Aspinall bill opens the door to federal disposal of lands without prior requirement to consider environmental, management and public objectives—a stipulation specifically made in the Jackson-Allott bill. Further, and even less acceptable, the Aspinall bill would limit the ability of the executive to withdraw public lands from mineral and other resource exploitation to 25,000 acres. This means that of the 55 million acres of federally owned land, only a pitiful fraction would be forever preserved from the threat of economic exploitation. With the growing pressure on the country's national resources, the wheeling and dealing to gain resource rights to these public lands would not only be a constant environmental threat, but also a source of potential corruption to public officials.

We reject the thrust of the Aspinall bill, based as it is on the precepts put forth in the 1970 report of the Public Land Law Review Commission, "One Third of the Nation's Lands." That report unabashedly threw its weight behind the interests of commercial miners, farmers, and timbermen who eye the vast public land depositary as a pork barrel for personal profit. The report also rejected the principle, accepted as sound land-use policy by most environmental and conservation groups, of multiple use, rather than dominant use"—which would sacrifice values such as soil, water, wildlife, and aesthetics to commercial exploitation.

In our view, the Congress should deal separately with the nonfederal and the federal land portions of this proposed legislation. And in so doing, it should weigh the words of Senator Jackson, whose bills are favored by the Nixon administration: "We must treat land not as a commodity to be consumed or expended, but as a valuable finite resource to be husbanded."

[From Business Week, Aug. 26, 1972]

WHEN THE LAND RUNS OUT

After 300 years of footloose expansion across the continent, the U.S. reluctantly is beginning to realize that it suffers from a land shortage. There still is plenty of room out where the deer and the antelope play, but in the areas surrounding the major cities, there simply is not enough standing room to

accommodate all the people and the facilities people need to live and work effectively (page 40).

For years, developers of both residential and commercial properties have solved the problem by liquidating more and more of the natural features of the landscape. They have taken over the wetlands, filled in the ponds, planed down the hills, put the streams in pipes. Now the nation is beginning to realize that this strategy not only has converted the cities into mile on mile of squalid brick and asphalt but also has wiped out the plant and animal life that keeps the natural air and water processes in balance. The city dweller literally does not have enough room to breathe.

The only answer is the obvious one. The U.S. must develop effective controls on land use, and it must begin planning on a regional basis, not town by town or even county by county. Good planning will provide for wetlands and greenspace. It will also provide for supermarkets and shopping centers to serve the need of area residents, for industrial sites to generate jobs, and for unwelcome but essential facilities such as power plants and refuse dumps. It will deal with the region as an economic and ecological organism, not as bits and pieces.

The nation is a painfully long way from this sort of planning. But it has no time to lose getting started. A first step would be for Congress to adopt Senator Henry M. Jackson's land use bill, now before the Senate. The Jackson bill would put federal money and influence behind state programs for developing comprehensive land-use planning and enforcement. It would be a good way to make a beginning.

[From the Washington Evening Star, June 28, 1972]

PLANS FOR THE LAND

The public, soon to be engrossed in a presidential campaign, may not be easily excited by Congress's upcoming debate over land-use legislation. But this is by no means as dull a subject as it sounds. It has to do with saving the remaining open lands from wreckage or misuse, and hence goes to the heart of the whole environmental issue.

Moreover, the alternatives that have emerged lately on the Hill are fuel for a real fracas, which probably will break out soon after the national party conventions. As is often the case, the good and the objectionable proposals threaten to cancel each other out in an impasse, but we hope Congress will be able to rise above that.

The measure which deserves to be enacted is sponsored principally by Senator Henry M. Jackson of Washington, and recently was approved 14 to 2 by the Senate Interior Committee. Titled the Land Use Policy and Planning Assistance Act, it would have a momentous impact on the national landscape in the years ahead. For it would, in Jackson's words, "force the states to overcome the near-anarchy of present land-use decision-making policy."

This present disarray stems from local autonomy that is uncoordinated, often ineffective and in many cases totally inactive in this vital field. About 80,000 units of local government now go their separate ways in land-use planning and regulation. In the process, much of the land is being butchered in crazy-quilt patterns as the tide of development rolls on. The situation is made to order for quick-buck land exploiters with no view of the future, or the quality of living in the present, for that matter.

Jackson's bill would require every state to create and implement a statewide land-use plan, with special emphasis on environmental concerns. Federal funds would be available on a 9-to-1 matching basis, and the enforcement provisions are formidable. There is no doubt that within a few years much of the land-botching, for both commercial and governmental purposes, would cease, and more orderly development would be the rule.

Over in the House, Representative Wayne N. Aspinall of Colorado is guiding similar legislation toward a vote, but his version is weaker and in some respects retrogressive. He has lumped a national land-use measure together with public lands legislation, and in the latter category his ideas are anathema to environmentalists. Quite rightly, too, because the bill would permit the sale of federally owned lands on a scale that could be sizable. There will, we trust, be much objection to auctioning off the federal domain to industrial and other interests.

This could be quite a collision, since Jackson and Aspinall chair the Interior committees in their respective houses, and have their committees behind them. We hope that Jackson will stand fast for his commendable product, and the House will be bold enough to deny the powerful Aspinall all he wants in this case.

[From the St. Louis Post-Dispatch, June 14, 1972]

A BILL TO END ANARCHY IN LAND USE

A bill which could have a monumental impact on the quality of American life and on the appearance of the landscape has been approved 14 to 2 by the Senate Interior Committee. Sponsored principally by Senator Henry M. Jackson of Washington, the proposed Land Use Policy and Planning Assistance Act of 1972 seeks to transform the far-reaching decisions on land use from the present chaos and anarchy of conflicting local governmental and individual initiatives to a more rational process.

Recognizing that the haphazard development of such facilities as airports and highways, electric power plants and mass transit, housing subdivisions and industrial parks can have a devastating effect on the environment, the Jackson bill would set up in the Interior Department a National Advisory Board on Land Use Policy to co-ordinate federal and federally assisted programs that have a significant impact on land use. The Secretary of the Interior would also be empowered to establish *ad hoc* advisory committees to help resolve state-federal land use conflicts.

The environmental thrust of the bill, however, would be exerted through its requirement that the states devise complete and comprehensive plans for land use which not only provide for the orderly development of building projects but also for parks and for the preservation in their undisturbed state of areas for recreation such as rivers, beaches and woodlands.

The development of state land use programs would be aided with federal funds, on a nine to one matching basis, for a period of eight years at the rate of $100,000,000 a year. States which failed to comply with the terms of the act within five years would be subject to a cutoff of federal planning funds and the withholding of federal highway, airport and land and water conservation funds, which would be administered by a new Office of Land Use Policy Administration within the Interior Department.

Although the bipartisan Jackson bill has a good chance of passing the Senate in six weeks, the prospect for final enactment of effective land use legislation is dimmed by the anticipated emergence from the House Interior Committee of a weaker bill which is being shaped by Chairman Wayne N. Aspinall, who is not noted for his sympathy for environmental goals. Without strong pressure on the states applied through federal standards and funds, the 80,000 units of local government which now make most of the decisions on land use planning and management are likely to continue the present trend of profligate waste and destruction of land resources.

Land, which like other ingredients of the American economy, is often treated as a throwaway commodity, has become too precious a resource to be left to what the Senate committee calls the decisions of "selfish, short-term and private" interests. A basic restructuring of traditional legal and administrative arrangements for land use planning and management is necessary both to preserve a viable environment and to implement social policies providing equal opportunities for housing and education.

[From the Minneapolis Star, June 10, 1972]

TOWARD RATIONAL LAND USE

The lack of experience which this nation and its states have in large-scale land use planning makes it difficult to size up in advance the effect of the land use policy bill reported out of the U.S. Senate Interior Committee earlier this week. But it appears to have the chance of introducing a measure of rationality into a haphazard and often destructive way of doing business.

Between now and the end of the century, the Washington Post noted last year, "We will build a second America . . . Every 10 years new homes and apartment houses, schools and hospitals, factories and offices, roads and railroads, shops and parking lots, gas stations and whatever will cover some 5 million acres, an area the size of New Jersey." Even if recent birth rate figures promise smaller total population than we have been expecting, the assault on the land will continue.

The Senate committee's bill, a reasonable combination of proposals from the Nixon administration and Sen. Henry R. Jackson, D-Wash., would provide $100 million annually to the states on a 90-10 matching basis to finance development of state land use programs. The programs would be designed "to exercise control" over areas of critical environmental concern, such as wetlands, marshes, beaches, shorelands, flood plains, forests and scenic or historic areas; over "key facilities," which includes airports, major highway interchanges and big recreational areas; over "development and land use of more than local impact," and over large-scale private developments such as massive housing subdivisions or industrial parks.

The bill is not, its backers claim, another invitation to produce more color-coded maps. Its real bite is that it requires the states to move towards implementation of the programs and threatens withholding of various federal funds as an inducement. We think it's worth a try.

AIRPORT AND AIRWAY DEVELOPMENT ACT—AMENDMENT

AMENDMENT NO. 1538

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

Mr. CANNON. Mr. President, the purpose of this amendment is to make clear that Federal financial assistance made available to the States under the Airport and Airway Development Act is not affected by this sanction. The amendment is necessary because one of the major purposes of the Airport Development Act is to provide safe and properly instrumented airports. Imposition of the sanction could have the effect of delaying or even preventing necessary work on airports so as to meet present safety and navigational standards.

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1533

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

Mr. HARTKE submitted an amendment, intended to be proposed by him, to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

CONSUMER PROTECTION ORGANIZATION ACT—AMENDMENT

AMENDMENT NO. 1534

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

Mr. ALLEN. Mr. President, this amendment makes explicit one of the many implicitly covered substantial interests of consumers of real property that should be protected by the Consumer Protection Agency in Federal, State, and local agencies and courts.

It concerns the purchase or renting of a residence.

The amendment merely adds another example of the "interests of consumers" to the many now listed in section 401 (11) which attempts to define this term.

It makes clear that one of the substantial interests of consumers of real property for residential use is the availability of nearby school facilities for the use of their children and the protection of such children from the delays and dangers of forced busing to schools outside their neighborhood.

If there is any doubt about the fact that this is a substantial interest and concern to purchasers or renters of residences, one need only ask any real estate agency about the matter.

Among the first questions, after price, asked by potential residence purchasers are: "Will our children be bused, and, if so, to where and how long will it take?"

There is no doubt—as even the most avid proponents of this bill know—that this is a substantial concern of consumers, and therefore should most certainly be covered by the bill.

This amendment is needed—and I say this for legislative history—to show that busing is a priority concern of consumers who are in need of priority protection by forceful advocates in the confused deliberations of Government at all levels, and to make it clear that these consumers can organize nonprofit antibusing groups that would be eligible for Federal funding under title III of S. 3970.

Let me add that several Members of the Senate have advised me of their deep interest in this amendment, and they have indicated a strong willingness to debate the amendment at great length in order to help gain its adoption to S. 3970.

CRIME CONTROL ACT OF 1972—AMENDMENT

AMENDMENT NO. 1539

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

Mr. TUNNEY submitted an amendment intended to be proposed by him to the bill (H.R. 8389) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the development and operation of treatment programs for certain drug abusers who are confined to or released from correctional institutions and facilities.

ADDITIONAL STATEMENTS

CONTEMPTIBLE MESSAGE OF PRESIDENT IDI AMIN, OF UGANDA

Mr. PERCY. Mr. President, the fabric of civilized relations among nations requires much careful attention, and is easily torn by violence. The community of man is rendered practically helpless before the onslaughts of hate-filled renegades. Witness last week's disastrous events in Munich, when 11 Israeli hostages were slain by their Arab guerrilla captors—five of whom died in the violence they touched off.

In the reaction that followed, most nations around the world condemned the guerrilla's action. Even among some nations known to support the guerrillas, the response was muted. That is why it is especially distressing when a chief of state sets out to deliberately fan the flames of hatred.

I am referring, Mr. President, to a message of pure hatred and bigotry that was sent by the President of Uganda, Gen. Idi Amin, to U.N. Secretary General Kurt Waldheim and Israeli Premier Golda Meir. Amin not only praises Hitler for the slaughter of 6 million Jews, but suggests that the State of Israel be wiped out, and all Israelis be shipped to Great Britain.

Mr. President, I am astounded and shocked at the blatantly anti-Semitic statements of this man. At a time when leaders of the world should be striving to improve relations among peoples, he contrives the most vicious attack upon the Jewish people since the holocaust perpetrated by Hitler.

It may be inconceivable that any national leader outside the Arab bloc could make such statements, but Amin has made them. He merits a hostile reaction from responsible persons throughout the world. His remarks are disgusting and contemptible.

ROLE OF UNITED NATIONS IN ARRESTING CAUSES OF VIOLENCE

Mr. MATHIAS. Mr. President, writing in the New York Times on September 13, James Reston asks some very pointed questions about the causes of violence and the role of the United Nations in arresting these causes in the interest of world peace. I highly recommend the article, entitled "Is There a United Nations"? to the Senate and 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:

IS THERE A UNITED NATIONS?

(By James Reston)

UNITED NATIONS, N.Y., September 12.—Beginning next week, the representatives of most of the nations of the world will convene here for the 27th General Assembly of the United Nations. Nobody is paying much attention to the event, but somebody has to pay attention to the present violence and anarchy in the world, and maybe the United Nations is the place to do it.

The new Secretary General of the U.N., Kurt Waldheim of Austria, made the main point to the delegates who are now packing their bags for New York. "The United Nations," he said, "cannot be a mute spectator of the increasing terrorism in the world. . . . It is up to the General Assembly to find a solution to this problem and to take the necessary decisions."

His observations were almost totally ignored. The United Nations organization has never been weaker than it is now. It is bankrupt. The permanent members of its Security Council—the United States, the U.S.S.R., China, Britain and France—are all ignoring it or using it for their own nationalistic purposes. Yet it has a role to play, and much depends on how Kurt Waldheim uses the powers of the Secretary General to insist that the poverty, violence and anarchy of the world be recognized and debated, even if they cannot be solved.

Maybe it is unfair to put this burden on the Secretary General. He cannot defend the principles of the United Nations without seeming to criticize the major powers, who are constantly violating the U.N.'s principles, but who also pay most of the U.N.'s bills.

Even so, the Secretary General is authorized under the Charter of the world organization (Article 99) to call to the attention of its members "any matter which in his opinion may threaten the maintenance of peace and security."

The "increasing terrorism" and anarchy in the world are only a generalization of these matters. Specifically, there is the Arab "terrorism" at the Olympic Games and the anarchy of the skyjacking on the airlines of the world, to mention the obvious.

More important, there is the increasing gap between the rich and the poor nations of the world, the conflict between the uncontrolled population and limited resources of the world, the growing division between the races and between the northern industrial societies and southern agricultural societies, and the tragedy of the refugees in Palestine and Southeast Asia.

These are really the "matters" which may be and are threatening "the maintenance of peace and security," and they cannot be left to the leaders of sovereign nations. For each nation opposes the use of violence in principle, except when it wants to use violence in its own national interests, as Moscow did in Czechoslovakia, the United States does in Vietnam, India did in Bangladesh, the Arab "Black September" movement did at the Olympic Games and Israel in its military counterattacks did against Syria and Lebanon.

If you look at all this violence and murder from any particular capital, it can be made by the arts of propaganda to look reasonable

and even honorable. Moscow tried to make its invasion of Prague seem like a necessary rebuke to willful and misguided children. President Nixon explains the most devastating bombing of North and South Vietnam—the worst of this century—as a regrettable necessity.

But sometimes, somewhere, somebody has to ask whether all this violence and killing is justified, and even if it really achieves its objectives, and that is clearly the responsibility of the United Nations, and probably of its Secretary General, since nobody else will state the plain facts.

Obviously, the representatives of the world won't "take the necessary decisions," as Secretary General Waldheim suggests, to deal with the anarchy, terrorism and dangerous poverty of the majority of the human family when they meet here in the coming weeks.

But he can, as he is authorized to do by the United Nations Charter, at least identify and define the larger problem of violence and terrorism in the world. The prime and foreign ministers who are coming here, and pretending to support the principles of the United Nations, will not like it, and may even withdraw their financial support from the world organization.

Still, somebody who is not running for reelection and considering the narrow interests and prejudices of local and national constituencies, has to raise the causes of violence and anarchy, and talk about the underlying reasons for war. And if the Secretary General of the United Nations won't do it, and bring the principles of the Charter to bear on the larger questions of world poverty and anarchy—even if he has no chance to find a solution—it is hard to imagine who will.

RESOLUTIONS OF KIWANIS INTERNATIONAL

Mr. HRUSKA. Mr. President, it is my honor to be a member of that outstanding voluntary service organization, Kiwanis International.

Earlier this month in Atlantic City, the members of Kiwanis International, through their delegate body, approved an outstanding set of resolutions to guide their actions during the 1972–73 Kiwanis year.

I am proud to note that the chairman of the resolutions committee of Kiwanis International is from my home State of Nebraska, a distinguished jurist, Judge Harry Spencer of Lincoln. Judge Spencer is a dedicated Kiwanian and a past governor of the Nebraska-Iowa Kiwanis District.

I am equally proud that another Nebraska-Iowa Kiwanian, Wes H. Bartlett of Algona, Iowa, is president of Kiwanis International this year and presided at the convention during which these resolutions were adopted.

Mr. President, I ask unanimous consent that the resolutions of Kiwanis International be printed in the RECORD.

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

RESOLUTIONS AS ADOPTED BY THE DELEGATES TO THE 79TH ANNUAL CONVENTION OF KIWANIS INTERNATIONAL IN ATLANTIC CITY, NEW JERSEY, JUNE 21, 1972

SPIRITUAL RESPONSIBILITY

The sharing of life is a celebration of the spirit. Man does not live alone. He is a steward of all that has been entrusted to him. However, there are forces at work seeking to undermine spiritual strength by ridiculing religious belief and practice, and by placing temporal things above spiritual values.

Therefore be it resolved: That as stewards of God's precious gifts, we pledge ourselves to overcome these forces by placing God first in our lives, by obeying His laws and by sharing through our respective religious institutions our resources of finance, time and talent.

PERSONAL SERVICE

Doing for others as we would have others do for us demands the sharing of our time, our talents, our experience, our love and our funds.

The raising and direct distribution of money, although essential, is increasingly becoming the predominant approach to problem-solving in our society. This can lead to impersonal and detached service, rather than to that mutual understanding, respect and love among all peoples which results from actually sharing our lives.

Therefore be it resolved: 1. That Kiwanis International place major emphasis in its 1972–73 programs on projects and activities which offer every Kiwanian the opportunity to share his time, his talents and his experience with those whom he serves through Kiwanis.

2. That Kiwanis clubs continue to place emphasis on ways and means by which every Kiwanian can experience more frequent and more purposeful involvement with the members of Circle K and Key Clubs.

3. That every Kiwanis club promote the principle of life-sharing among all youth and adults of the community.

DRUGS AND ENVIRONMENT

Kiwanis is dedicated to the idea that to build means to grow.

To meet new challenges, we must continuously expand our horizons while promoting the activities and programs which have been the measure of our growth.

While we have made excellent progress with Operation Drug Alert and a good beginning on Project Environment, the need for and importance of these programs continue.

Therefore be it resolved: That we re-endorse the sponsorship of Operation Drug Alert and Project Environment, urging all Kiwanians to increase their efforts to implement these programs.

Be it further resolved: That we oppose the legalization of the manufacture, distribution, or use of marijuana and hashish, except for scientific or medical purposes.

And further, in the absence of self-imposed controls by the legitimate drug manufacturers, we support legislation at federal, state, provincial and municipal levels, aimed at controlling the production, importation, exportation and distribution of amphetamines and barbiturates except to meet the realistic requirements of the medical profession.

And in keeping with our concern for our youth,

Be it further resolved: That a youthful first offender who is only involved in possession of, or use of less than one ounce of marijuana, be charged with a misdemeanor offense according to state or provincial law.

Be it further resolved: That a second offender, a grower, a transporter or a proven pusher or seller shall be filed upon as a felony and be held under the felony laws of each respective state or province.

ADULT AND YOUTH: PARTNERS IN SHARING

By long tradition, Kiwanis clubs have been working in projects together with youth and young adults, especially members of the Circle K and Key Clubs. True partnership demands joint commitment so that skills, manpower and energies are focused on providing for human needs and the fostering of personal sociological growth.

Therefore be it resolved: 1. That each Kiwanis club move from discussion to action in sharing with youth and young adults in the selection, planning and implementation of community projects.

2. That each Kiwanis club expand the scope of its programming to include all worthy efforts of youth and young adults to meet the challenges of our society, especially in the area of cooperation with Circle K and Key Clubs.

SHARING OUR LIVES WITH AGING CITIZENS

Better medical care, nutrition, sanitation and housing are responsible for increased longevity to the point where ten percent of our population is 65 years of age or older, and many are retiring before reaching that age.

These citizens possess an abundance of leisure time, experience and talent. They are in need of greater association with other people and a continued life of activity. They represent a great source of strength to our nations and to their fellow men.

Kiwanis recognizes both the needs and the potential of our aging citizens.

Therefore be it resolved: 1. That Kiwanis clubs enrich the lives of our aging citizens by sharing with them increased opportunities for association, recreation and spiritual fulfillment.

2. That Kiwanis clubs utilize the talents and experience of our aging citizens through programs and projects which involve them in community life.

3. That Kiwanis clubs stimulate community action to provide adequate residential facilities for aging citizens.

CITIZENSHIP RESPONSIBILITY—RESPECT FOR LAW

Without order there is no real freedom. The cornerstone of a lawful and just society is the individual's willingness to respect and be governed by the rule of law.

Therefore be it resolved: 1. That Kiwanians as responsible citizens, reaffirm support for the rule of law.

2. That Kiwanis clubs cooperate with local law enforcement agencies to reduce crime.

3. That Kiwanis clubs implement action programs to dispel general apathy and make the public more knowledgeable of the inherent dangers of crime to our people, to the economy and to the future progress of our nations.

ALCOHOLISM

Statistical evidence indicates that the disease of alcoholism is a widespread problem and that the number of chronic alcoholics is increasing.

Therefore be it resolved: 1. That Kiwanis clubs cooperate with public and private agencies in educational programs directed toward the prevention of alcoholism and the rehabilitation of alcoholics to useful lives.

2. That Kiwanis clubs institute programs which convey to the public the causes, dimensions and characteristics of the problem of alcoholism.

TRAFFIC SAFETY

There is an unnecessary loss of life, plus an appalling amount of disability and suffering resulting from the improper and unlawful operation of motor vehicles by careless drivers and those under the influence of alcohol or drugs.

Therefore be it resolved: 1. That Kiwanis clubs intensify participation in local traffic safety programs and work more earnestly to maintain an aggressive accident prevention program.

2. That Kiwanis clubs survey and bring to the attention of appropriate authorities the traffic hazards and high accident locations within their communities.

3. That Kiwanians urge the strengthening and enforcement of laws that prohibit driving while under the influence of alcohol or drugs.

VENEREAL DISEASE

The alarming spread of venereal disease throughout our society has become a serious threat to the quality of life and to life itself.

Therefore be it resolved: That Kiwanis clubs and Kiwanians actively support and

cooperate with health authorities and organizations interested in health problems in order to eradicate venereal disease.

UNDERSTANDING THROUGH EDUCATION

An educated and responsive citizenry at all levels of society offers the best hope for maintaining and strengthening a government of the people, by the people, and for the people.

Lack of education and the consequent lack of understanding breed strife, yet men cannot brawl their way to either economic security or mutual respect. The economic and social well-being of man is essential to a productive and satisfying role in society.

We are cognizant of the fact that technology—developing so rapidly that ultimately each generation lives in a society vastly different from that into which it was born—places constantly increasing demands upon educational systems.

While education has become increasingly expensive, once properly understood, supported and energized, it remains the best guarantee for the development of worthy ideals, preparation for satisfying and remunerative occupations, the prevention of crime, the fulfillment of civic responsibilities and the opportunity for a full and productive life.

Therefore be it resolved: That Kiwanis clubs give increased emphasis to education at every level so that youth and adults may come to possess the career training, skills and civic understanding essential not only to their economic security but also to their roles as responsible citizens.

INTERNATIONAL RELATIONS

Good will, understanding and the hope for permanent peace rest upon person-to-person attitudes. With the expansion of Kiwanis throughout the world, Kiwanis clubs and Kiwanians through their contacts with people have distinctive opportunities for manifesting that love of mankind which undergirds these essentials of good international relations.

Therefore be it resolved: 1. That Kiwanis clubs provide maximum opportunities for continuing social and cultural contacts between people of all ages from all countries through locally sponsored international exchange and visitation programs.

2. That each Kiwanian serve as a Kiwanis Ambassador of Good Will, sharing his enthusiasm for peace and understanding in all of his contacts with people from other countries.

HUMAN RIGHTS IN RANSOM

Mr. HUMPHREY. Mr. President, I wish to protest the latest Soviet actions in an attempt to block the emigration of Jews. Not only are these policies a direct violation of the U.N. Declaration of Human Rights, but they flout the underlying precepts of respectability in a government's relationship with its citizenry, and with other member nations of the international community.

I am speaking, Mr. President, of the Soviet discriminatory decision of placing an educational tax on any application for emigration. The intent of this policy is clear. It is a form of ransom. The pawns of this scheme are principally the Soviet Jews who are desirous of emigrating to Israel, and other minority populations who have expressed a desire to emigrate as a result of the persecution they suffer at home.

While I am not shocked to discover this kind of callousness still operating in the highest circles of Soviet leadership, I am, nevertheless, disillusioned by it all. It is hard to conceive what kind of internal threat the Jewish population presents to the Soviet Union which would cause it to react with such draconian measures as the ones it has recently implemented. It is equally difficult to comprehend how the Soviet Union can attest to its faith in the U.N. Charter, which is a testament to human rights and dignity, and yet contravene the very principles set out in the preamble of that Charter. In May of this year the Soviet Union joined with the United States in expressing its dedication to the fulfillment of the U.N. Charter. Then in August we learn about an education tax, which can be anywhere in the range of $5,000 to $25,000, an exorbitant exit fee for any individual and certainly for someone from the Soviet Union, where savings of this scale are virtually impossible. The contradiction is striking. It is disillusioning and the United States must do what it can to convince Soviet leaders of the negative effect this kind of policy can have on United States-Soviet relations.

Several Senators, including myself, urged President Nixon to raise the entire issue of Soviet Jewry during his visit to the Soviet Union and to inform Members of Congress and the American public about what he accomplished in this regard. Dr. Kissinger said in a press conference in Vienna that the status and rights of Soviet Jews would be raised during the Moscow talks and that is the last we heard of it. We have heard plenty about upcoming wheat deals with the Soviet Union and the prospects of even larger trade deals but we have not heard so much as a rumor of any accomplishments in this all-important area—the field of human rights. Admittedly, the issue is a complex one for the President to present but not so complex as to be abandoned.

Not having heard of any positive results during the Moscow talks concerning Soviet Jewry, and now learning about this latest head tax, I have once more called upon the President, urging him to direct Dr. Kissinger to impress upon Soviet leaders American concern, and serious distress at this flagrant disregard for the basic human right to emigrate.

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

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

SEPTEMBER 8, 1972.

THE PRESIDENT,
The White House,
Washington.

DEAR MR. PRESIDENT: Because of the forthcoming visit of Dr. Kissinger to Moscow, I am prompted to write you at this time and urge that your emissary bring up the question of Soviet Jewry which is plaguing the consciences of all of us who are concerned with their welfare, their freedom and their right to emigrate.

The Soviet Union has established a schedule of exit fees based on an applicant for emigration's education which is nothing short of ransom. Prime Minister Meir of Israel has declared the Soviet Union's exit fee policy as a "cruel and shameful decree . . . anti-Jewish in spirit and inhuman in content."

I cannot help but concur with the Prime Minister's remarks, and in so doing, impress upon you the impact that Dr. Kissinger's visit can have on Soviet leaders, conveying to them the extent and seriousness of the concern of American leaders and public opinion over the plight of Soviet Jews, as well as other minority groups living within the Soviet Union.

It is my hope that Dr. Kissinger will press this matter during his visit and that he will inform members of Congress of his discussions upon his return.

Sincerely,

HUBERT H. HUMPHREY.

Mr. HUMPHREY. Mr. President, while I have not yet received a reply from the President, I think time is of the essence in this case. Dr. Kissinger is scheduled to return today from his trip to Moscow, and hopefully, he and his Russian counterparts addressed themselves to this crucial matter. It would, therefore, seem incumbent upon the President, Dr. Kissinger, or an informed Government official to discuss with Members of Congress what the United States has done to represent American public concern over the fate of Soviet Jewry. Furthermore, it is important for us in Congress to know what action our Government is contemplating should the exit fees, which are subject to ratification in the Soviet Union on the 19th of September, remain in effect.

The United Nations is a prefect forum for this issue to be discussed, and yet our Government has failed to take recourse either in the General Assembly or the Security Council. Diplomatic exchanges occur every day between American and Russian officials. Surely we can use this channel to press for a change in Soviet policies. There are other international forums where action can be taken, and unilateral action by our own Government such as Senator RIBICOFF suggests should be given serious consideration.

Finally, the President can have a considerable impact if he so chooses, and I urge him to convey to Soviet leaders the profound concern which exists in this country and throughout the world over their policies toward Soviet Jews. I urge him to join with Congress in this endeavor.

FLIM FLAMMING

Mr. BROCK. Mr. President, according to Webster's, amnesia is an affliction caused by brain injury, shock, or repression.

Whatever the reason, amnesia is nearing epidemic proportions among far too many election year polls. The tragedy of the confused and often confusing pronouncements of such individuals is a wider malaise which it creates among the American public. Many Americans are fed up with the inconsistent and mendacious bantering of those who seek to demean the record achieved by President Nixon.

These individuals are barely tolerable as third-rate tragedians, but unfortunately they frequently appear as heroic figures in the journals of our enemy. Perhaps there is no best way to counteract their indiscretion; yet, on balance, a normal dose of cynicism will protect one's sensibilities.

On a recent morning I took my antidote for Shriver, Salinger, and Clark by

reading a column by Morrie Ryskind, who reminds this trio of the transparancy of their flim flam.

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:

A DAY WITH THE ENEMY

(By Morrie Ryskind)

I am, heaven knows, more Walter Mitty than James Bond. One agonizing day recently I thought myself inside the enemy lines, and wondered if I'd ever get out. Yet all I was doing was listening to the TV news, which focused on the statements of our foremost doves.

I reached two conclusions: (1) Despite the vaunted supremacy of our Madison Avenue salesmen, they are amateurs vis-a-vis the hucksters of Hanoi, who get their message across in our prime time without paying a cent for their commercials. And (2) Amnesia is pandemic among liberals, who cannot remember that it was North Vietnam that invaded the South, and not vice versa.

Sargent Shriver made the airwaves by suddenly remembering—after four years—that in October 1968 Hanoi had offered to end the war, but that Nixon spurned that golden opportunity. But Nixon was only a candidate then—why hadn't Sarge told LBJ, who was still commander-in-chief and would have given his eyeteeth to retire with such a feather in his cap? Clearly, Sarge had forgotten the Constitution, and he'd better bone up on it—it might come in handy were he to be elected.

Amnesia, as all movie fans know, is sometimes cured by a sudden blow on the head. To Sarge the blow came when he became McGovern's runningmate. A shock like that could make a fellow remember many things, including those that never happened.

Dean Rusk, then secretary of state, denies any such move by Hanoi—so maybe he's the amnesiac. Still, Hanoi, once Sarge mentioned it, recalled the incident vividly and agreed Nixon was to blame.

Then, too, I heard the testimony of Ramsey Clark to the effect that we were deliberately bombing dikes and killing civilians. To a Senate committee, he exhibited a dead bomb which the mayor of Hanoi had assured him was dropped by our airmen on civilians. Confronted by Pentagon photos showing Hanoi weaponry mounted on the dikes, Clark conceded that such arms might have been removed in preparation for his "inspection,"—but he had seen none. And, between the Pentagon and Hanoi, it was clear whom he credited.

Clark holds a law degree—but apparently has forgotten that self-serving hearsay is not admitted as evidence.

Also on that day's TV menu was the Salinger caper of secretly meeting with the Hanoi team at Paris. When that news first broke, McGovern vigorously—1000 per cent—denied he knew anything about it. But, an hour later, suddenly recalled asking Salinger to confer with the Reds. With him, amnesia comes and goes just like that.

Well, that was the way things went that day. And for relief, after the 11 o'clock news, I turned to Johnny Carson, hoping for some chuckles. But on came Pete Seeger, the eminent folk-balladeer, who is an ecology buff and is almost rabid in his denunciation of the way we pollute our streams. But he, too, has his lapses: as when he was arrested by the New York police for emptying refuse from his houseboat into the Hudson.

But if he forgot which side he was on at the time, he knows where he stands on the war—with his brothers in North Vietnam. And to prove it he sang a ballad about war criminals, which said in so many words that Nixon and Agnew and Thieu should be tried at Nuremberg, just like the Hitler crew.

The worst of it was that, after listening to the four notable amnesiacs, I couldn't sleep—and still suffer from insomnia. Maybe amnesia isn't so bad—I'd like to try just a spoonful to forget I ever heard them.

MANIPULATION OF PRICE OF POTATO FUTURES ON CHICAGO MERCANTILE EXCHANGE

Mr. MUSKIE. Mr. President, earlier this week the Commodity Exchange Authority issued a complaint against 17 individuals and companies, charging them with manipulating the price of potato futures on the Chicago Mercantile Exchange. These charges, if true as alleged, provide the strongest possible testimony on behalf of my bill, S. 1947, to impose an immediate ban on the trading of potato futures on commodity exchanges.

For many years, the great majority of Maine's potato farmers have opposed futures trading because of its effect on prices. They have claimed, in part, that the mechanics of futures trading enables a handful of speculators—who are interested in a quick profit rather than in the maintenance of a stable and healthy farm economy—to manipulate the price of the potato crop. The alleged action of the 17 individuals and companies to depress the price of potato futures confirms the worst suspicions of the farmers. It is powerful evidence that a prohibition of further trading should be enacted as soon as possible.

A companion measure to S. 1947 has been favorably reported out of the House Agriculture Committee, but has not yet been acted upon by the Rules Committee. I am hopeful that this unfortunate episode will encourage both the House and the Senate Agriculture Committee to give immediate attention to this measure.

Mr. President, I ask unanimous consent that an article entitled "Farm Agency Charges Groups Tried to Rig Potato Futures Prices," published in the Wall Street Journal of September 12, be printed in the RECORD. The article describes in detail the serious violations of law which are charged in the Commodity Exchange Authority's complaint.

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

FARM AGENCY CHARGES GROUPS TRIED TO RIG POTATO FUTURES PRICES

WASHINGTON.—The Commodity Exchange Authority charged 17 individuals and companies with having participated in opposing "power plays" to rig the price of potato futures on the Chicago Mercantile Exchange.

Among those named in a complaint issued by the Agriculture Department agency were Modie J. Spiegel, retired chairman of the Chicago-based Spiegel Inc., mail order concern, and Jack R. Simplot, of Boise, Idaho, owner of one of the nation's largest potato-processing operations.

According to the charges, Mr. Spiegel was part of a "combination, conspiracy, agreement, arrangement or understanding" to push up the price of the May 1971 Idaho potato future. Mr. Simplot, on the other hand, "was acting with the intent of depressing or preventing a rise" in the market price of the same contract, the complaint says.

The CEA complaint doesn't represent a finding by the Agriculture Department that the charges are true. Nevertheless, the case, one of the largest of its type in recent years, could jar loose a pending House bill that would do away with potato futures trading altogether. The legislation cleared the House Agriculture Committee earlier this year, but has been held up by the Rules Committee. During hearings on the bill, producer witnesses testifying for the ban cited alleged past manipulation of potato futures markets as one way such trading hurts farmers.

J. R. Simplot Co., Boise, and Simplot Eastern Idaho Produce Co., Blackfoot, Idaho, both owned by Mr. Simplot, were the only other respondents charged in the complaint with having attempted to depress the potato futures price or prevent it from rising.

"SPECULATIVE TRADING"

In identifying Mr. Spiegel, the complaint said that he had "engaged in speculative trading . . . for his own account." Spiegel Inc. isn't named as a defendant nor is there any allegation of wrong-doing by the mail order company, a unit of Beneficial Corp., Wilmington, Del.

Neither Mr. Spiegel nor Mr. Simplot could be reached for comment. In Boise, a spokesman for Simplot Co. declined comment, as the company hasn't yet seen either press reports or the complaint.

Others charged in the complaint were:

Edward Spiegel of Pasco, Wash., and Universal Land-Snake River, a potato-growing enterprise in which Edward Spiegel is a partner and for which he directs potato futures trading on the Chicago Mercantile Exchange. Edward Spiegel is the son of Modie Spiegel.

Peter J. Taggars, Othello, Wash., and two of his companies, P. J. Taggares Co. and Chef-Reddy Foods.

Kenneth L. Ramm, a potato producer in the Othello area as well as a potato futures "speculator" for his own account.

Idaho Potato Packers Corp., Bronx, N.Y., and an affiliated concern, Idaho Potato Packers of Idaho Inc., Blackfoot, Idaho, and their two owners, Robert H. Abend and Harold Abend, his brother.

James Minor, San Jacinto, Calif., and two companies owned by him, San Jacinto Packing Co. and Agri-Empire Inc., both also located in San Jacinto.

As described by the complaint, Messrs. Taggares, Ramm, Minor, the two Spiegels and the two Abends, "entered into a combination, conspiracy, agreement, arrangement or understanding among themselves" to purchase "a substantial amount" of long contracts of the May 1971 Idaho potato future. They also agreed to "establish, maintain and keep open increasingly large long positions . . . sufficient to enable them to cause an arbitrary and artificial rise in the price of such future," the complaint states.

In commodity trading, a "long" contract is a commitment to buy the commodity in question, usually with the expectation that the price will rise from the transaction price. A "short" contract is a commtiment to sell, usually in anticipation that the price will fall.

In addition to their own purchases, the respondents were "to solicit or influence various other individuals" to join them in buying long on the May 1971 potato contract and to increase such positions at later dates, the complaint alleges.

On May 10, 1971, expiration date of the May 1971 Idaho potato contract, the open interest on the Chicago Mercantile Exchange amounted to 2,034 contracts, each representing 50,000 pounds of Idaho Russet Burbank potatoes. Of the total, the "long respondents held, controlled or influenced" 1,820 contracts, or approximately 90% of the total open interest, the complaint says. Open interest refers to contracts that aren't closed.

GRADUAL INCREASE

Modie Spiegel, for example, beginning April 21, 1971, gradually increased his long position to 150 open contracts, the maximum permis-

sible speculative limit, by May 4, according to the complaint. Acting together, it says, Modie Spiegel and Edward Spiegel further "solicited or influenced at least three other individuals" to take an aggregate position of approximately 112 open contracts by the May 10 close of trading.

In addition to the buying plan, the "longs" allegedly "induced many of the short traders" not to pack and ship actual carlots of potatoes to satisfy their short commitments. They managed this, the complaint says, by "offering the 'shorts' actual carlots of potatoes that were to be 'retendered,' or redelivered to the long respondents in settlement" of the shorts' commitments. Subsequently, however, the offer was withdrawn by the respondents "despite the short traders' reliance thereon," the complaint states.

According to the complaint, Mr. Simplot's alleged role didn't begin until May 5, 1971, when he began to increase the short position of Simplot Eastern Idaho Produce Co. from the existing level of approximately 260 "sell" contracts. By May 7, the Simplot position amounted to 783 open "sell" contracts and remained at that level through the May 10 close of trading.

In a letter to Sen. Frank Church (D. Idaho) earlier this year, Alex Caldwell, CEA administrator, described the potato actions as "an attempted power play on both sides of the market." Mr. Caldwell also credited the Chicago Mercantile Exchange with having taken "all possible steps to remedy the situation at the time."

James Minor, owner of San Jacinto Packing Co. and Agri-Empire Inc., was the only one of those named who could be reached for comment. He said: "The charges have no foundation as far as we're concerned. The record is quite clear. When we were investigated by the commodity exchange, we showed them all of our records and it showed we were well within the limits at all times."

Mr. Minor maintained that he and his two companies are "absolutely innocent" of the charges. "We intend to fight the case," he added.

PROSPECT HALL, FREDERICK, MD.—EXPERIMENT IN INTERDENOMINATIONAL SCHOOLING

Mr. MATHIAS. Mr. President, Prospect Hall is an experiment in interdenominational schooling. It is an experiment which reflects the aspirations of parents, teachers, and civic leaders in my hometown of Frederick, Md. On Thursday, September 7, the Frederick Maryland Post published an article which gives a fuller picture of this exciting experiment. I commend the article to the Senate and 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:

PROSPECT HALL OPENS AS INDEPENDENT SCHOOL

Prospect Hall began it's first year as in independent interdenominational private day school when students reported to classes Wednesday at 9 a.m.

Greeting the students was the new administrator, Dr. Caledonio Ramirez, who promised the students an exciting academic and personal experience.

In the opening address to the student body, Dr. Ramirez reminded the young men and women that only a select few had the priviledge of participating in the founding of a new school. Noting that the class had an advantage in the fact that it was not tied down by having to follow tradition, Dr. Ramirez said that it would be up to the students to create traditions and lay the groundwork upon which those who shall succeed you must build.

The new students will attend the school for half a day this week and begin full time schedules starting Monday.

Dr. Ramirez will be joined in his teaching duties by 13 teachers including the Rev. Thomas Phillips, who is chaplain, and the Rev. Kenneth Powell, assistant chaplain.

TEXT OF DR. RAMIREZ' REMARKS

"In all acts man is already towards being. He is the shepard of Being." Martin Heidegger.

Welcome to Prospect Hall, and to an exciting Academic and personal experience. You are a very privileged group of young men and women. Only very few individuals and only on counted occasions, have had the privilege to participate in the founding of a school. Like them you also begin to share in the enormous task of giving birth to a center of learning that we hope will endure for countless years. The future that will emerge from what we do at present will be determined in a large measure by the ambition, the enthusiasm and the stature of those present here. I am sincerely confident that this group before me has the stature, the ambition, the courage and the strength to make Prospect Hall a true legacy for the future.

There are definite advantages in coming to a school that already has defined traditions, set ways, a reputation to keep. There are, however, greater advantages in belonging to the founding class of a school. You are not held down by traditions whose meaning have become sedimented and irrelevant. Rather it is within your power to create traditions and to lay down the groundwork upon which those who shall succeed you must build. As it is a divine quality to create, in establishing traditions you participate in the divine and become the examplars through whom everything is measured henceforth.

Understandably some of you may be sceptical of these creative prerogatives of which I speak. Allow me simply to point a few areas in which this is indeed a reality:

1. The student body at large is invited to choose the school colors and an alma mater which you believe genuinely represents the objectives of this school.

2. The students, particularly those involved with the Newspaper, the Year Book, The Literary Journal, the Basketball team, and the Baseball team are likewise invited to select names, mottos, mascots, etc.

3. When I look at you I choose to see in all of you responsible individuals who desire to challenge themselves to achieve the limit of your potentialities.

For this reason I believe likewise, that all of you deserve the opportunity to express your freedom and demonstrate your ability to make responsible use of it. With this in mind we are not obliging you to take every course offered just to fill your schedule or to remain in your classroom even though you have no class. Rather we are offering you the opportunity during certain periods to elect to take a course or not. If you decide not to take a course during a given period you are further allowed to spend this period in the library or in the Cafeteria.

The above are only a few tokens of the spirit in which we see the role of the student. Help us then to create together something beautiful and enduring.

In addition to your ability to create traditions you will also be exposed to a very exciting academic and activities program conducted by a vigorous and enthusiastic faculty. Not only have we put at your disposal a large number of elective courses but also we have arranged them in such manner that they may contribute to the education of the whole person, and especially to your orientation.

I believe that the fundamental goal of education is to orientate man to find his bearings. A man lost in the sea or in the woods is lost because he lacks a frame of reference a beacon by which he can guide himself As we are not born already in full knowledge of our destiny but must instead learn it in life it is the task of education to provide the orienting frames of reference.

Every man by nature desires to know where he comes from, where he is going, who he is, why is he existing. These questions are of ultimate concern to each and every man because they refer to the totality of his life and they seek after the beacon, the framework, or the causes through which a man may orientate his whole life. It is our purpose not to answer these questions for you but rather to help you answer them for yourselves, so that they may pose new questions and these in turn greater challenges. Man is indeed the shepherd of being because unlike all other animals he raises these questions, and in seeking their answer he becomes progressively more cognizant of his own being.

You shall be exposed to man's relentless questioning and at the same time you shall be guided that you may not be lost in its many labyrinths. The Ardiadne thread as you pass from math to Science, to Languages, to arts to social studies shall be the unified unfolding of your own persons. If as you progress through the years at Prospect Hall you find yourself more responsive to life to other people to the arts, to profound ideas, and great concepts you may consider this as a sign that in your being itself is taking place the greatest change of all—you are becoming actualized—you are approaching each moment the plentitude of men.

Naturally neither you nor I will be here looking into the future and dreaming of what shall be if it were not for the Board of Directors and a group of educated parents that throughout their whole summer has given of themselves to make this possible.

Prospect Hall is a work of love—the love of parents for their children—a love so intense as to cause them to give up their comfort and to work innumerable hours to make this possible. There are many tokens of their devotion and dedication. To me their spirit has been perhaps the most inspiring human experience in my life.

Tell the parents that have worked to make this possible that they are great men and women and that we shall have succeeded with our education if we can produce concerned citizens like themselves.

CYCLAMATE INDEMNIFICATION BILL

Mr. RIBICOFF. Mr. President, pending in the Committee on the Judiciary is H.R. 13366, a bill to compensate persons who were harmed economically by HEW's banning of cyclamates in October 1969. The bill raises issues of vital importance in our efforts to achieve a better system of food and drug regulation. Because of the concerted campaign being conducted on behalf of the bill by Abbott Labs, the large drug company which would be the primary beneficiary, and others who would profit directly by its passage, I believe it is necessary to raise a number of questions about the very serious consequences that could follow from its passage.

In 1971, the Subcommittee on Executive Reorganization and Government Research held hearings on Federal regulation of food additives at which the history of the cyclamate ban was discussed in some detail. Since that time, I have been active in numerous areas to improve the Food and Drug Administration's regulatory performance. The past several years have seen a marked change in the pub-

lic's attitude toward food and drug regulation and a steadily growing public demand that potentially dangerous substances be kept out of the food supply. At the same time, the number of food additives has grown exponentially, and the job of the FDA in regulating these additives has become far more difficult. At the present time, there are scores of substances in the food supply which are under attack as potentially dangerous by substantial and responsible segments of the scientific community: DES in beef livers, nitrosamines formed from nitrites in smoked meat and fish, food color additives Red No. 2 and Violet No. 2 in many foods. These are only a few examples.

The FDA is being called upon to make very difficult decisions. In many instances, the agency is only now beginning to give proper scientific scrutiny to drugs and food additives which were allowed on the market in previous years, before there was wide public awareness of the potential danger of chemical adulteration.

The FDA's job is hard enough already. This bill would make it harder. No agency can protect the public health effectively if each of its regulatory decisions has to be weighed against the possibility of billions of dollars in claims against the U.S. Treasury. Should the FDA have to ask, in every case, whether the U.S. Government can financially afford a decision it knows is medically and scientifically right? Should the saving of lives through proper regulatory decisions have to be balanced against the saving of dollars through the avoidance of vigorous regulation? Should the Secretary of the Treasury become a necessary participant in every major regulatory decision involving the safety of food and drugs?

These are only some of the major public health issues raised by this legislation. There are other issues as well—issues of proper economic and business policy. How far are we willing to have Government go in removing the risks of doing business by bankrolling private industry? How open-ended is the unfortunate precedent of the Lockheed loan which its sponsors then said was a unique case? How much will the principle of this bill ultimately cost the Government, and who would benefit most?

These questions cannot be answered easily. At the very least, legislation such as this should not be adopted until all committees whose jurisdiction is affected have given the most full and searching consideration to all its consequences. Certainly it would be highly unfortunate for legislation with such far-reaching effect on public health to be rushed through any committee—much less the entire Senate—in a few days at the end of the session without receiving the benefit of full and careful deliberation.

If and when the bill comes to the floor of the Senate, there will, of course, be long and extensive debate. There is no reason why this debate should take place at a time when the press of business is such that the bill cannot possibly receive the searching examination it needs.

No amount of floor debate, however, can substitute for a thorough examination of all the issues by the appropriate committee or committees whose jurisdictions are affected by it. I would urge the members of those committees to look closely at the consequences of the bill before reporting it to the Senate or quickly adopting any compromise solution which might, in the end, compromise only the interests of all Americans in having an effective protector of the public health.

For myself, I believe that the health consequences of the bill represent too high a price for the American people to pay and that the bill ought to be rejected.

Mr. President, I ask unanimous consent that an article written by Morton Mintz concerning the bill and published in today's Washington Post, be printed in the RECORD.

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

BAIL-OUT BILLS ARE BURGEONING

(By Morton Mintz)

The philosophic differences between most "conservatives" and "liberals" often seem to vanish when powerful economic interests seek protection on Capitol Hill from the risks of loss supposedly inherent in capitalist enterprises.

Without such political harmony the government would not have guaranteed the $250 million Lockheed loan, imposed import quotas on inexpensive foreign oil, granted so many subsidies or exempted the separate ownerships of jointly operated newspapers from the antitrust laws.

Currently, Congress is being all but engulfed by a new wave of bail-out proposals. If pesticides are to be judged imminent hazards to health and banned, their producers contend the taxpayers should indemnify them. If factories are to be closed as unsafe for workers, the owners argue that the government should reimburse them. And a resolution passed at the recent Stockholm Conference on the Environment would have the U.S. Treasury indemnify a foreign country if U.S. health standards block it from selling certain raw materials to U.S. businesses.

Lawyer Anita Johnson of Ralph Nader's Health Research Group cited such proposals last week when she appeared before Sen. Edward M. Kennedy (D-Mass.) to oppose the most imminent bail-out legislation: A bill that would cost the taxpayers an estimated $100 million to $500 million, that the House already has passed (177 to 170) and that the Senate Judiciary Committee is expected to act upon shortly.

Starting as far back as 1951 there were increasingly ominous public warnings that cyclamate, in laboratory animals, had caused not only cancer but also birth defects, gene mutations and other adverse effects.

Yet annual consumption, in the six years before the ban, increased from 5 million to 17 million pounds. Those companies that promoted cyclamate thus were on notice, exercised bad judgment and ought to take the consequences, say such opponents as Rep. Emanuel Celler (D-N.Y.), chairman of the House Judiciary Committee.

Supporters contend the government's ban came without warning, catching them with large inventories of cyclamate-sweetened products. They say they had placed "good-faith reliance" on the inclusion of the chemical in the Food and Drug Administration's GRAS (Generally Regarded As Safe) list of food additives.

President Nixon, a self-proclaimed "conservative," doesn't dispute them. Indeed, the Agriculture and Commerce Departments endorse the bill. HEW and Justice had wanted to oppose it, Senate sources say, but became non-resistant under White House pressure.

The chief cyclamate supplier, Abbott Laboratories, estimated by Miss Johnson to have made "at least $8 million in clear profits" from the chemical, told Kennedy's Judiciary subcommittee that the bail-out bill would net it $3.2 million after taxes. Soft-drink spokesmen estimated they would get $30 million, a figure also cited by the Commerce Department. But in 1969 a Pepsi-Cola executive used the figure of $400 million.

Large firms with high stakes in the bill tend to keep a low profile. Abbott, for example, testified not voluntarily, but at the Senate subcommittee's request. Meanwhile, supporters of the bill emphasize the losses suffered by farmers.

Would the bill "dampen the vigor" of regulatory officials? Kennedy wondered "Yes," said lawyer Johnson: Such officials would "take into account the indemnity cost" to the government. Kennedy also wondered if the bill would encourage business "to resolve product safety doubts . . . in favor of profits." Such doubts existed, well before the ban, at Campbell Soups. It resolved them in favor of the consumer. It, of course, would not benefit from the bill.

If the other companies are bailed out by the government, warns Rep. Leonor Sullivan (D-Mo.), it will be "inviting every industry . . . to come in and ask to open the same cash box for them, too."

THE NATION'S FIRST SECRETARY

Mr. PERCY. Mr. President, the Chicago Tribune recently ran an excellent article about Rose Mary Woods, entitled "The Nation's First Secretary."

Many of us have been privileged to know Rose Mary Woods through the years, in victory and defeat. I can well remember the time I called on her after the Republican defeat in 1960. Vice President Nixon's offices had been moved to the basement, in preparation for Lyndon Johnson's move to the principal offices. All payrolls and office supply allowances were coming to a dead halt within 24 hours, and Rose Mary Woods was faced with the job of seeing to it that thousands of letters were answered while no Government allowance was available to cover any of the costs. She should have been in tears, but, characteristically, she was carrying on in the best of spirits.

Many of us in public life are deeply indebted to the competent members of our staffs. In my own case, I have been blessed with the same executive secretary, Mrs. Nadine Jacobson, in business and public life for the past decade and a half. Without her untiring, efficient and devoted approach to problems and her undaunted, charming personality, life would be much harder and not nearly so productive and pleasant for the Percy family, staff, and myself.

So I say, great tribute is due to "The Nation's First Secretary" and to all such distinguished executive secretaries whose accomplishments are too infrequently heralded, but without whose competence, judgment, and limitless patience, the Nation's work would not be so well done.

I ask unanimous consent that the Chicago Tribune article of September 10, written by Mary Daniels, be printed in the RECORD.

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

ROSE MARY WOODS: THE NATION'S FIRST SECRETARY

(By Mary Daniels)

The whole world may be wondering who is going to be the next President, but Rose Mary Woods has a very personal interest. If Richard Nixon goes, so does she.

As his personal secretary, she is as close to the nation's heartbeat as any woman; consequently, she has probably one of the most exciting jobs going.

A crispy-neat blonde in her early fifties, gentle, unassuming Rose Mary sits at her desk in a small, sunny room in the White House. She smilingly agrees, "I don't think I'll ever get over feeling I am sitting in the middle of the world."

Every one must know by now how the dedicated and loyal Miss Woods got to the White House. She met Richard Nixon when she was a secretary on the staff of the Foreign Service Education Foundation in Washington, D.C., and he was a freshman congressman from California on one of its committees.

After he was elected to the Senate, "He asked Christian Herter [head of the committee which was drafting the Marshall Plan] if his recollection was right that I was a good secretary. I was impressed because he didn't ask if I were Republican or Democrat, Catholic or Protestant," she remembers.

Tho she has known him for a long time, was she awed by him when he became President?

"I wouldn't say awed. I've always had great respect for him.

"He's so kind, so thoughtful of his family and other people working in the White House.

"He's so pleasant when he's walking from the residence to the office. He says, 'How are you doing today? Is it warm enough for you?' I think it's a real thrill for everyone."

How is President Nixon as a boss? Obviously, she thinks he's terrific. . . .

"Oh, he is. I wouldn't still be here if he weren't," she smiles. "He's very considerate. If something has gone wrong, he never takes on a staff member. He doesn't waste time worrying about things he can't do anything about. The President is the most disciplined individual I've ever known," says his secretary.

What exactly are her duties?

Actually, she is more an executive secretary with her own three secretaries, who have an office adjacent to hers and between hers and the President's.

These three secretaries perform much of the same function between her and would-be visitors as Rose Mary does between the President and the public. I called for more than a week hoping to get an appointment before an interview finally came thru.

"Personal secretary is sort of an odd title," Rose Mary explained. "I do look at all the letters and all those things that need his signature."

[I could not help noticing a letter that read: "Mr. President, Look out! Watch your Ps and Qs," and was signed "Duke." Rose Mary laughs and says it is attached to a telegram from the American Party to John Wayne asking him to be its candidate for President.]

"I get a lot of mail. It's amazing how many people think they'll get to the President faster by writing me."

Her schedule would send any other woman's blood sugar plummeting to coma levels. She says she's "here at 7:30 every morning, and I leave approximately at 7. The telephones are quiet before 9, and I accomplish a lot more in that period. . . . I think I've been secretary to a senator, a vice president, a candidate for governor, a New York lawyer, as well as to the President of the United States. Has it been like starting anew each time?

Over the years she's had a variety of jobs, altho she's always had the same boss. She's been secretary to a senator, a vice president, a candidate for governor, a New York lawyer, as well as to the President of the United States. Has it been like starting anew each time?

"No, it's never really starting over, but each time it's different."

Are her duties any different in a campaign year? This is her third campaign and, she says, "It's different from anything else we've ever done. There's a lot of typing. As Vice President he had 15 people on his staff. We used to work long hours. But now, for the first time, we have enough people. And we have a campaign committee, so I'm removed."

In the first presidential campaign she says, Nixon had only "a group of five or six," and "for a long time I was the only employee he had. We did a little bit of everything then. It's never been dull," she remembers.

How does she feel about spending four more years in the White House?

"I think it's great. I don't think it's important that I spend them here, but I do think it's terribly important that he does."

Rose Mary is often referred to here as "a Chicago girl," since she is the sister of Joseph Woods, former Cook County sheriff. She used to visit here quite often, but "I haven't been to Joe's house now for more than a year." [She has two sisters and another brother who live in Ohio and aren't active at all in politics.]

In fact, she doesn't go much of anywhere since she's been secretary to a President.

With such a hectic pace, she's "organized in the work I have to do, but in my own personal life I get behind on things."

Her tailored, smart Irish green dress, to match her ethnic roots, she says "was bought by a friend who luckily does a lot of shopping for me. I'm hardly ever in stores. I certainly save money that way," she laughs at this strange fringe benefit of her job.

Despite pressures that sometimes take their toll on her constitution, [she's had pneumonia three times in campaign years, and more recently got a salmonella infection in California, eating the same things everyone else did], she loves her job. She says she thinks the reason she can work so hard and long is that she feels she is contributing to history. "I couldn't do it on a dull job."

She says she never planned for a career. "I probably would have been the type to stay home. I certainly never thought of having a career like this. When I first came to Washington, I cried most of the way here."

How she got there was an accident. In fact, Rose Mary came close to not going anywhere at all ever. When she was graduated from high school in Sebring, Ohio, where she was born, "I weighed 82 pounds. It was a growth. It may well have been cancer. Nobody knows. They X-rayed it, and it disappeared. I wasn't able to work when I first got out. I wasn't able to go to school."

While she was convalescing, her parents sent her on a family mission of mercy. "I had a sister here who had a very tragic personal problem, and I was the only one who could come. She's long since been back there," she laughs, "and here I am." Now, she says, "I love Washington. It's a thrill to be back."

Altho she's often referred to as "the Nixons' personal secretary," Rose Mary says she doesn't really do any work for Mrs. Nixon. "Mostly it's the other way around. She helps us. In New York, she sat back in a corner of the little office I had and would file, draft letters, type, anything to help."

What does Rose Mary feel has been her greatest asset in her demanding job?

"I think what really helps most in any job is a feeling of security. I thank my parents for the sense of security that existed in my home."

What does she plan to do when she retires, after existing on a high scale of drama?

She sighs. "I'm always saying what I'd like to do is something very simple, like run a hot dog stand on the beach."

She plans to write no books. "I've seen books which came out after other administrations that I think were a discredit. I'd be glad to help someone else trying to write a book. . . . I might even want to review books other people write."

Looking back at her career, Rose Mary doesn't cotton much to the current women's lib notion that puts down being a secretary.

"I think it's a great mistake to downgrade the job. I think it's the best way to break into any field," says Miss Woods, who never went to college, yet nonetheless was named one of the 10 women of the year by the Los Angeles Times in 1961 and one of the 75 most important women in America by the Ladies Home Journal.

"I think starting out as a secretary is a good way to learn anything and to learn about the people you're working with.

"I know a lot of women's lib people, and I doubt if any of them has a job half as interesting and important as mine.

"I think they put too much emphasis on title."

This Rose by any other name would still have a job that's sweet.

DEATH TOLL FROM HUMAN EXPERIMENTATION

Mr. HUMPHREY. Mr. President, an article in the September 12 issue of the Washington Post reports the harsh statistics of death and crippled lives resulting from untreated syphilis in the Tuskegee human experimentation project conducted by the U.S. Public Health Service since 1932.

At least 28 Alabama black men died from this dread disease—a far higher death toll than originally reported by PHS. But even this revised figure may be only the tip of the iceberg, for it has been reported that at least 431 of the participants in the Tuskegee study were never treated for syphilis. And, this leaves open the question of how many participants suffer the terrible effects of syphilis.

On August 24, Dr. Merlin K. DuVal, HEW Assistant Secretary for Health and Scientific Affairs, announced the appointment of a nine-member Tuskegee Syphilis Study Ad Hoc Advisory Panel, to be headed by Dr. Broadus N. Butler, president of Dillard University, in New Orleans. Composed of professional persons in the fields of medicine, law, religion, labor, education, health administration, and public affairs, and of whom five are black, this panel is to determine whether this study was justified and should be continued, and whether existing policies in health research conducted or supported by the Department of Health, Education, and Welfare are adequate and effective or what policy improvements should be recommended.

While this panel is to submit its report to the Assistant Secretary within 90 days, I intend to give close attention to its required earlier report, within 30 days, on whether the Tuskegee study should be continued or how it should be terminated in a way consistent with the rights and health needs of its remaining participants.

Although the appointment of this panel is a welcome response to serious

public concern, I believe it is an action that is long overdue and that cannot begin to address the extensive and complex issues of health experimentation conducted or assisted under the auspices of a number of Federal departments and agencies.

It was to meet this immediate and critical need for national guidelines on all human experimentation that I recently introduced the National Human Experimentation Standards Board Act, S. 3951. I believe this legislation represents the only method by which this profound national problem can be addressed effectively, and I would urge that Senate committee and floor action on this measure be achieved as soon as possible.

The National Human Experimentation Standards Board Act calls for the establishment of an independent agency with professional expertise in clinical investigations. The Board would have subpena powers and the right to hold hearings, and would have authority to obtain court-ordered injunctions, thereby assuring that every human experimentation project financed by Federal funds is subject to a determination at the highest level of Government on whether it is in compliance with national standards or should be immediately terminated.

This is also the only way that demonstrated limitations in any procedure for determining a participant's voluntary consent to an experiment can be overcome. Nor is it sufficient any longer to leave the determination of human experimentation standards and oversight to the respective organization or Federal agency directly involved in the allocation of Federal assistance for that experiment. These facts are driven home sharply in an article on the Tuskegee study, appearing in the New York Times of September 13, which reveals a shocking system of rewards and punishments to induce participants to continue in the study, and which suggests clearly that the objectives of this 40-year project had already been achieved by 1936. A further article in the September 12 issue of the Evening Star and Daily News, published in Washington, D.C., describes the rewards of a social club, a ride in a Government car, free medicine, and burial cost assistance, all designed to play directly upon the abject poverty of participants as inducements to remain in the study.

I call upon Congress to take informed and decisive action on this basic issue of human life, which the Tuskegee study has brought so sharply to public attention. Mr. President, I ask unanimous consent that the articles cited in my remarks, and published in the Washington Post of September 12, the New York Times of September 13, and the Washington Evening Star and Daily News of September 12, be printed in the RECORD.

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

[From the Washington Post, Sept. 2, 1972]

TOLL IN TUSKEGEE STUDY OF SYPHILIS PUT HIGHER

Reports written by doctors in charge of a federal syphilis experiment show that at least 28 of the Alabama black men used in the study died as a direct result of untreated syphilis.

And it's possible the figure could be close to 100 men. Officials of the U.S. Public Health Service, which conducted the experiment called the Tuskegee Study, said previously that seven men died as a result of untreated syphilis.

In the 40-year Tuskegee Study, at least 431 Macon County, Ala., black men were denied treatment for syphilis so that PHS doctors could determine through eventual autopsy what damage the untreated disease had done to their bodies.

After one group of autopsies, PHS doctors reported, "In 28 (30.4 percent) of the 92 syphilitic patients examined at autopsy, syphilitic involvement of the cardiovascular or the central nervous system was established as the primary cause of death."

That toll could be much higher than 28. Of some 431 untreated syphilitics—and that figure probably is higher since some early participants in the study dropped from sight and were replaced—74 survived, meaning at least 357 have died.

If the 30.4 percent syphilis-caused death rate found for the first 92 men autopsied held true for the entire deceased portion of study population, the toll of men who died of untreated syphilis would be 107.

In addition to the high death rate, the reports detail a grim series of side effects suffered by participants in the Tuskegee Study, which began in 1932 and continues to this day. From a 1946 report:

"Examination . . . did reveal evidence of arteriosclerosis (hardening of the arteries) more frequently in the syphilitic than in the control (nonsyphilitic) group.

"A significantly greater percentage of the syphilitic cases than of the controls gave evidence of abnormal conditions of the lymph nodes . . .

The syphilitics exhibited more loss of vision at all ages than did the controls. . .

"It is clear that in the the absence of treatment the person infected with syphilis, even though he may escape the late crippling manifestations which lead directly to death, still runs a considerable risk of having his life span shortened by other fatal conditions. In addition, he can expect to experience more manifestations of ill health of all kinds than do uninfected persons."

[From the New York Times, Sept. 13, 1972]

SYPHILIS STUDY CONTINUED AFTER ITS APPARENT SUCCESS

WASHINGTON, Sept. 12 (AP)—After only four years of a 40-year Federal syphilis experiment in Alabama, doctors had apparently gained the specific knowledge they initially sought.

But instead of ending the study and treating the participants, the doctors continued the experiment, presumably with the knowledge that some of the human subjects would suffer potentially fatal diseases.

The experiment, called the Tuskegee Study, began in 1932 and eventually involved more than 430 syphilitic black men from the Tuskegee, Ala., area who were given no treatment for their diseases. Also included in the early years of the study were 275 syphilitics who did receive treatment and 201 non-syphilitics. During the experiment, run by the United States Public Health Service, at least 28 men died as a direct result of untreated syphilis.

Dozens of others suffered such potentially fatal side effects as heart and central nervous system deterioration. Others had glandular and vision damage.

"Morbidity [physical degeneration] in male Negroes with untreated spyhilis far exceeds that in a comparable, presumably nonsyphilitic group," Health Service doctors said in a 1936 report on the Tuskegee Study, the first report on the four-year-old experiment.

The same report said that the study had been undertaken to determine the effectiveness of available syphilis treatment, which then consisted of injections of metals and arsenic. The doctors said they wanted to find out if the syphilitics given treatment fared better than those not receiving it.

But the same 1936 report that posed that question also seemingly answered it.

"Among 68 individuals who were adequately treated during the first two years of their infection, not a single one returned with any of the manifestations of late syphilis," the report said.

"The fact that none of these patients returned up to the 15th year of observation with a late syphilitic manifestation indicates that effective treatment has definite preventive value against the crippling manifestations of late syphilis," the report continued.

Doctors were able to observe men in their 15th year of syphilis, although the Tuskegee Study was only four years old, because some of the subjects had suffered from the disease for as long as 11 years when the study began.

MEMBERS OF A CLUB

Some of the black men who participated were led to believe they had joined a popular type of social club.

Reports written by doctors in charge of the experiment describe clearly the doctors' feelings that the men were so ignorant that they had to be rewarded and punished like children to get them and keep them in the program.

Among the rewards in the program was the opportunity for the men to ride in a big chauffeured car with a government seal on it for all their friends to see. Among the punishments was a threat to withdraw a promise of government-sponsored free burial.

Generally, the reports say, the men did what they were asked.

Those in the program joined what was called Miss Rivers' Lodge, a combination social club and burial society, which met once a year when the "government doctor" came to town with his free medicine.

[From the Evening Star and Daily News, Sept. 12, 1972]

PROMISED FREE BURIAL: SYPHILIS STUDY CALLED FRIENDLY "SOCIAL CLUB"

(By Jean Heller)

Over the years of a federal syphilis study in Alabama, some of the black men who participated were led to believe they had joined a popular type of social club.

Reports written during the past 40 years by U.S. public health service doctors in charge of the experiment, called the Tuskegee Study, describe clearly the doctors' feelings that the men were so ignorant that they had to be rewarded and punished like children to get them into, and keep them in, a program in which the men weren't treated for syphilis, but were used as a study group.

Of the first 92 autopsies performed on the untreated syphilitics in the experiment, PHS doctors said they found 28 had died as a direct result of the untreated disease. And dozens of others suffered crippling side effects.

Among the rewards in the program was the opportunity for the men to ride in a big chauffeured car with a government seal on it for all their friends to see. Among the punishments was a threat to withdraw a promise of free burial.

Generally, the reports say, the men did what they were asked.

JOINED IN "LODGE"

Those in the program joined what was called Miss Rivers' Lodge, a combination social club and burial society, which met once a year when the "government doctor" came to town with his free medicine.

Such lodges were popular in the South at the time among poor, rural blacks. In most lodges a member contributed a few cents a month which was saved until his death to help his family defray costs of a funeral and

burial. Until that day, the lodge could be the focal point of the member's social life.

Miss Rivers' Lodge was named for Eunice Rivers, a Public Health Service nurse responsible for keeping track of the men in the Tuskegee Study.

There were no money dues in that lodge. The members paid by submitting to an annual physical examination for PHS doctors. A PHS report from 1953 describes the ritual.

MEETING OF FRIENDS

"The patients congregated in groups at churches and at crossroads to meet the nurse's car in the morning. As the newness of the project wore off and fears of being hurt were relieved, the gatherings became more social. The examination became an opportunity for men from different and often isolated parts of the country to meet and exchange news.

"Later, the nurse's small car was replaced with a large, new government station wagon. The ride to and from the hospital in this vehicle, with the government emblem on the front door, chauffeured by the nurse, was a mark of distinction for many of the men who enjoyed waving to their neighbors as they drove by.

"Because of the low educational status of the majority of the patients, it was impossible to appeal to them from a purely scientific approach. Therefore, various methods were used to maintain and stimulate their interest.

"Free medicines, burial assistance or insurance, the project being referred to as Miss Rivers' Lodge, free hot meals on the days of examinations, transportation to and from the hospital, and an opportunity to stop in town on the return trip to shop or visit with their friends on the streets all helped."

INTEREST WANED

Nonetheless, the report continued, there were times when the interest of some of the participants waned, an attitude which "sometimes appeared to the examining physician as rank ingratitude."

When Miss Rivers detected a patient losing interest, "she appealed to him from an unselfish standpoint. What the burial assistance would mean to his family, to pay funeral expenses or to purchase clothes for his orphaned children," the report said.

And, the report added, "The excellent care given these patients was important in creating in the family a favorable attitude which eventually would lead to permission to perform an autopsy."

INTERGOVERNMENTAL COOPERATION ACT OF 1972 IS NEEDED TO IMPROVE THE ADMINISTRATION OF FEDERAL GRANTS-IN-AID

Mr. ROTH. Mr. President, I wish to speak on a topic upon which I have expended much time and many words during the last several years. I refer to improvements in the delivery of our frightfully complex system of Federal domestic assistance. The operation of this apparatus of intergovernmental assistance has made it ever more clear that the accomplishment of the social goals of public programs is greatly dependent upon the way in which we administer these programs day to day.

My support for S. 3140, the Intergovernmental Cooperation Act of 1972, introduced by the distinguished junior Senator from Maine (Mr. MUSKIE) and cosponsored by myself and other Senators is rooted in several studies I have conducted since my election to Congress in 1966. These studies include the compilation of the first comprehensive catalog of domestic assistance programs in 1969; a survey of the degree to which Federal agencies evaluate the success of their grant programs; and a review of the extent to which program requirements can and have been made more uniform.

S. 3140, as reported by the Government Operations Committee, would provide for the rationalization of Federal grants-in-aid through the following provisions:

First. Permission to Federal agencies to place greater reliance on State and local audits which meet Federal standards.

Second. Semilegislative powers to the President, with adequate safeguards, to consolidate overlapping programs.

Third. Authority for agencies to set up common application, management, and funding procedures for appropriate programs.

Fourth. Direction to the committees of Congress to periodically review grant programs falling within each committee's jurisdiction. To assist in this task a new staff position of program review specialist is authorized. There is no doubt that legislation of this sort is long overdue. The Advisory Committee on Intergovernmental Relations, the Nixon administration, House and Senate Intergovernmental Relations Subcommittees and their staffs, and individual Members of both Chambers have supported and contributed to this measure. The number of grant programs we have—over 1,000—the number of agencies involved in administering them; and the complexity of the requirements applied to grantees, all contribute to an aid system that is both hard for potential State and local beneficiaries to use and almost impossible to administer and coordinate at the national level.

Even if all the President's generally constructive plans for special revenue sharing and executive reorganization were put into effect, we would still need this legislation. Currently there are something like 172 housing programs, considering the multiple use of programs, handled by 16 agencies and 32 subagencies. Special revenue sharing and reorganization would likely reduce these figures to 155 programs, 13 major agencies, nine newly created administrators and 20 subagencies.

The Intergovernmental Cooperation Act of 1972 would be one step in the direction of making Federal grants-in-aid more positive contributors to our Federal system. I highly commend S. 3140 to the Senate and urge its passage.

ELECTION YEAR DEFENSE SPENDING

Mr. PROXMIRE. Mr. President, figures released by the Department of Defense show that defense contract awards increased in fiscal year 1972 over 1971 from $34.5 billion to $38.3 billion, a rise of $3.8 billion, or 11 percent.

In the first 6 months of the current calendar year, Defense purchases of goods and services increased from an annual rate of $71.9 billion to $78.6 billion, a rise of $6.7 billion, or 9.3 percent.

These figures reverse a 4-year trend of defense reductions and are evidence that the administration is pursuing inflationary big-spending policies with regard to the military sector.

What is most disturbing is the way defense contracts are being steered in the direction of the giant aerospace corporations.

The largest increases in contract awards went for aircraft, missiles, and space systems, electronics and communication equipment, and research and development. It is in these areas that the giant aerospace firms are dominant and often extract excessive profits despite poor performance and inefficiency.

Competitive contract awards, defined as those made after formal advertising and lowest price bids, dropped to only 10.3 percent of the total, the lowest level of competition in defense contracting in more than 20 years.

Sole-source procurements, awarded on the basis of negotiations between the Pentagon and a single firm, increased to 58.6 percent. Pentagon studies have shown that sole-source contracts cost 25 percent more than competitively bid contracts.

In my judgment, by its decisions to increase defense contracts and to all but eliminate competition, the Pentagon has made election year gifts to the aerospace industry worth billions of taxpayers' dollars.

HEROISM OF TWO KENTUCKY CITIZENS

Mr. COOK. Mr. President, I am privileged to invite the attention of Senators to the heroic act of two citizens of my State and the recognition accorded them.

On April 15, 1972, Mr. Leo M. Benson of St. Charles, Ky., and Mr. R. E. Pleasent of Dawson Springs, Ky., risked their own lives to save the life of a fellow being.

These two gentlemen, who are employees of the Louisville & Nashville Railroad, saw that the oncoming train of their company was about to demolish an automobile that was stalled on the crossing while the father and two older children were attempting to push the car off the track. In the car was a 3-year-old daughter of Mr. Edward Sydnor, the driver of the car. When the front of the engine was about 20 feet from the car, Mr. Benson and Mr. Pleasent acted swiftly enough and at great risk to their own lives, to snatch the girl from the car before it was totally demolished.

This heroic act on the part of Mr. Benson and Mr. Pleasent has been brought to the attention of the President of the United States, and his response was to award each of them a Presidential citation and a letter of transmittal which reads in part—

Your willingness to help others, even at great personal risk and your bravery in the face of danger merit the admiration and appreciation of all our fellow Americans. In recognition of your outstanding efforts, I want you to have the enclosed certificate which comes to you with my congratulations and very best wishes for the future.

Mr. President, I am proud that this heroic act has been noted by the President and that these two young Kentuckians have demonstrated such unselfish

courage—in an age where we have seen so much crime and terrorism—that stands as an inspiration for all Americans. I understand that these gentlemen are also to be nominated for the Carnegie Medal for Heroism, and I heartily endorse that nomination.

TRIBUTE TO THOMAS STEICHEN AND ARTHUR SMABY—TWO GIANTS IN FARM COOPERATIVE WORK

Mr. MONDALE. Mr. President, I wish to pay tribute to two of my dear friends, Thomas H. Steichen and Arthur J. Smaby. These two men, who selflessly served the farmers and rural residents of Minnesota, have recently passed away. We mourn them and we honor their long and energetic efforts to build two small farm cooperatives into modern regional co-ops noted for service to members.

Tom Steichen, who was president and general manager of Farmers Union Central Exchange, suffered a heart attack and died August 30. Art Smaby, who served as general manager of Midland Cooperatives, Inc., for more than 20 years, suffered a stroke and died earlier this week.

I have had the privilege of working closely with each of them on the problems and needs of rural Americans while I was attorney general of Minnesota and throughout my career in the Senate. Both Minnesota and the Nation will sorely miss their guidance and leadership in the cooperative movement.

Tom Steichen began his career in cooperatives in 1935 as manager of the Farmers Union Oil Co. of New Richmond, Wis. The next year he accepted a post in the credit department of the Central Exchange. He advanced rapidly within the cooperative, becoming assistant manager in 1938, credit manager in 1951, assistant general manager in 1955, and general manager in 1957.

Tom Steichen was born and raised on a 100-acre farm near Watertown, S. Dak. He was educated in the Watertown school system, including its business college.

Thoroughly dedicated to the principles of cooperative business, he was a leading exponent of farmer ownership of farm supply sources. During his tenure, Central Exchange increased its product line to more than 23,000 different items and enabled farmers to become owners of a fully integrated source of supply for fertilizer and petroleum commodities.

In addition to his duties as president of Central Exchange, Mr. Steichen served on the boards of many cooperative organizations and was a director of the National Council of Farmer Cooperatives in Washington, D.C. Active in Twin Cities organizations, he was also a member of the St. Paul Athletic Club, Knights of Columbus, the South St. Paul Rotary Club, and the Southeast Metro Chamber of Commerce.

Mr. Steichen is survived by his wife, Virginia; two sons, John T., Fridley, Minn., and Nicholas, South St. Paul; three daughters, Mrs. Kenneth—Margaret—Pederson, Naperville, Ill., and Mrs. Michael—Lynne—Lofthus and Mary Jean Steichen, both of South St. Paul; and nine grandchildren.

Art Smaby started out as manager of the Tri-County Cooperative Oil Association at Rushford, Minn., in 1932. In 1936 he went to work in the credit department of Midland Cooperative Wholesale, which later became Midland Cooperatives, Inc.

In 1936 he went to work in the credit department of Midland Cooperative Wholesale, which later became Midland Cooperatives, Inc. He served as Midland's credit manager for 2 years and then became assistant general manager. In 1941, he was appointed general manager at age 32—the youngest chief executive of any regional cooperative in the United States.

Midland's sales when he became manager were $6,229,000; by 1971 sales had grown to $125.7 million and it ranked 647th in the Fortune magazine directory of the top 1,000 U.S. industrial firms.

In the late 1930's, Mr. Smaby was the originator, with Hans Lahti of Cooperative Auditing Service, of the "Smaby-Lahti" measuring rod for financial and operating statements. The system, which set up a simplified formula for determining the financial progress and welfare of a cooperative attracted nationwide attention in cooperative accounting circles.

During his career he served in many civic and business positions. He served as a director of the Farm Credit Board of St. Paul from 1953 to 1965 and as the Secretary of Agriculture's representative on the Federal Farm Credit Board from 1965 to 1969. Mr. Smaby served as a director and as chairman of the board of the Cooperative League of the U.S.A., a director of the Fund for International Cooperative Development, a trustee of the American Institute of Cooperation, and a member of the central committee of the International Cooperative Alliance.

He was a leader in adopting and advocating modern business management methods for cooperatives and always insisted that cooperatives work hard to live up to their reputation as people-minded organizations.

Mr. Smaby is survived by his widow Alpha, Minneapolis; three daughters, Marit—Mrs. Forrest Nowlin, Jr.—of St. Paul; Karlin and Jan, both of Minneapolis, and a granddaughter.

The passing of these two giants in cooperative development is a tremendous loss to Minnesota and to farmers throughout the Upper Midwest and Northwest region of our Nation. Through their leadership, two fledgling regional cooperatives were able to grow and prosper in efforts to serve the needs of family farmers through local cooperatives. Tom Steichen and Art Smaby were considered two of the ablest cooperative administrators in the Nation by farmers, farm leaders and officials of other farm cooperatives. They were highly respected by businessmen and public officials across the Nation. I am deeply saddened that suddenly they are both gone.

Both were great men and both were Minnesota giants; both were blessed with lovely and supporting families, and I shall feel forever blessed that I could call both of them friends.

In behalf of all Minnesotans, I rise to honor their memory, to express our profound regrets to their families, and to express our deepest gratitude for their remarkable and lasting contribution to our State and Nation.

I shall never forget them.

AMERICAN AGRICULTURE LOSES TWO OF ITS FINEST LEADERS

Mr. HUMPHREY. Mr. President, I wish to join my Senate colleague from Minnesota (Mr. MONDALE) in paying tribute to Messrs. Thomas H. Steichen and Arthur J. Smaby who recently passed away. The death of these two great cooperative leaders will be deeply felt throughout American agriculture. These two men were not only close and dear friends of mine, but men on whom I relied heavily for advice and counsel over my many years of public service. Arthur Smaby, who was named general manager of Midland Cooperative, Inc. in 1941, and served as that organization's chief executive officer continuously since that time, helped build the sales of that cooperative from $6 million to almost $126 million in 1971. He was a pillar of strength and a fountain of inspiration to the cooperative movement.

Art Smaby made many contributions throughout his lifetime to advance the cause of farm cooperatives, farm credit, farm programs, and international cooperation among world farm producers. In addition to his many public and industry contributions, he also was a devoted husband, father and grandfather and a good personal friend of mine.

Tom Steichen, who began his career in 1935 in cooperatives, worked his way up through the ranks of the Farmers Union Central Exchange until he became its general manager in 1957. Tom and I shared our early beginning in life in the open countryside of South Dakota. Like his colleague, Art Smaby, Tom Steichen dedicated his life and work to further the cause of American agriculture and farm cooperatives. He served on the boards of many cooperative organizations, including director of the National Council of Farmer Cooperatives in Washington, D.C. These activities were all in addition to his duties and responsibilities as president of Central Exchange. His devotion to his work, his community, and to his wife and lovely family were all living examples of the best in man.

My sincerest sympathy and condolences go out to the wives and families of these two fine and able men. We honor their memory and mourn their passing. We are deeply saddened by this sudden and tremendous loss to American agriculture and the farm cooperative movement. They both set high standards and goals for all of us to pursue, and the inspiration they have left behind should serve us well in achieving those ends.

I ask unanimous consent to have printed in the RECORD brief biographical résumés of these outstanding citizens—one prepared by the Midland Cooperatives concerning the life and work of Arthur Smaby. The other the Farmers Union Herald, reviewing the career of Thomas H. Steichen.

There being no objection, the résumés

were ordered to be printed in the RECORD, as follows:

ARTHUR J. SMABY, MIDLAND COOPERATIVES PRESIDENT, DIES

Arthur J. Smaby, who was named Midland's general manager in 1941 and since has served continuously as its chief executive officer, died at Eitel Hospital, Minneapolis, Sept. 11. He was 64.

He had undergone apparently successful open-heart surgery Aug. 1 to replace a defective heart valve, and was convalescing at his home. He was hospitalized Sept. 9 after a stroke and died two days later.

Mr. Smaby had relinquished the position of general manager in July, planning to continue as Midland president until Jan. 1, 1972, then to serve as an adviser until his retirement, planned for May 1973.

Born at Peterson, Minn., in Fillmore County, in 1908, Mr. Smaby attended public schools in Peterson; Dunwoody Institute, Minneapolis and Luther College, Decorah, Iowa.

He began his business career in 1932 as manager of the Tri-County Cooperative Oil Association, Rushford, Minn. He was hired in 1936 to work in the credit department of Midland Cooperative Wholesale, which later became Midland Cooperatives, Incorporated.

He became Midland's credit manager in 1937 and was named assistant general manager in 1939. He was appointed acting general manager in 1940 following the retirement of E. G. Cort, who had led in the cooperative's organization and was its first general manager.

When Mr. Smaby was named general manager on Jan. 1, 1941, at 32, he became the youngest chief executive of a regional cooperative wholesale in America.

Midland's sales that year were $6,229,000; by 1971 sales had grown to $125.7 million and it ranked 647th in the Fortune Magazine directory of the top 1,000 U.S. industrial firms.

In the late 1930s, Mr. Smaby was the originator, with Hans Lahti of Cooperative Auditing Service, of the "Smaby-Lahti" measuring rod for financial and operating statements. The system, which set up a simplified formula for determining the financial progress and welfare of a cooperative attracted nationwide attention in cooperative accounting circles.

During his career he served in many civic and business positions. He served as a director of the Farm Credit Board of St. Paul from 1953 to 1965 and as the Secretary of Agriculture's representative on the Federal Farm Credit Board from 1965 to 1969.

Mr. Smaby served as a director and as chairman of the board of the Cooperative League of the USA, a director of the Fund for International Cooperative Development, a trustee of the American Institute of Cooperation, and a member of the central committee of the International Cooperative Alliance.

In November 1961 he was the only delegate from a midwestern cooperative to attend the first inter-American conference of cooperatives held at Bogota, Colombia. Out of that conference grew proposals for organizing and expanding cooperatives in Latin America to help people in those countries improve their living standards and resist the advances of communism.

A tall man—he was 6 feet 4 inches—with a ready smile and a sincere approach, Mr. Smaby was known nationally and internationally as an able spokesman for cooperatives.

He was a leader in adopting and advocating modern business management methods for cooperatives. He also insisted that cooperatives work hard to live up to their reputation as people-minded organizations.

He held that society as a whole, not the government, gave cooperatives the license to operate under the free enterprise system and he said that cooperatives' actions, more than anything else, would determine society's continued approval and support.

"Our strength cannot rest on good merchandising and good cost control. As a cooperative, our strength must come from living right, showing service and integrity that gain public respect as truly serving the public interest," he explained.

He enjoyed sports of all kinds, especially football, basketball and track, and he found relaxation in fishing.

A long-time member of the Shakespeare Club, he could recite passages from Shakespeare or Ibsen or the Greek classic playrights with the same ease with which he analyzed balance sheet figures.

He once said that his favorite character was Falstaff, the comic-tragic figure in Shakespearean literature. Not Hamlet, with his introspection and irresolution, but Falstaff, gregarious friend of the human race, who spices wisdom with wit and carries the world's burdens with a bit of humor.

Felix F. Rondeau, retired president of Mutual Service Insurance Companies, St. Paul, and president of Service Leasing Corporation, Minneapolis, knew Mr. Smaby for 38 years and was one of his very closest friends.

Rondeau described Mr. Smaby as a "builder of cooperatives" on all levels—local, regional, national and international.

"If there is one hallmark of his beliefs and dedication, it is the cooperative idea and its value of constant growth to embrace more and more cooperation among cooperatives," Rondeau said of his friend.

"The greatest tribute to Art Smaby we could possibly make would be to advance that kind of concept. The kind of concept that means working for something that is bigger than ourselves, bigger than any one of our institutions."

In keeping with Mr. Smaby's beliefs in developing cooperatives, memorials are preferred to the Cooperative League Fund—Scholarship Fund. Checks may be sent to the fund at 1828 L St. N.W., Suite 1100, Washington, D.C. 20036.

Mr. Smaby is survived by his widow Alpha; three daughters Marit (Mrs. Forrest Nowlin, Jr.) of St. Paul, Karlin and Jan, both of Minneapolis, and a granddaughter, Margaret Nowlin.

A memorial service was held at Hope Lutheran Church, 601 13th Ave. S.E., Minneapolis, at 2 p.m., Wednesday, Sept. 13.

The firm Mr. Smaby headed, Midland Cooperatives, Incorporated, is a broadly diversified manufacturing and supply cooperative serving local cooperatives in Minnesota, Wisconsin, Upper Michigan, North Dakota, South Dakota and Iowa.

THOMAS H. STEICHEN

Thomas H. Steichen, president and general manager of the Farmers Union Central Exchange, Inc., died following a heart attack Wednesday evening, August 30, at Divine Redeemer Hospital in South St. Paul. Stricken suddenly, he died shortly after being rushed to the hospital. He was 60 years old.

For the past 15 years, Mr. Steichen served as the chief executive officer of one of the nation's largest regional supply cooperatives. He was considered one of the ablest cooperative administrators in the land.

Under his leadership Central Exchange sales volume grew steadily from $75,790,000 in 1957 to more than $203 million last year. Central Exchange is currently ranked 460th among the 500 largest industrial corporations in the United States by Fortune magazine and is the third largest industrial company headquartered in St. Paul.

Mr. Steichen began his career in cooperatives in 1935 when he was appointed manager of the Farmers Union Cooperative Oil Company of New Richmond, Wisconsin. The following year he became a Central Exchange employe upon accepting a post in the company's credit department. At that time, Central Exchange was but a fledgling cooperative, only four years old.

He advanced rapidly within the company, becoming assistant credit manager in 1938, credit manager in 1951, assistant general manager in 1955 and general manager in 1957. In 1971, the title of the office was changed to president for consistency with most other businesses.

Mr. Steichen was born and raised on a 100 acre farm near Watertown, South Dakota. He was educated in the Watertown school system, including its business college.

Thoroughly dedicated to the principles of cooperative business, he was a leading exponent of farmer ownership of farm supply sources. During his tenure, Central Exchange increased its product line to more than 23,000 different items and enabled farmers to become owners of a fully integrated source of supply for fertilizer and petroleum commodities.

Central Exchange serves a ten-state area, stretching across the top of the nation from Wisconsin to the West Coast. It is owned by the more than 1,000 local cooperatives it serves and their customers.

In addition to his duties as president of Central Exchange, Mr. Steichen served on the boards of many cooperative organizations and was a director of the National Council of Farmer Cooperatives in Washington, D.C. Active in Twin Cities organizations, he was also a member of the St. Paul Athletic Club, Knights of Columbus, the South St. Paul Rotary Club and the Southeast Metro Chamber of Commerce.

Mr. Steichen is survived by his wife Virginia; two sons, John T. Fridley, Minnesota, and Nicholas, South St. Paul; three daughters, Mrs. Kenneth (Margaret) Pederson, Naperville, Illinois, and Mrs. Michael (Lynne) Lofthus and Mary Jean Steichen, both of South St. Paul; and nine grandchildren.

Funeral services were held Saturday at St. John Vianney Church in South St. Paul. Interment was in Oak Hill Cemetery.

MOBIL OIL CORP. URGES RETURN TO BALANCE IN TRANSPORTATION PLANNING

Mr. WEICKER. Mr. President, once again, a former member of the highway lobby, the Mobil Oil Corp., has exhibited the kind of candor and flexibility that today's conditions require. In an advertisement published in the New York Times today, Mobil urges a return to balance in our transportation planning. They recognize that so long as we spend 70 percent of our transportation budget on highways and only 5 percent on mass transit, we must continue to ram highways down the throats of cities which do not need them and, on the other hand, are desperate for better mass transit.

I wholeheartedly commend Mobil for its enlightened attitude. I am only sorry that as we approach debate on the Kennedy-Weicker and Cooper-Muskie amendments to the 1972 highway bill, the other members of the highway lobby—the construction companies, construction unions, State highway officials, oil companies, and particularly the American Automobile Association—are still insistent on lining their own pockets with taxpayers' money while continuing to ignore the desperate transportation needs of 200 million Americans.

Mr. President, I ask unanimous con-

sent that the text of the Mobil advertisement be printed in the RECORD.

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

LET'S END THE HIGHWAY TRUST FUND

While America has developed a superb highway system through Highway Trust Fund revenues, our mass transit has slipped sadly. We're moving people better by car, but people who try to get from one place to another by train, bus, or subway are fighting a losing battle. This, in turn, forces more people into their cars and onto the highways. And this puts added pressure on even to the best of our highways, not to mention city streets.

For this and other reasons, we've been urging publicly that Congress get moving with a national program to improve mass transit, and re-examine the desirability of the Highway Trust Fund. We doubt whether such special earmarked funds represent sound public policy. Experts in public finance have historically opposed trust-fund financing because this mechanism mandates decisionmaking and priority-setting by a bureaucracy with its own direction and momentum, without the proper annual review of proposed expenditures.

Some people suggest greater diversion of Highway Trust Fund revenues for mass-transit projects. But the cost of truly comprehensive improvements in all forms of mass transit will far exceed the revenues available from the Fund. Robbing Peter to pay Paul by diverting revenues from the Fund will give us the worst of both worlds—poor highways and poor mass transit. We cannot afford either.

Look at the sorry record of recent years. Only in 1970 did Congress appropriate mass-transit funds on a scale even remotely recognizing the need: $3.1 billion spread over five years, or an average of $620 million a year. From 1964 through 1969, a total of only $1 billion was spent for mass transit. The Highway Trust Fund, meanwhile, generates revenues of about $5.7 billion a year—or five times what was actually spent for mass transit over a six-year period.

Thus the problem, largely one of imbalance, is that highway-building has dominated federal transportation policy.

One reason for this is the formula under which the federal government shares revenues with the states for transportation. States now pay only 10% of the cost of highways under the Interstate Highway System. But the states have to pay from a third to a half of the cost of mass-transit programs to which the federal government contributes. From the states' viewpoint, it's just plain cheaper to ignore mass transit and simply build highways.

But the need for improved mass transit and the need for better roads and highways often coincide: Construction of special express lanes for buses can ease commutation problems and unclog other highway lanes for faster movement of passenger cars and trucks.

It shouldn't be an either/or situation. What's needed is substantially increased spending by federal, state, and local governments for construction of needed transportation facilities of all kinds. If the Highway Trust Fund is phased out, Congress can make appropriations at the federal level for an adequate, integrated transportation system.

Even so, we don't want just blindly to build more of what we have had for the past 50 years. We must innovate, and we must look ahead as far as advanced technology can take us in meeting both present and future transportation needs.

We are convinced that this can be achieved only through a National Master Transportation Program, financed both by existing gasoline taxes that would go into the general coffers and by annual appropriations large enough to do the job. A sound first step would be to end the Highway Trust Fund.

THE GENOCIDE CONVENTION AND EXTRADITION

Mr. PROXMIRE. Mr. President, one of the criticisms repeatedly advanced against the Genocide Convention is that it would subject American citizens to extradition outside the United States for trial on charges against acts committed within the United States. I have received numerous letters from persons opposed to the treaty who hold the extreme position that this treaty would result in individuals being extradited to Moscow for trial and sentenced to forced labor in Siberia.

Mr. President, such concerns are grounded upon absolutely no factual basis. Article VII of the convention which deals with extradition does not constitute an extradition treaty in itself. Rather, it obligates the contracting parties to grant extradition in accordance with their already existing laws and treaties. No U.S. law and no extradition treaty in force covers genocide at this time.

The charge that the Genocide Convention could result in extradition of American citizens for trial in foreign courts without the protection of U.S. constitutional guarantees is equally groundless. Ratification of the Genocide Convention merely opens the way for adding one more crime—genocide—to the list of crimes for which Americans may be extradited under existing treaties. Such treaties are carefully worded to be as explicit as possible about the definition of all crimes included and the procedure for extradition. No general sweeping accusation is sufficient.

At the present time genocide trials must take place in the "territory in which the act was committed"—subject to extradition treaties—simply because an international penal tribunal does not exist. The World Court is not empowered to decide guilt or innocence in genocide cases; its power is strictly limited to questions of interpretation only. Any implication to the contrary is obviously a distortion of the actual provisions of the genocide.

Mr. President, the second session of the 92d Congress is drawing to a close. I urge Senate ratification of this important document before the end of the current session.

STAMPING OUT POOR MAIL SERVICE

Mr. PERCY. Mr. President, I ask unanimous consent that an article entitled "Stamping Out Poor Mail Service," published in the Chicago Sun-Times of September 10, 1972, be printed at this point in the RECORD.

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

STAMPING OUT POOR MAIL SERVICE

(By Cary Schneider)

After 13 months in operation, the United States Postal Service effort to erase the old Post Office Department's pony express image and institute corporate management techniques is showing promising results.

Faced with public opposition to further rate increases and the growing popularity of private mail businesses, the fledgling agency has begun a campaign to cut costs, increase the productivity of its workers, and ultimately improve its service.

Last week Postmaster General E. T. Klassen announced that the effectiveness of the Postal Service's cost control measures had prevented an anticipated one cent an ounce increase in first class mail rates next year.

The most visible aspect of the agency's austerity program has been its freeze on hiring of new employes. The Chicago Post Office, the nation's largest, has reduced its working staff from 28,000 in 1969 to 22,000 this year.

Despite the cuts, the post office continues to handle its normal rate of 11 million pieces a day.

The Postal Service has set goals guaranteeing first-day delivery of letters air mailed before 4 p.m. in special white-topped airmail boxes to major cities within 600 miles of Chicago, and second-day delivery to all other major cities.

Post office tests in Chicago have shown a 95 per cent level of success in meeting these standards.

However, a test sampling of this service by Chicago today showed mixed results.

Of eight letters air mailed according to Postal Service standards to cities within 600 miles of Chicago, only two were received at the one-day delivery goal.

One letter to Milwaukee, only 90 miles away, took two days for delivery, and another crept to Detroit in three days.

Deliveries to cities outside the 600 mile range were successful with eight of nine letters delivered by the second day. In fact, one letter to Salt Lake City, 1,664 miles from Chicago, was delivered one day earlier. Only a letter to Denver was late.

Generally, poor service can be attributed to inadequate postal facilities at airports, traffic congestion within a particular city, and a lack of automated equipment within post offices.

Greatly aiding the mails have been the use of automatic canceling and sorting devices. Optical character readers, which speedily process bulk business mail, have been added to post offices in many cities including Chicago.

Perhaps the greatest single device aiding mail service for both business and individuals has been the Zip Code. The sorting system whose code tells a postal worker exactly how to route a letter is esesntial for use with new postal equipment. Unfortunately 28 per cent of all private letters and 7.8 billion pieces of business mail do not carry the Zip Code.

The telephone book contains a Zip Code guide for Chicago and many cities in Illinois and Indiana. Other Zip Code information can be obtained from the post office.

Mail within Chicago and adjacent areas runs at below or just at 95 per cent for next day deliveries, postal officials said.

A few years ago the delivery rate in the city had hovered around the 90 per cent, said R. C. King, a postal supervisor at the central post office.

"The primary change has been the major emphasis on service, tightening up schedules and setting production guidelines," King said.

Machines such as the automatic sorters have been around for a few years, King said, but only now are they being used efficiently.

"Our goal is 3,600 pieces per hour," proclaimed a sign over the automatic sorter. It is manned by a large number of deaf mutes, whose digital dexterity and compatibility with the noise of the floor makes them excellent workers.

As more machines replaced the old hand sorting technique, still used in peak mailing hours, the post office had taken on a more oppressive factory atmosphere.

Unlike other unionized assembly line workers grievances over safety conditions, poor lighting, unavailability of food, inadequate heating, and lack of air conditioning could not be easily settled in the old Post Office Department.

Now freed from some of the constrictions of the civil service and obligated by a contract with postal unions, steps are being taken to make post office jobs more attractive.

"We've gotten down to some of the fundamentals," said Carl Carlson, employee-relations manager, who joined the Postal Service a year ago after working for Dow Chemical and General Motors. "Conditions have markedly improved. We're adopting a private sector attitude."

Absenteeism once running at 14 per cent has been cut in half.

Floor supervisors who in the past were aloof from their workers, are now required to visit with the employes to discuss problems.

Besides better working conditions the depressed economy has given a post office job the gray glamor of stability. An employee knows he cannot be laid off and that the Postal Service will not disappear.

These factors have certainly been prominent in the increase in production which has risen from handling 850 weighted pieces of mail per hour in 1971 to almost a thousand this year.

Consumer services also are being improved. Many post office lobbies are having their mausoleum motif replaced by a cheerier decor. Counter service, which used to be divided into specialties, such as stamps, parcel post, and money orders, will have shared functions so lines can move smoothly.

Corner mailboxes which do not produce enough mail are being eliminated and replaced by mailing areas in shopping centers, most of which contain stamp vending machines.

Other services which accelerate delivery times include two new devices both geared toward businesses which supply 85 per cent of the daily mail load.

Mailgram was developed with Western Union. A message can be sent over the Western Union wire to a post office from 18 cities. After being received, the letter, which resembles a telegram, is delivered by a postman, usually the next day.

The Postal Service also offers an Express Mail Service which includes a money back guarantee if next day delivery is not made. The service operates between businesses, post offices and airports in 34 cities.

The Postal Service also offers a security device called Controlpak for mailers of credit cards and other valuable items. Items are sorted and sealed into a plastic container which is delivered to a local postmaster or supervisor who opens the packet and checks the contents.

An experimental facsimile mail service has been instituted between New York and Washington. Transmission over telephone wires of letters, charts, drawings, and blueprints will provide reproductions at the receiving end which can be delivered within four hours by letter carrier.

Businesses like the Independent Postal Service of America, United Parcel Service, the various air freight operations have taken away work from the government, and the Postal Service appears determined to retrieve it.

"I think it's important that all of us understand that we're playing for keeps, that we do have competition, and that our jobs and careers are at stake," Klassen told his managers.

"All of us must understand that the survival of the U.S. Postal Service depends upon everyone giving service," he said. "Service is the only thing we have to sell."

Mr. PERCY. Mr. President, the promising results being achieved by the Post Office under the direction of Postmaster General E. T. Klassen are to be commended. Many problems remain, but Postmaster Klassen's motto, "Service is the only thing we have to sell" is gradually reaching the hundreds of thousands of postal employees. New machinery is replacing old handsorting techniques and better working conditions are being achieved. Employee-management relationships are hopefully improving, as well.

I commend the Postal Service on its achievements which have resulted in cancellation of the request for an increase in first-class postage. I urge that every effort be made to take similar action with respect to scheduled second class mail rate increase proposals which would be even more damaging if the present projected rates are put into effect. We have already lost several outstanding weekly magazines, Look and the Saturday Evening Post to mention only two, as a result of skyrocketing costs, and the demise of other periodicals, upon which we are so dependent to maintain an enlightened citizenry, could be disastrous. I commend the Postal Service on its accomplishments, and particularly Post master General Klassen, on the battles won to date. The war against inefficiency, rising costs, and ever-increasing postal rates can and must be won.

EXPORT-IMPORT STUDY STANDS ON OWN FEET

Mr. PROXMIRE. Mr. President, as chairman of the Joint Economic Committee I released a volume of studies analizing certain international subsidies on June 11, 1972, including a study by Prof. Douglas Bohi entitled "Export Credit Subsidies and U.S. Exports: An Analysis of the U.S. Eximbank." This volume is part of a series of about 40 background studies done in an effort to improve the committee's and Congress understanding of the effectiveness of Federal subsidies.

As chairman of the committee, I have been pleased at the favorable response the series has received from Members of Congress, the press, and the general public. With Federal subsidies now costing over $63 billion a year, many of which have been in existence but unreviewed for years, most interested parties have been delighted that someone has finally decided to study the many ways that the Government can alter private market incentives. The enthusiasm of many has no doubt been stimulated because Uncle Sam is going broke with $30 billion plus annual deficits.

Today, however, I want to respond to some criticism from the distinguished Senator from Alabama (Mr. SPARKMAN). With reference to Professor Bohi's study of the Eximbank, Senator SPARKMAN made the following statement on September 5 in the RECORD:

I was greatly disturbed when I learned that the report presumed to represent the thinking of the full committee.

In fact, no committee report was issued and the analysis done by Professor Bohi did not presume to speak for the committee. Instead, as chairman of the committee, I released a volume of study papers analyzing various international subsidies, including Professor Bohi's analysis of the Eximbank. Furthermore, both the letter of transmittal conveying the study to the members of the committee, and the press release of the study to the public, contained the following caveat:

The views expressed in these papers do not necessarily represent the views of the members of the committee or the committee staff.

The Joint Economic Committee has, to my knowledge, never released a committee report that was not fully coordinated with the members of the committee or the appropriate subcommittee. The chairman of the JEC does, from time to time, release studies that hopefully shed light on many of the policy issues the committee members must consider. The Bohi analysis was such a study. Its release did not violate committee procedure.

As to the substantive issue of the quality of Professor Bohi's study, it is a useful analysis that takes a hard look at what the Eximbank accomplishes. Employing economic and statistical analysis, it systematically examines the objectives and effects of Eximbank subsidies to see if they accomplish anything that serves the public interest. For years I have attempted to get the Eximbank to do the same kind of study, but have met with no success. Rather than do an analysis, the Eximbank has simply cited the enthusiasm for the subsidies of those subsidized as evidence of accomplishment.

I am therefore pleased to see that the Bohi study has motivated the Eximbank to commission Dr. Howard S. Piquet to also analyze what the Eximbank accomplishes. I will carefully review Dr. Piquet's work to determine what it contributes to our understanding of the effectiveness of the Eximbank.

Given the fact that Dr. Bohi's evaluation of the effectiveness of the Eximbank is quite unenthusiastic, while Dr. Piquet's is a glowing reaffirmation that Eximbank is doing a great job, I will also do what I can as chairman of the committee to develop additional analyses of the Bank.

I ask unanimous consent that my letter to Senator SPARKMAN explaining these matters and the press release of the study be printed in the RECORD.

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

JOINT ECONOMIC COMMITTEE,
Washington, D.C., September 13, 1972.

Hon. JOHN SPARKMAN,
U.S. Senate,
Washington, D.C.

DEAR JOHN: I want to clear up any misunderstanding about the circumstances under which the Joint Economic Committee recently released a study by Professor Douglas E. Bohi entitled "Export Credit Subsidies and U.S. Exports." In a September 5 statement for the Record, you said, "I was greatly disturbed when I learned that the report

presumed to represent the thinking of the full Committee."

In fact, no Committee report was issued and the analysis done by Professor Bohi did not presume to speak for the Committee. Instead, as Chairman of the Committee, I released a volume of study papers analyzing various international subsidies, including Professor Bohi's analysis of the Eximbank. Moreover, both the letter of transmittal conveying the study to the members of the Committee, and the press release of the study to the public, contained the following caveat: "The views expressed in these papers do not necessarily represent the views of the members of the Committee or the Committee staff."

On the substantive issue of the quality of Professor Bohi's study, I would only say that it is a useful analysis that takes a hard look at what the Eximbank accomplishes. Employing economic and statistical analysis, it systematically examines the objectives and effects of Eximbank subsidies to see if they accomplish anything that serves the public interest. For years I have attempted to get the Eximbank to do the same kind of study but have met with no success. Rather than do an analysis, the Eximbank has simply cited the enthusiasms of those subsidized as evidence of accomplishment.

I am therefore quite pleased to see that the Bohi study has motivated the Eximbank to commission Dr. Howard Piquet to also analyze what the Eximbank accomplishes. I will carefully review Dr. Piquet's work to determine what it contributes to our understanding of the effectiveness of the Eximbank. I will also do what I can, as Chairman of the Joint Economic Committee, to continue to develop other analyses that certainly evaluate the true economic benefits and costs of this and other Federal subsidy programs.

With best wishes,

Sincerely,

WILLIAM PROXMIRE,
Chairman.

LEGISLATIVE PROGRESS

Mr. SCOTT. Mr. President, earlier the distinguished majority leader said President Nixon and members of his staff were wrong in faulting Congress for failure to pass priority legislation proposed by the administration.

Mr. President, some critics would have you believe that it is the administration rather than Congress which has failed to bring about legislative action in a number of key areas. Recognizing the President's very limited responsibility for what happens on Capitol Hill, it might be instructive to review the progress of the six major items which the President asked the Congress to vote on in his 1971 state of the Union message.

The first of the six items was a full employment economy. Here, Congress has its best and its worst showing. Congress can legitimately claim credit for having provided standby wage/price control authority which I notice Senator MCGOVERN wants to eliminate—and it acted promptly on the President's 1971 tax reform recommendations to stimulate the economy. On the other hand, the record of Congress in increasing spending $4 billion over that requested by the administration may well have contributed to the inflationary problems which the country has experienced.

The second item was welfare reform. Here the Nation has been waiting at least since 1969 when the President initially made his welfare reform proposals. The House has made a credible record in this area by passing a welfare reform bill twice. But the Senate has not taken final action on welfare, although the chairman of the Finance Committee has striven hard for solutions.

Revenue sharing as an idea has been around since the mid-1960's and we have just voted on this important bill in the Senate. Something the President has been trying to get us to do since 1969.

Improving our health-care system in a comprehensive manner along the lines discussed by the President and others has yet to be considered in other than the most fragmentary fashion.

With respect to the environment, Senator MANSFIELD'S assertions do not alter the fact that the Congress has received 31 environmental bills from the President and has only brought six of these to a final vote.

Finally, none of the proposals for streamlining the Federal bureaucracy have yet to emerge from congressional committees for a final vote.

This is a record of which Congress can hardly be proud.

THE RIGHT TO VOTE IN SOUTH VIETNAM

Mr. STEVENSON. Mr. President, on August 11, 1972, President Thieu told an audience in Quinhon, South Vietnam, that—

(O)ur Government has allowed us to enjoy too much democracy too soon.

Eleven days later, the Saigon regime addressed itself to the problem of "too much democracy" by issuing an executive decree abolishing popular election of officials in South Vietnam's 10,775 hamlets. Henceforth those officials will be appointed by province chiefs who in turn are appointed by General Thieu.

The man whose claim to the presidency of South Vietnam rests on a rigged, one-man election has extended the tentacles of totalitarian rule into every corner of his beleaguered land.

What justification has been forward for this brazen move to strip the South Vietnamese people of their right to vote? The Saigon regime has apparently offered none. Instead, the Department of State undertook to explain away the decree as a temporary expedient occasioned by the North Vietnamese offensive. This was the position taken by State Department spokesman Charles Bray on behalf of the United States in a September 7, 1972, new conference.

Mr. President, every tyrant invokes the doctrine of necessity to justify his repressive actions. I do not think the State Department is so naive as to believe the decree is temporary—particularly in the light of published reports that it received intelligence dispatches indicating that prior to the North Vietnamese offensive Thieu planned to abolish hamlet elections.

Mr. President, the abolition of hamlet elections coupled with other recent events including Thieu's efforts to emasculate the National Assembly and rule by decree, Thieu's arrest and persecution of his non-Communist opponents, and Thieu's muzzling of the press, present us with a clear and stark choice: will we help the people of South Vietnam achieve a measure of freedom and self-determination, or will we aid and abet a military dictator in his efforts to demolish even the rudiments of self-government?

The administration has again chosen to back its client in direct contravention of our stated policy and its only justification for the war: self-determination for the people of South Vietnam. When we thus aline ourselves with the petty tyrants of the world, we subvert our own purposes—and our own best ideals. We deflate the hopes of hundreds of millions of human beings who yearn to be free and live in peace.

We cannot sit idly by while a regime we put in power destroys the liberties we say we are trying to safeguard. For that reason, I and 11 of my colleagues have today written the President to express our concern and urge that the United States use all available leverage to rescind the decree of August 22. I ask unanimous consent that a copy of our letter, a portion of the transcript of Mr. Bray's news conference, and several news stories be printed at this point in the RECORD.

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

SEPTEMBER 14, 1972.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We write to express our concern about the Executive Decree issued by the Saigon regime on August 22, 1972. That Decree abolishes popular elections of local officials in South Vietnam's 10,775 hamlets and provides that henceforth such officials shall be appointed by province chiefs who are in turn appointed by President Thieu.

The Decree represents yet another illicit step toward consolidation of power in complete disregard of the popular will. The abolition of hamlet elections, coupled with other recent Thieu actions such as the rigged Presidential election of 1971, press censorship, political arrests and rule by decree, make it clear that the longer we fight to preserve the difference between a "free" South Vietnam and a "totalitarian" North Vietnam, the less of a difference there is to preserve. In its repression of peaceful dissent, its aversion to popular self-government, its expansion of military influences into all aspects of civilian life, the Thieu regime continues to obstruct the legitimate aspirations of the South Vietnamese people.

We reject the position of the Department of State, as expressed by Mr. Bray on September 7, 1972, that the abolition of hamlet elections is an internal matter for which the United States bears no responsibility. The stated purpose of our involvement in South Vietnam is to protect the right of self-determination for the people of that nation. Because Mr. Thieu's Decree frustrates that purpose, it is not an "internal matter" which the United States can ignore.

Rather than denouncing Mr. Thieu's flagrant usurpation of individual liberties, the Department of State has attempted to explain away the Decree as a temporary expedient occasioned by the North Vietnamese offensive. By thus acting as an apologist for the repressive acts of a totalitarian regime, the United States turns its back on its own ideals and further degrades itself in the eyes of world opinion.

U.S. support for the totalitarian actions of the Thieu regime points up the tragic irony

of our Vietnam policy: both the Hanoi regime and the Saigon government are acting in derogation of the South Vietnamese people's right to govern themselves, yet we bomb the one and subsidize the other.

For all of these reasons we urge you to issue a public statement disapproving the Decree abolishing hamlet elections and to use all available leverage to rescind the Decree.

With best wishes,

Sincerely,

Adlai E. Stevenson III, Birch Bayh, Daniel K. Inouye, Frank Church, Philip A. Hart, Harold E. Hughes, Alan Cranston, John V. Tunney, Edmund S. Muskie, Stuart Symington, Claiborne Pell, Frank E. Moss.

EXCERPT FROM NEWS CONFERENCE OF CHARLES BRAY, DEPARTMENT OF STATE, SEPTEMBER 7, 1972

Q. Charles, there's a report in the Times this morning from Saigon which states that the South Vietnamese Government has dispensed entirely with the process of elections at the hamlet level in a general elimination of elections in the South Vietnamese system. Does this accord with the United States viewpoint concerning the development of self-determination in South Vietnam?

A. Well, this decision was taken entirely by the Vietnamese Government. As I understand it, hamlet elections are not specifically provided for in the Constitution, although those at the village level and province level are and, as I understand it, are not affected here.

I suppose one must assume that the North Vietnamese offensive was a major factor in the decision taken. The North Vietnamese are using not only what I suppose you would call conventional military forces but the whole range of unconventional warfare, as the story itself noted. And I assume that, in view of this present danger, the South Vietnamese have felt constrained to do what they could to provide stability at the extreme local level in the country.

It may be, as we hope it would, that when the situation is somewhat more normal than it has been in recent months the restrictions adopted in this emergency could be relaxed.

I don't know what more I can say, Murrey.

Q. You could say one more thing if you care to. Did this Government have advance notice of this?

A. No, we were not consulted.

Q. Informed?

A. I don't think so, but I can't tell you off the top of my head, Tad.

Q. Well, I believe you said that there was no change in the elections at the village and province level. I believe the story does say there was a change in the election procedures at the village level, that the order also has eliminated many of the elected officials at the village level which the United States often has taken pride in as an element of democracy in South Vietnamese life.

A. I don't know that we can flog this usefully, Murrey. As I said, "as I understand it at this time," and that's as I understand it. I think it has to be acknowledged that South Vietnamese society has been under extreme pressure in recent months.

Q. Well, there is one question which remains, at least in my mind. Ambassador Porter in Paris today, I understand, informed the North Vietnamese that they have already lost the offensive. If this is the case, why, in your judgment——

A. Oh, I'm sorry, I'm not going to parse that one.

Q. But, Charlie, if you are explaining it in terms of this extreme pressure, how do you reconcile the official judgments that come out, such as Tad just alluded to today, suggesting that the communist offensive has sort of sputtered out.

A. It has not been successful. That is not to say that there do not remain extreme pressures within South Viet-Nam on the social, political, military infrastructure. I think that the judgment that Ambassador Porter was making in Paris was that the North Vietnamese objective has not been reached. I think that is a matter of fact.

Q. In what way does the abandonment of hamlet elections help to achieve the American objectives?

A. I am just not going to parse this any further.

Q. Another subject?

A. Yes, sir.

Q. Excuse me, before we go on to the other subject, you said, Charlie, that this decision was taken entirely by the South Vietnamese Government. Are we to deduce from that, then, that there is no American influence being exerted in terms of what has happened or what is likely to happen in terms of internal politics in South Vietnam?

A. No comment, Ted. I must say, you know, that I get a bit impatient with the focus of criticism on the South for measures they are taking in the wake of this offensive and the absence of any comparative analysis of institutions in the North. That's all I have to say about it.

Q. We are not supporting the North, are we? Is there any effort by the Ambassador in Saigon to obtain a clarification from that Government?

A. I've just said all I am going to say on the subject, Ted.

Q. Charles, just to clarify a question, Murrey's question was whether this step was in accord with the U.S. viewpoint. Now, you have given what you understand to be the rationale.

A. And I said at the close of that that we obviously hoped that when the situation stabilized itself, etc.

Q. So that the steps are not as permanent a thing in accord with the U.S. aims? I'm trying to clarify it.

A. Yes. I'll go on with the next subject.

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

SAIGON DECREES END OF ELECTIONS ON HAMLET LEVEL

(By Craig R. Whitney)

SAIGON, SOUTH VIETNAM, Sept. 6.—The South Vietnamese Government, by executive decree, has abolished popular democratic election of officials at the most basic level—in the country's 10,775 hamlets.

Under the new system, which is going into effect now and will be complete within two months, nearly all the country's administrative officials—from the province chiefs down to the hamlet level—will be appointed.

The decree ends six years of popular election at the grassroots level of the hamlets. It was issued, without publicity, on Aug. 22 by Premier Tran Thien Khiem. It orders the 44 province chiefs, who are military men appointed by President Nguyen Van Thieu, to reorganize local government and appoint all hamlet officials and finish the job in two months.

AIDES TO BE APPOINTED

The new system calls for either two or three officials in each hamlet, depending on its population. They are the average Vietnamese citizens' closest contact with his government—the men he complains to, goes to when he needs help, or hears from when the Government wants to enforce its laws.

At the next highest level, the village—villages in Vietnam are administrative groupings of hamlets, not villages in the American or European sense of the word—village chiefs and their staffs have been elected by provision of the South Vietnamese Constitution. But now, according to the Premier's decree, their deputies and staffs will no longer be elected. They, too, will be appointed by the province chiefs.

In the space of a few months—since President Thieu began rulings by decree in June—he has centralized power in his hands and through men appointed by him to a degree unknown in Vietnam since the Americans came here in strength in the nineteen-sixties and gave South Vietnam the forms of democratic government and popular elections.

Since 1967, the country has been governed by an elected President and a two-chamber legislature. President Thieu, who ran alone last Oct. 3 and won 94.3 per cent of the vote for his second term, controls a majority of the legislators in both houses but has been ruling by decree since June 27. On that night he wrested from the Senate authority to govern by fiat for six months in the fields of security, defense, economy and finance.

But it is clear, from this latest decree as well as from earlier ones by President Thieu that placed restrictions on the South Vietnamese press and stiffened the penalties for common crimes and for dereliction of duty, that the forms of democratic government, are being weakened at a time when the United States is pulling troops out and, correspondingly, losing influence here.

SPEECHES NOT TRANSLATED

President Thieu has been saying as much in recent speeches, which his Government has not been translating into English or disseminating to the foreign press.

For example, on Aug. 11, in a speech in Quinhon, capital of Binhdinh Province which the United States Government monitored and then translated into English he said:

"I have never denied independence and democracy. As President of South Vietnam I have always observed democracy. However, if I [may speak as] a citizen, I must complain that our Government has allowed us to enjoy too much democracy too soon. This is like—if you will excuse me for my comparison—a small baby that is given an overdose of medicine or like a weak person who takes up physical exercise so that his health cannot endure.

"I have always respected the people's democratic rights and freedoms as basically outlined in our Constitution. However, these rights and freedoms must be properly practiced, such as simultaneously respecting the Constitution and responding to the demands of our nation."

"WE ARE TOO COMPLACENT"

"The Communists try to infiltrate our anti-Communist political parties, which are strong and which they cannot topple," Mr. Thieu said. "The Communists try to infiltrate our anti-Communist religions and our political parties. The Communists are now spending money buying newsmen, publishing newspapers and taking advantage of the disorderly and broad democracy and freedom in the south. When an election is held, the Communists try to benefit from it."

In a key passage he told his audience "Our political parties are still in small number and are not united; second, we are too complacent and are often disunited, and third, the most important is our disorderly democracy. Our democracy presents many gaps."

Mr. Thieu has often cited the extraordinary situation created by the Communist offensive, which began at the end of last March, as justification for restrictive measures. But the move to abolish election of hamlet officials and centralize local administration under the appointed province chiefs was in preparation even before the offensive.

An American Government interpretation of the Premier's decree says, for example, "These changes have been in the wind for the past several months" and were noted by the Americans in reports of Feb. 28 and March 7.

It says, of the effect of the decree on the

only local officials who will continue to be elected, "The village chief, though still elected, will be in a much less commanding position since the officials who work under him will now be appointed by the province chief."

The province chiefs appointed by the President are military men—usually colonels—who owe their jobs to Mr. Thieu's patronage and are personally loyal to him. Often they do not even come from the provinces they serve. Last year Mr. Thieu said he intended to gradually put into effect the popular election of province chiefs beginning in 1972 but this has not happened.

"GUIDELINES" ALSO ISSUED

Along with the decree, Premier Khiem also issued to the country's province chiefs "general guidelines for the explanation and implementation" of it. It says, in the American Government's translation, "In sum, the administration in villages and hamlets is advanced but not quite adequate, and it does not satisfy the needs of the nation in the present phase of the struggle against the Communists."

"You must use your authority as fixed in Articles 3 and 6 of the new decree to screen the ranks of village and hamlet officials including hamlet chiefs because now they will be appointed by you. You must release those who are unqualified, negative, or who have bad behavior."

ELECTION OF OFFICIALS AT THE HAMLET LEVEL

"In choosing which village officials and hamlet chiefs to keep," the Premier's explanation says, "you have to consider his anti-Communist achievements, services and training courses in national or local training centers.

"Especially to cope with the present situation if localities don't have enough personnel and there are no civilian candidates after the screening, I will approve the use of popular forces, regional forces (militia) including lieutenant officers, in the village and hamlet administration."

The changes in the village administrations—there are 2,130 villages in South Vietnam—limit the number of officials per village to a maximum of eight, including the elected village chief.

The decree also provides that, where there is a police station in a village, the police chief will assume the function of the formerly elected deputy village chief for security, an important post because it includes such powers as determining who in the village may be a Communist sympathizer or a member of the Vietcong.

The Premier drew on Article 70 of the Constitution for his authority to issue the new decree. It provide that "the organization and regulation of local administration shall be prescribed by law."

Premier Khiem's explanation to his province chiefs says that, since the promulgation of such a law was still pending, a draft having been sent to the National Assembly, he was now issuing a decree superseding the one in 1966, which established the election of hamlet and village officers.

The Premier's measure goes beyond instructions that President Thieu issued to the province chiefs a few weeks ago. Then he told them that they could replace elected village and hamlet chiefs at their discretion.

The reason, according to American officials, was the discovery during the offensive this year that many locally elected hamlet chiefs were in fact Communists, who voluntarily provided valuable assistance to enemy forces.

[From the Washington Post, Sept. 8, 1972]

UNITED STATES ADMITS END OF VIET HAMLET VOTE

(By Stanley Karnow)

The Nixon administration has confirmed with apparent embarrassment that South Vietnamese President Nguyen Van Thieu has abolished the electoral process in his country's more than 10,000 rural hamlets.

Reacting to the Thieu decision, which effectively ends six years of democratic activity in South Vietnam's lowest administrative levels, U.S. Department spokesman Charles W. Bray III said yesterday that the United States was not consulted in advance about the move. He added that the U.S. government is "not responsible for the internal affairs" of foreign states.

But another U.S. official, who declined to be identified, described the degree as "a step backward in terms of representative institutions" in South Vietnam.

The Saigon government's decision, which was issued without publicity by Premier Tran Thien Khiem on Aug. 22 and revealed yesterday by The New York Times, seemed to rebut assertions by Thieu that he has "always observed democracy."

The move also dealt a blow to contentions that the Thieu regime is encouraging "self-determination" while the Communist threaten totalitarian rule.

Bray speculated at his press briefing yesterday that the North Vietnamese offensive against the south was "a major factor in prompting Thieu to put an end to hamlet elections."

"The North Vietnamese are using a whole range of unconventional warfare," Bray said. "I assume that in view of this present danger, the South Vietnamese felt constrained to do what they could to provide stability at the extreme local level of the country."

Bray expressed the hope that "the restrictions adopted in this emergency could be relaxed" when the situation in South Vietnam is "somewhat more normal."

Other U.S. sources voiced the belief that Thieu may have made his move because he anticipates the possibility of a cease-fire and is "trying to put himself in a better position."

While acknowledging that the decree would tarnish Thieu's public image internationally, one of these sources suggested that conditions on the ground inside Vietnam would probably not change.

The source explained that hamlet chiefs in areas under Saigon government control have tended to be elected if they enjoy the favor of senior province officials rather than on the basis of popular choice.

Under the new system which is going into effect, nearly all of South Vietnam's administrative officials will be appointed. The decree orders the country's 44 province chiefs, all of whom are officers responsible directly to Thieu, to reorganize local government and appoint hamlet officials.

Elections will no longer take place in villages, which are groupings of hamlets. Village chiefs were formerly elected but, like their counterparts at the hamlet level, they will henceforth be appointed by province chiefs.

Thieu, who won re-election in October in an uncontested election, has been ruling by decree since June 27. Within recent months, he has been tightening restrictions on press freedoms.

During the past few weeks, while denying that he is seeking to stiffen his rule, Thieu has explained that South Vietnam cannot afford an excess of democracy. In a speech delivered on Aug. 11 in the Binhdinh province capital of Quinhon, for example, he said:

"I must complain that our government has allowed us to enjoy too much democracy too soon. This is like . . . a small baby that is given an overdose of medicine or like a weak person who takes up physical exercise so that his health cannot endure."

Thieu went on to argue that the Communists were infiltrating South Vietnamese political parties, religious groups and newspapers. "When an election is held," he added, "the Communists try to benefit from it."

[From the New York Times, Sept. 8, 1972]

VIETNAMIZING DEMOCRACY

The abolition of popular elections in South Vietnam's 10,775 hamlets by the stroke of an executive order from Saigon once again underscores the futility of the war and the fatuousness—in today's context—of professed American war aims. The blood of hundreds of thousands of Vietnamese and American soldiers and the suffering of millions of civilians has been rationalized by lofty commitments to assure for the South Vietnamese people the right to democratic self-government. In explaining his war policy, President Nixon has insisted that when the United States leaves Vietnam, it must be "in a way that gives the South Vietnamese a reasonable chance to survive as a free people."

The immediate result of the new decree is that President Thieu will determine who is to be in charge of local government, from province chiefs to the officials of the smallest village. The extraordinary lesson in democracy thus continues. President Thieu, having demonstrated that it takes only one candidate to stage a democratic election, has more recently indicated through stringent rules controlling the press that in his version of democracy the right to know is as unnecessary as free political choice—in Saigon no less than in Hanoi.

If the experiment in popular government without the ballot works out to Mr. Thieu's satisfaction in the local communities, he will undoubtedly "recommend" it for the national level as well, further emulating the democracy to the North. The fact that the abolition of local elections in the South is to be accompanied within two months indicates that Vietnamization is working more smoothly in politics than in defense.

WOMAN'S SUFFRAGE

Mr. GURNEY. Mr. President, on August 26, the National Woman's Party held a special celebration in the Capitol to honor Woman's Suffrage Day. The ceremony included memorial tributes to Susan B. Anthony, Lucretta Mott, and Elizabeth Cady Stanton.

In addition to commemorating ratification of the 19th amendment, this ceremony had special significance in view of this year's congressional passage of the equal rights amendment. In 1923, 3 years after ratification of the 19th amendment, the equal rights amendment was first introduced in Congress. Now—nearly 50 years later—we are finally on the road to guaranteeing American women full and equal enjoyment of all rights and privileges conferred by our laws and the Constitution.

As a strong supporter of the equal rights movement, I am glad to see that 20 States have already ratified this important amendment. By virtue of their own constitutional requirements, some State legislatures must delay action until a new session is convened. I sincerely hope, Mr. President, that we will gain the 18 needed votes for ratification at the earliest possible date.

I ask unanimous consent to have printed in the RECORD some of the statements made at the Woman's Suffrage Day ceremonies. I commend the National Woman's Party for sponsoring this event.

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

TRIBUTE TO THREE WOMEN

(By Elizabeth L. Chittick)

It seems fitting that we should celebrate Woman's Suffrage Day in this Crypt of the

United States Capitol, this day of August 26th, by the monument of the three great leaders, Susan B. Anthony. Lucretia Mott, and Elizabeth Cady Stanton, who are responsible for its birth. The 19th Amendment, the Woman's Suffrage Amendment, was certified 52 years ago today by the signature of the then Secretary of State, Bainbridge Colby, at eight in the morning, and this signing took place in his home, without any ceremony. The best information we have is that the secrecy of the signing was necessary as the opponents of the Amendment had threatened to bring legal action to keep him from certifying this Amendment. Factually, nothing happened. That evening a celebration was held at Ford's Theatre. A truly big celebration.

The certifying of this Amendment ended a long struggle which started in 1878, the year the Amendment was first introduced in Congress. This simple pragmatic statement does not reveal some of the interesting history leading to this great event for women. To refresh our memories of some of this interesting history seems most appropriate at this time.

Women first began to organize in 1848 at the Seneca Falls Convention. They passed the Declaration of Sentiments. These Sentiments—if read today—would sound as if they were written today. This listed all the rights denied women, and some of these rights are still denied women today. Two of these great women, Lucretia Mott, a Quaker and an eloquent speaker, and Elizabeth Cady Stanton, were the leaders of this Convention. Elizabeth Cady Stanton had studied law and she wrote the Resolutions read at this Convention, asking for Suffrage for Women.

About this time Susan B. Anthony joined Lucretia Mott and Elizabeth Cady Stanton in the great crusade for VOTES FOR WOMEN. All three leaders during their entire life stood fast in their determination to achieve the vote for women.

The 15th Amendment was adopted in 1870 after the Civil War, giving the vote to negroes. Miss Anthony and her co-workers urged that this Amendment should give nationwide voting rights to women as well as to the Negro, but the women were pushed aside and told to wait—that this was "the negro's hour". And WAIT they did. This failure to have women included in the 15th Amendment only made Miss Anthony and her fellow crusaders turn back to the 14th Amendment, adopted in 1868, which read in part:

"No state shall . . . deny to any person within its jurisdiction the equal protection of the laws."

The question of the right of women to vote under the 14th Amendment was then carried to the Supreme Court of the United States, in a famous case, Miner vs. Happersett. The Court held that the 14th Amendment did not give the women the right to vote.

This fired Susan B. Anthony and Elizabeth Cady Stanton to proceed and have introduced in Congress a new Amendment of their own, one that would give women the right to vote.

Until her death in 1906, Susan B. Anthony went each year, personally, with her bill to Congress to have it introduced.

We have Susan B. Anthony to thank for breaking the first taboo against women by daring to speak at a convention of the New York State Teachers Association. She was allowed to speak by a vote of men, by a majority of one.

Lucretia Mott was a Quaker minister, loved and reverenced by all, and a leader in the Abolition Movement. She was a bold thinker and never feared to speak her convictions. They were founded on the principle, "Truth for Authority—not Authority for Truth."

Elizabeth Cady Stanton stated "Lifting women into her proper place in the scale of being, is the mightiest revolution this world has yet known." All of these women devoted their lives to work for the cause of women, to work for human freedom, and equal rights for women.

Shortly before her death in 1906 Susan B. Anthony was acclaimed at an international convention of women "Susan B. Anthony of the World". These are her own words taken from a letter signed by Susan B. Anthony to a dear friend on February 15, 1900:

"Perfect Equality of Rights for Women—Civil and Political—Moral and Social—Industrial and Educational—is the end of my effort. Sincerely"

Her slogan was: "Principle, not policy; justice, not favor; men, their rights and nothing more; women, their rights and nothing less."

Forty years after the death of Lucretia Mott; 18 years after the death of Elizabeth Cady Stanton, and 14 years after the death of Susan B. Anthony, the Women's Suffrage Amendment to the Constitution was adopted, on August 26, 1920. But from 1913 on many other events transpired.

Miss Alice Paul, a Quaker, joined the Suffrage crusade, and she and her followers went to jail here in the United States for their dauntless determination to bring the vote to women. Miss Paul spent the longest period of time in jail and led the women in a hunger strike. These were not violent women or rioters. They simply wanted to attract the attention of the President and the world to their demands to give the women the right to vote.

Miss Alice Paul had also gone to jail in England for suffrage, as she had joined the work of Mrs. Pankhurst in England. Upon her return to the United States she became Chairman of the National American Woman's Suffrage Association's Congressional Committee, which was known as the Congressional Union.

In 1916 the Congressional Union merged with the National Woman's Party. Miss Paul, the leader and founder of the National Woman's Party, has given a lifetime of dedication and contribution of herself to the cause of the Suffrage Movement. She directed all the demonstrations but they were quiet and peaceful, conducted in a colorful manner, with dignity, a great display of showmanship, and great beauty. In her time she, too, must be honored, as it was during her time and her efforts that the Vote for Women came to reality.

It is interesting to note that after the passage of the Suffrage Amendment in 1920, the National Woman's Party held a meeting in 1921 and decided then to work toward an additional Amendment to remove the inequalities which women still had under law and to complete the Suffrage Amendment which did not give equality for women in civil rights, legal rights, and economic rights. A nephew of Susan B. Anthony, Congressman Dan Anthony, Republican of Kansas, introduced the Equal Rights Amendment in the House in 1923, and Senator Charles Curtis, Republican of Kansas, later Vice President of the United States, introduced it in the Senate. The outlook was dim; one sponsor in the House, one sponsor in the Senate, and only one women's organization behind it—the National Woman's Party. The National Woman's Party has had the Equal Rights Amendment introduced in both Houses of Congress ever since 1923.

Obviously, the Equal Rights Amendment could not be a "Lib" Amendment as the Liberation movements started sometime in 1960 and other organizations (the more aggressive ones) later—about 1968.

We have come a long way since 1923, and we have every right to believe that next year this long struggle for equal rights will be completed.

This beautiful monument in the Crypt of the Capitol was made by a woman, Adelaide Johnson, sculptress, and was presented to Congress by the National Woman's Party on Susan B. Anthony's Birthday Anniversary on February 15, 1921, one year after the Suffrage Victory. It was formally received on behalf of Congress by the Speaker of the House of Representatives. Throughout the whole world, this is the only monument of women, to women, sculptured by a woman, presented by women, standing in any National Capitol.

We feel humble in paying this Memorial Tribute to these three great women—Susan B. Anthony, Lucretia Mott, and Elizabeth Cady Stanton, and in the memory of their greatness and I believe, their joy in our accomplishments in finishing the work they so courageously started, let us pay a Joyful Memorial Tribute to these three great women. I feel sure that if they were here today, even though they do not look like shouting women, I believe they would shout with joy with us for all women!

In joyful tribute I will call on each organization to come forward, speak a word or two, and place a carnation in the wreath.

WOMEN'S RIGHTS DAY

(by Virginia R. Allan)

We come to our Capitol today at the invitation of the National Woman's Party. We are grateful to its founder, the indomitable Alice Paul, Chairperson Elizabeth Chittick, and their crusading members who have shown a constancy of purpose and who will be portrayed by historians as women of vision, women of conviction, and women of courage.

We come to our Capitol today to proclaim August 26 a historic date to be remembered as Women's Rights Day.

We come to our Capitol today to honor Susan B. Anthony, Lucretia Mott, and Elizabeth Cady Stanton who dedicated their lives, striving to make the Constitution a document for all the people. Their "Declaration of Sentiments" was a consciousness-raising proclamation of major significance. It propelled the Women's movement for over 70 years and resulted in the ratification of the 19th Amendment. Some of the "Sentiments" have a very familiar ring in our own time.

"He has monopolized nearly all the profitable employments, and from those she is permitted to follow, she receives but a scanty remuneration. He closes against her all the avenues to wealth and distinction which he considers most honorable to himself. As a teacher of theology, medicine, or law, she is not known.

"He has created a false public sentiment by giving to the world a different code of morals for men and women, by which moral delinquencies which exclude women from society, are not only tolerated, but deemed of little account in man.

"He has endeavored, in every way that he could, to destroy her confidence in her own powers, to lessen her self-respect, and to make her willing to lead a dependent and abject life."

Indeed with the rebirth of feminism in the '60's, we find we still are working on many of the objectives set forth on July 20, 1848—124 years ago.

We come to our Capitol today to keep faith with these great women and to acknowledge our obligation to fulfill the mission of the movement they envisioned. We pause just long enough in this sanctuary of democracy to demonstrate our appreciation to our benefactors and to pledge our determination to stand together as one in our continuing pursuit of unalienable rights for 53 percent of our population.

The number one priority of the women's movement today is "equality of rights under the law." We are convinced that the healthy development of civilization is dependent upon first-class citizenship. Our government which derives its just powers from the consent of the governed is entrusted with securing the "blessings of liberty for ourselves and for posterity," not just for some but for all

the people it serves. Equal rights for all is emerging as an accepted concept wherever its true import is understood.

The most meaningful gift we could give our country for its bicentennial would be the *full implementation* of the equal rights amendment to the Constitution of the United States. In order to make our "We The People" present become a reality, we must educate for ratification now.

Twenty* state legislatures have approved the amendment—one more than half the total of the 38 states needed. However, we need to recognize the fact that there are forces working against the ratification—formidable forces with money and visibility and they are packaging their message with an emotional appeal and half truths. It is incumbent upon all of us to have the facts and to be ready and willing to undertake a massive educational campaign.

President Nixon said in his Foreign Policy Statement for the 1970's: "The source of America's historic greatness is to see what has to be done and then to do it." You can count on the American people to take fair, just, honest action once they understand the issue.

We all know that the proponents of the Equal Rights Amendment are not advocating the overthrow of the Government, abolishing the family, forcing all women into employment and all young women into combat; however, the public needs our answers to these serious charges. The truth is found in the legislative history.

It objectively verifies that we are seeking through the ERA to bring women under the protection of the Constitution, to strengthen family life through partnership, to accept the responsibility of citizenship.

Susan B. Anthony, in the last speech she ever gave on suffrage, concluded with the words "failure is impossible." Let us remind ourselves that it was 14 years after her death that the 19th Amendment was finally passed.

Failure is impossible for us too, but our nation for its well-being needs to utilize the potential of all citizens. To keep our momentum going, we should remind ourselves of another Anthony statement: "There shall never be another season of silence until women have the same rights men have on this green earth."

We must speak out for ratification of the Equal Rights Amendment. We already have talked about a Golden Jubilee in 1973 in celebration of the fiftieth anniversary of its introduction into Congress. There is, I believe, an additional rationale for completion of this task next year, December 10, 1973 will mark the 25th anniversary of the Universal Declaration of Human Rights, a statement of principles adopted by the United Nations as a standard of achievement for all people and all nations.

Two articles of the Declaration of Human Rights are particularly pertinent to the cause we espouse:

"Article 6: Everyone has the right to recognition everywhere as a person before the law.

"Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law."

As we read the first "whereas" of the Preamble, we realize that it expresses eloquently the quest of the women's movement.

"Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world."

We come to our Capitol on this August 26, 1972 to salute the women responsible for the ratification of the 19th Amendment and to accept the challenge of leadership to enact through ratification "equality of rights under the law" as the 27th Amendment to the Constitution.

May Helen Keller's words guide us as we gird ourselves to resume the responsibilities necessary for ratification in the next eighteen states.

"It is for us to pray not for tasks equal to our powers but for powers equal to our tasks." God's truth is marching on. We shall prevail.

*Alaska, Colorado, Delaware, Hawaii, Idaho, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Nebraska, New Hampshire, New Jersey, New York, Rhode Island, Tennessee, Texas, West Virginia, and Wisconsin.

LAND USE LEGISLATION

Mr. BELLMON. Mr. President, the enactment of land use legislation is one of the most urgent needs of this Nation.

We need not look far to find abundant justification for the enactment of the National Land Use Planning and Assistance Act. The Metropolitan Washington area is a living monument to poor land use planning; and every person who must fight traffic each morning to get from his home to an office, and reverse the procedure to get home each evening, can bear witness to the shortsighted approach we have too often used in laying out the great urban centers of the Nation.

Any plan that clusters all the jobs in a single area, far removed from the areas where the people live, is actually worse than no plan at all. Inevitably, government is called upon to spend billions of dollars to find a way and to provide the means for moving those people from the places where they live to the places where they work. We are doing that very thing in Washington today.

Yet, even today, with full knowledge of past mistakes, we continue to cluster more office buildings and more jobs in the metropolitan area, aggravating existing problems still further, and committing the same mistakes all over again.

While the inadequacy of land planning and utilization is most apparent in dense urban centers, the problem is by no means restricted to those areas. Land use conflicts and demands are now evident in all parts of the country.

In my own State of Oklahoma, we continue to invade the flood plains of streams and rivers with housing and commercial developments—with much of the construction financed by Federal funds and the mortgages guaranteed by the Federal Government. Periodically, these areas are inundated by floods, which one might reasonably anticipate within the flood plain of a stream. The Federal Government is then expected to put up the money to pay for property losses and build dams, levies, or other flood control structures to protect the property built in a place where it never should have been put.

Another glaring example of poor land use planning exists in Midwest City, a city which has built up around Tinker Air Force Base. With the aid of the Federal Government, a contractor not so many years ago developed a large housing addition and the city built a school directly beneath the runway approach to the airforce base. Since that time, two planes have crashed in the residential area—one narrowly missing the school—and now officials are demanding that the Federal Government spend millions of dollars to move the houses and the school away from the approach.

These are but isolated examples of the wasteful and abusive misuse we have made of the limited land resources available in this Nation.

Our land is our greatest single resource. Whether it be in forests, mountains, plains, farmland, or desert, it has sustained life and enabled this to become the greatest Nation the world has ever known. It helped form much of the tradition and spirit which is America—and it produced a strong and pioneering people.

In just a few decades, the population of the Nation will likely double—and so will the demands placed upon the land to support that population. If we are to meet our responsibilities in preparing for the future, the time is now to embrace the concept that wise land use does not occur by accident.

The concentration of job opportunities in urban centers attracts more and more people from rural areas and small towns, further intensifying the problems of the urban center and leaving rural areas dying and devoid of population, even though the quality of life is usually much better in the rural areas. The Congress has moved to correct this problem through the recent passage of the rural development bill. However orderly development will be enhanced through land use planning.

Mr. President, to halt the abuses of our limited land resources, and to assure that the land will continue to sustain our population and afford a quality of life to which every American is entitled, it is clearly in the national interest for the Federal Government to adopt a National Land Use Policy and to foster adequate planning and sound land utilization through assistance and guidance to State and local governments. The bill we have under consideration will serve those purposes well.

Our need for comprehensive, areawide land use planing, followed by effective implementation of those plans, is critical. Passage of the Land Use Planning and Assistance Act will assure adequate planning and utilization of land and water resources. This is essential if we are to avoid the disastrous errors of the past and insure reasonable, controlled, and balanced growth patterns for the future.

Mr. President, I invite the attention of the Senate to an article written by Secretary of the Interior Rogers Morton, and published in the August issue of Park Maintenance magazine, in which the Secretary makes a strong plea for the enactment of land use legislation.

I ask unanimous consent that a portion of Secertary Morton's article be printed in the RECORD.

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

[From Park Maintenance, August, 1972]

A DEPARTMENT OF NATURAL RESOURCES AND A NATIONAL LAND USE POLICY

(By Rogers C. B. Morton)

Each year the United States moves closer to an all-urban existence. That fact alone brings us to the brink of deciding what to do about today's helter-skelter growth policy.

Land was the foundation of America's great past and just as surely is the bulwark of its future. Land use planning today is archaic, to say the least. Use of our land has been structured around a growth ethic. We need now to build on a conservation or environmental ethic.

President Nixon set a new national goal when he asked Congress for a National Land Use Policy Act. The next time you fly over this country, look carefully and you'll see how badly that policy is needed.

Once, when our resources seemed limitless, America thought it had to conquer nature. Consequently, our resources were needlessly wasted. We know now, to improve the quality of life, our lands and resources must be managed carefully. A national land use policy is our best hope to save our natural environment.

If effective land use planning is not begun, the next generation will live in a virtually unmanageable system. We cannot continue to grow like Topsy. Planning and zoning controls must be regarded as guarantees—not infringements—of property rights.

FEDERAL AVIATION ACT—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as Calendar No. 961, S. 2280, is called up and made the pending business before the Senate, there be a 1-hour limitation thereon, the time to be equally divided between the distinguished Senator from Washington (Mr. MAGNUSON) and the distinguished minority leader or his designee; that on any amendment thereto, time be limited to one-half hour, to be equally divided between the mover of such and the distinguished manager of the bill; that time on any amendment to an amendment or an amendment in the second degree be limited to 20 minutes, to be equally divided between the mover of such and the offerer of the amendment in the first degree, except in any instance in which the mover of the basic amendment favors such, in which instance the time in opposition thereto be under the control of the distinguished majority leader or his designee; that time on any debatable motion or appeal be limited to 20 minutes, to be equally divided between the mover of such and the manager of the bill, except in any instance in which the manager of the bill favors such, in which instance the time in opposition thereto be under the control of the distinguished majority leader or his designee; and that the agreement be printed in the usual form.

Mr. JAVITS. Mr. President, may we know what the Senator is doing about the rule of germaneness in this unanimous-consent request?

Mr. ROBERT C. BYRD. The distinguished Senator will be pleased to know that the way I worded that request, it would be very satisfactory to him. Now that he has raised the question, it might be that some Senator would want to object.

The PRESIDING OFFICER. Is there objection to the agreement being in the usual form, which provides for germaneness to amendments? The Chair hears none, and it is so ordered.

CONSTRUCTION OF OUTDOOR RECREATIONAL FACILITIES, 1976 WINTER OLYMPIC GAMES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 982, S. 3531. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3531) to authorize the Secretary of the Interior to participate in the planning, design, and construction of outdoor recreation facilities, in connection with the 1976 Winter Olympic Games.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 7, after the word "in", where it appears the second time, strike out "1976" and insert "1976, as a part of the American Revolution Bicentennial Celebration,"; on page 2, after line 2, strike out:

SEC. 2. There is authorized to be appropriated to the Secretary of the Interior a sum not to exceed $———— to be advanced as he deems appropriate, to cities or counties, or both, in the State of Colorado to be used to plan, design, and construct necessary facilities in connection with the XII International Winter Olympic Games, such funds to remain available until expended.

And, in lieu thereof, insert:

SEC. 2. There is authorized to be appropriated to the Secretary of the Interior a sum not to exceed $15,500,000 (December 1971 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein, to advance and pay as he deems appropriate, to cities or counties, or both, in the State of Colorado to be used to plan, design, and construct necessary facilities in connection with XII Winter Olympic Games, such funds to remain available until expended: *Provided, however,* That none of the funds appropriated pursuant to this section shall be expended upon the adoption of an initiated amendment to the constitution of the State of Colorado at the November 7, 1972 election, the purpose of which is to prohibit appropriating or loaning State funds for the purpose of aiding or furthering the 1976 Winter Olympic Games.

On page 3, line 1, after the word "to", strike out "advancing" and insert "paying"; in line 5, after the word "and", strike out "benefit." and insert "benefit consistent with the primary purpose of the bill which is to secure the construction at reasonable cost of necessary facilities for the XII International Winter Olympic Games."; and, in line 10, after the word "Interior", strike out "a sum not to exceed $————" and insert "such sums as may be necessary"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress has declared it to be desirable that all American people of present and future generations be assured adequate outdoor recreation resources; and declares that the XII International Winter Olympic Games which are to be held in the United States in *1976, as a part of the American Revolution Bicentennial Celebration,* are in furtherance of stimulating an awareness of outdoor recreation activities.

SEC. 2. There is authorized to be appropriated to the Secretary of the Interior a sum not to exceed $15,500,000 (December 1971 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein, to advance and pay as he deems appropriate, to cities or counties, or both, in the State of Colorado to be used to plan, design, and construct necessary facilities in connection with XII Winter Olympic Games, such funds to remain available until expended: *Provided, however,* That none of the funds appropriated pursuant to this section shall be expended upon the adoption of an initiated amendment to the constitution of the State of Colorado at the November 7, 1972 election, the purpose of which is to prohibit appropriating or loaning State funds for the purpose of aiding or furthering the 1976 Winter Olympic Games.

SEC. 3. Prior to paying any funds authorized under section 2 of this Act, the Secretary of the Interior shall be satisfied that the facilities will be designed and constructed in a manner which will assure maximum continued public use and benefit consistent with the primary purpose of the bill which is to secure the construction at reasonable cost of necessary facilities for the XII International Winter Olympic Games.

SEC. 4. There is also authorized to be appropriated to the Secretary of the Interior such sums as may be necessary for administration of this Act, such funds to remain available until expended.

THE EDUCATION BILL

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

Mr. MANSFIELD. I yield.

Mr. ALLEN. The Senator from Alabama has noticed that in approximately 5 minutes the Senate has passed 10 bills; and the whip notice brought over from yesterday shows some 15 bills that the leadership plans from time to time to call up for consideration by the Senate. He is not going to prolong the discussion this evening but he would inquire of the distinguished majority leader whether any progress has been made with regard to the possibility of bringing up for consideration by the Senate H.R. 13915.

Mr. MANSFIELD. The distinguished Senator from Alabama will recall that the Senator from Montana on yesterday said he would notify the Senator from Alabama if any progress of any note was made. I think we made some progress. I am not too happy or too sanguine about it. I would like to work on the matter further with the distinguished minority leader, with whom I met yesterday—not today, because we have been too busy—and with members of the Committee on Labor and Public Welfare.

Mr. ALLEN. I thank the distinguished majority leader for this report and for his efforts toward bringing up the bill for consideration.

Mr. MANSFIELD. I thank the distinguished Senator from Alabama.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the agreement with reference to S. 750, S. 33, H.R. 15883 and H.R. 8389 be printed in the usual form.

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

WELFARE REFORM

Mr. HARRY F. BYRD, JR. Mr. President, Representative WILBUR MILLS, in an interview today, as published in the Washington Evening Star, says that he is giving up the fight to have Congress enact the welfare portions of H.R. 1. He, of course, is chairman of the Ways and Means Committee. He expressed the view today that H.R. 1 is "as dead as a doornail."

Mr. President, this proposal has twice passed the House of Representatives. It has been under consideration by the Senate Finance Committee for 2 years.

Personally, I am glad to note the statement by Representative MILLS. He says further that he might not be able to pass it again in the House, that support is dropping off. He implies that the votes probably will not be forthcoming to enact it again.

I might say that that conforms to statements made to me by prominent Members of the House of Representatives who had voted for the legislation but who informed me that if the Senate killed it, they would not vote for it another time.

Mr. President, the welfare program which has been pressed by Secretary of Health, Education, and Welfare, Richardson, has been billed in the public press as being welfare reform. It is not welfare reform. It is welfare expansion.

During the long deliberations and considerations of this measure by the Senate Finance Committee, I reached the conclusion that I could not support this legislation, for these reasons:

One, because it is lacking in work incentives.

Two, because the additional cost would be $5 billion a year.

Three, because it would write into law the principle of a guaranteed annual income.

Four, because it would require 80,000 new Federal employees to administer.

Five, and the most important reason of all, I cannot support this legislation because it would double the number of persons drawing public assistance.

That is going in the wrong direction.

What we need to do in this country is to provide jobs—to make job opportunities available to the people.

We want to take people off welfare and put them into jobs.

H.R. 1, as it passed the House of Representatives, would not accomplish that purpose.

It is welcome that Chairman MILLS now says he will not press the issue. In my judgment, the people of this country would not support it, anyway. Certainly they would not favor it if they were aware of all the details in it.

Secretary of Health, Education, and Welfare Richardson was offered an opportunity 2 years ago to try out the program. Such a suggestion was first proposed by the distinguished Senator from Connecticut (Mr. RIBICOFF), himself a former Secretary of Health, Education, and Welfare. He suggested that instead of Congress' passing this gigantic new program, it first be piloted out.

The members of the Finance Committee, I think, unanimously, offered to support whatever appropriation might be necessary for such pilot projects, to try them out and then have HEW come back to the committee and let the committee know what parts or features of the proposed legislation had proved desirable as a result of the pilot projects, and which had proved unworkable.

The officials of HEW refused that opportunity. They wanted all or nothing. So it would appear that they will get nothing.

Mr. President, the Finance Committee has saved the Ameircan people from a very bad piece of legislation. Certainly it has saved them from a costly piece of legislation. It has saved them from a piece of legislation which would have doubled the number of welfare recipients.

What the Finance Committee plans to do is to report to the Senate not a new welfare bill but a new workfare bill. The chairman of the committee, the distinguished Senator from Louisiana (Mr. LONG), has taken the leadership in this matter and has done an excellent job in working out a package to present to the Senate for its consideration, namely a workfare program to guarantee jobs.

I approve the concept of a workfare program but I shall withhold final judgment until I get better cost estimates and until I can consider the cost of the proposed program. It will not be greater than HEW's suggestion. However, it still may be more costly than I am inclined to support at the moment. Nevertheless, the Senate will have an opportunity to consider this measure and work its will.

I think it is very significant that Chairman MILLS, the distinguished and able chairman of the Ways and Means Committee of the House of Representatives, has declared in a public interview that H.R. 1, as passed by the House of Representatives, is dead as a doornail.

I think it is important that there be a reappraisal of the present welfare program. However, I think also that in making any changes in the program and in substituting another program for it, we want to be sure we are getting something better, rather than merely an expanded program which would really be worse than the one our country is operating under at the present time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

THE SOVIET "RANSOM" POLICY ON JEWISH EMIGRATION

Mr. JAVITS. Mr. President, I reacted with sadness this morning when I read in the New York Times that the Soviet Union has told the Soviet people about its new ransom policies concerning its own citizens—its exploitative emigration taxes on persons who wish to leave the Soviet Union.

As the press report points out, the Soviet citizens who will be affected primarily by these punitive emigration taxes are people of the Jewish faith.

Mr. President, we have no right to deal with Russian citizens and the law of their land unless it reflects in some interest of ours or of the world and which the Soviet Union actions contravene.

There is a vital interest in this regard in the Charter of the Human Rights of the United Nations to which the Soviet Union is a party and to which we are party in international law and international morality.

Mr. President, this development has been rumored and referred to in the press as if it were so. However, it has not actually been mentioned until the story about it this morning.

Mr. President, I ask unanimous consent that the news report entitled "Soviet Tells Public of Emigration Tax," published in this morning's New York Times, be printed in the RECORD.

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

SOVIET TELLS PUBLIC OF EMIGRATION TAX

Moscow, Sept. 13.—The Soviet Union told its people tonight, for the first time, about its new high emigration taxes, publishing the rules in the controlled domestic press.

Publication of information about the taxes, ostensibly intended to compensate the Soviet Union for free higher education given to people who want to emigrate, was taken as an indication that Moscow did not plan to back down in the face of pressure from western public opinion.

Although the education taxes, decreed Aug. 3, apply to all Soviet citizens seeking emigration to the West, they now primarily affect Jews, who are the most highly educated ethnic group in the Soviet Union and who now account for most of the relatively small emigration.

Western diplomats had speculated in recent weeks that by not going on the public record with the new levels, ranging from $5,000 to as much as $30,000, the authorities were leaving themselves a possible choice of abrogating the regulations.

This prospect now appears to have been ruled out by publication of a defense of the new rules in the magazine New Times an authoritative foreign affairs weekly, which is published in several languages, including English, and often reflects thinking at high levels in the Kremlin.

Mr. JAVITS. Mr. President, this development comes as an ironic blow at this time since the major news of the same day also concerns the substantial progress that has been made in working out a massive trade deal with the Soviet

Union which would normalize our trade and commercial relations with the Soviet Union. I would welcome such news under different circumstances.

I think we must now view such important and good news against the background of international morality and violations of international law and of the United Nations Charter posed by the Soviet action in relation to its citizens who wish to emigrate.

I also note that there have been statements indicating that the Soviet Union views its emigration policy as an economic question and I take the U.S.S.R. at its word.

It is my hope that the highest political leadership of the Soviet Union has not yet made a definitive decision to go forward with this emigration tax, and that some lower level bureaucratic bungling such as periodically afflicts all complex societies—including our own—may have resulted in this publication about the new emigration rules at the very time when the White House was announcing the possibility of a major new trade agreement between the United States and the Soviet Union.

But if this publication does reflect the political will of the Soviet leadership, it is my deep feeling that the individual elements of such a trade agreement could be heading for trouble. Congressional action will be required to implement many phases of the agreement and the President and the Congress, I am sure, will want to review other aspects of Soviet economic policy when they are called upon to pass judgement on trade agreement legislation.

Mr. President, a number of distinguished Senators, such as the Senator from Connecticut, the two Senators from Minnesota, and the Senator from Missouri, the Senator from Indiana, and perhaps other Senators have already spoken out on this question.

I hope very much that the Soviet leadership will listen and that it will open its mind and its ears and its heart to what is being said since it does address itself to a basic feeling for inalienable human rights.

It is one thing to swallow one's feelings when it comes to limiting armaments. No one has raised a word about this issue with respect to this agreement approved today with respect to the limitation of arms. However, it is a very different thing when economic matters are before the Congress since man does not live by bread alone.

So, I hope very much for the best. And I wish to indicate that at a moment when it might count, I must express my deep unhappiness and the appalling feeling that I had when I read this seeming news of a confirmation of what has been dreaded as Soviet policy movement regarding emigration timed to be read throughout the world the very same day as the announcement of what would have been otherwise an optimistic development, namely, the expansion of trade between our two great countries.

Mr. HARRY F. BYRD, JR. Mr. President, I associate myself with the remarks of the distinguished Senator from New York. I am outraged by the way the Soviet Jews have been treated. The Senator raises a valid point. I am glad to associate myself with the remarks of the Senator from New York.

Mr. JAVITS. Mr. President, the Senator from New York is highly honored that such a great Senator as the Senator from Virginia should find his remarks worthy of the comments he has made.

QUORUM CALL

Mr. HARRY F. BYRD, JR. 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. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PROGRAM

Mr. MANSFIELD. Mr. President, it has already been stated that the business tomorrow will be the conference report on the military procurement bill.

Following that, it is the intention to take up Calendar No. 982, S. 3531, a bill to authorize the Secretary of the Interior to participate in the planning, design, and construction of outdoor recreational facilities in connection with the 1976 winter Olympic games.

It is quite possible, also, that the treaty which was considered up to final reading today may be voted on tomorrow. So we will have a heavy schedule.

There will be some votes tomorrow, and there will be votes on Saturday as well, because we have a heavy schedule for that day, too.

RECESS UNTIL 9 A.M.

Mr. HARRY F. BYRD, JR. Mr. President, I now move that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed; and at 5:20 p.m. the Senate recessed until tomorrow, Friday, September 15, 1972, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, September 14, 1972*

The House met at 12 o'clock noon.

Rabbi Baruch Schectman, Congregation Ner Tamid, Springfield, Pa., offered the following prayer:

The Lord by wisdom founded earth, by understanding He established the heavens.—Proverbs.

Wisdom and understanding are the foundations of the universe. O Heavenly Father, in these Halls, where an abundance of these qualities is required every day, where the deliberations conducted and the decisions made so greatly affect the fate of all Your children, may Your blessings of wisdom and understanding, along with compassion and strength be granted continually to the representatives of the people of these United States; wisdom to investigate the needs of their people, understanding to find the solutions to their problems, compassion to consider the opinions of those who disagree and oppose, and strength to carry out what these qualities teach them they must do.

For this blessing may we be ever grateful. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 6503. An act for the relief of Capt. Claire E. Brou;

H.R. 7701. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands located outside the boundaries of Indian reservations in New Mexico;

H.R. 10702. An act to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community;

H.R. 13025. An act to amend the act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes; and

H. Con. Res. 698. Concurrent resolution directing the Secretary of the Senate to correct the title of the bill, S. 3442.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14896) entitled "An act to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs."

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4383) entitled "An act to authorize the establishment of a system governing the creation and opera-